



Town of Berwyn Heights

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MAYOR
Jodie Kulpa-Eddy

COUNCIL MEMBERS
Christopher Brittan-Powell (Mayor Pro Tem)
Shinita Hemby
Faustino Menjivar
Jason W. Papanikolas

Work Session Minutes November 6, 2023 | 7:00 p.m. Council Chambers

Call to Order

Mayor Jodie Kulpa-Eddy called the meeting to order at 7:01PM. Present were Mayor Pro Tem Chris Brittan-Powell, Councilmember Shinita Hemby and Councilmember Faustino Menjivar. Staff present were Town Manager Kyle Snyder, Public Works Director Brad Pudner, with Town Clerk Melanie Friesen attending remotely. Also present was Town Attorney Suellen Ferguson and Chuck Davis of SavATree.

Approval of the Agenda

CM Hemby moved to approve the agenda. CM Menjivar seconded. With no discussion the motion passed unanimously.

1. Mayor

a. Announcements

Mayor Kulpa-Eddy noted that CM Papanikolas had an excused absence. MPT Brittan-Powell shared that the aging-in-place program in Town is now active.

b. Ordinance 109: Election Procedures review

TA Ferguson reviewed the redline version of the revised ordinance, which includes the changes that she recommends as well as changes proposed by the Town. TA Ferguson reviewed the changes with Council and addressed their questions throughout the ordinance. Some of the highlights include a change that allows ballot questions at special elections, setting a deadline for a write in candidate to file, and clarifying that a candidate cannot be qualified until all questions on the Financial Disclosures are completed. TA Ferguson also noted that the Town's regulations on placement and duration of political signage is probably not enforceable in court but also that the County has similar regulations. While discussing the issue of ballot questions, she took time to differentiate between non-binding ballot questions which can be added by Council and a Referendum Petition which is binding and added only by voter petition.

c. Calendar

Mayor Kulpa-Eddy reviewed that TC Friesen will be unavailable on November 20th. CM Hemby asked about Employee Appreciation Day. TM Snyder shared that it is a Town Holiday for staff and offices are closed. Mayor Kulpa-Eddy asked about the staff Christmas luncheon, which will be held on the third Friday in December.

d. Berwyn Heights Tree Inventory Presentation

Director Pudner introduced Mr. Chuck Davis from SavATree. He shared that the tree study/inventory was done only on trees in the public right-of-way, while trees that were on private property that encroach on the right-of-way were also evaluated to a lesser degree and are in a subcategory. Mr. Davis reviewed the findings, noting that the Town

has good tree species diversity and that there has been an improvement in tree condition since the last study done in 2016. There are 43 moderate risk and 4 high risk trees. Mr. Davis recommended that the Town establish a 5-year cycle for tree studies, to have an opportunity to improve some of the key metrics that have declined since the last study including: restoring the number of public trees, mitigating the moderate and high-risk trees, and maintaining and increasing the percentage of good and fair condition trees by implementing a tree management plan. Council engaged Mr. Davis in conversation, asking questions about balancing sunlight for solar power, stormwater mitigation, and a healthy tree canopy as there are scenarios in which these goals can be contradictory. Council, Mr. Davis, and Director Pudner also discussed solutions to potential challenges. There was also discussion on risk vs condition, where risk takes into consideration the consequences of a tree failure not just the condition of the tree itself. Mr. Davis shared the example that a dead tree in the woods is a lower risk than a dead limb over a day care center; that is, the consequences of the dead limb falling are a higher risk than a falling tree that is fully dead but isolated in an unpopulated area.

e. DPW Presentation

Director Pudner continued the tree inventory discussion by highlighting the three largest street trees and the four “high risk” trees in Town. He noted that the highest risk tree is already scheduled for removal. He also noted a high-risk tree doesn’t mean it needs to be dealt with immediately, but rather it may be addressed within 3-6 months in accordance with a tree management plan. He has asked PEPCO to consider further trimming of the trees that are impacting the utilities. He also discussed the challenges, as many of the “street trees” are in the right-of-way, but also in private yards.

Director Pudner stated that leaf pick-up has begun and that there are no mechanical issues and the first day was productive. He concluded by sharing the compost bins have arrived and there are about 40 bins still available for residents upon request. There was a brief discussion on a possible Four Cities collaboration on local composting. MPT Brittan-Powell asked about plans for beautification. Director Pudner shared that there are some plans for Town Hall, but they are dependent on the placemaking plans as well. He shared the challenges of watering at sites around Town to keep plants in planters alive.

f. Stormwater Proposal Review

TM Snyder reviewed that the Town has received two Stormwater Engineer proposals and is awaiting a third. He expects there will be a vote on the proposals at the Town Meeting in December. MPT Brittan-Powell asked about holding a special meeting to vote on proposals to get things moving before the end of the year. Mayor Kulpa-Eddy encouraged Council to read the proposals in advance of the next worksession to be ready to discuss them.

g. 2024 Town Council Calendar Discussion

TC Friesen reviewed that the Council typically sets a year of meeting dates in advance, giving an opportunity to address any known conflicts. She noted that the May Town Meeting falls immediately after the Town Council elections and recommended that the Council consider moving the May Town Meeting to the third Wednesday in May. TM Snyder proposed March 23rd for a budget worksession. Council will vote on a resolution to confirm these date changes at the Town Meeting.

h. Resident Comments

There were no resident comments.

2. Code Compliance

a. Stormwater Mitigation Grant review

CM Hemby asked if there had been any changes made to the application. TM Snyder shared that he and Code Compliance Director Goodwin have been meeting with residents and discussing projects to help them take advantage of the program. The challenge is the requirement to have flood insurance. CM Hemby commented that she does not believe we should be requiring residents to have flood insurance. There was discussion on if this was a holdover from a previous iteration of the application and if mitigation funds could be used to purchase flood insurance. Mayor Kulpa-Eddy asked if the requirement is what really is prohibiting residents from using the program. TM Snyder added that permits are another issue, but that is something that the Town cannot change and we cannot get around permit requirements. CM Hemby encouraged residents to speak up and share their thoughts on the program. CM Menjivar expressed concern about ARPA deadlines for spending and allocation. TM Snyder asked about using this grant for interior mitigation such as replacing carpet with tile in flooded basements.

As her report, CM Hemby encouraged residents to call 911 for late night disturbances.

3. Parks, Recreation, Education, and Civic Affairs

There was no PRECA report.

4. Public Safety

Mayor Kulpa-Eddy addressed concerns about police reporting on criminal activities and noted that this will be discussed at a future worksession.

5. Public Works

CM Menjivar stated that the information in his report was already mentioned by Director Pudner. He expressed some concern for road safety on Osage street with parked large trucks blocking sight lines.

6. Administration

MPT Brittan-Powell thanked TM Snyder for all his work and will give a report at the Town Meeting.

7. Adjournment

CM Hemby moved to adjourn. CM Menjivar seconded. With no discussion the motion passed unanimously, and the meeting adjourned at 9:21PM