



Town of Berwyn Heights

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MAYOR
Stephen D. Isler
COUNCIL MEMBERS
Jason W. Papanikolas (Mayor Pro Tem)
Amanda M. Dewey
Jeffrey Jay Osmond
Ethan D. Sweep

Worksession Minutes October 7, 2019 7:00 pm

Present were Mayor Pro Tempore (MPT) Jason Papanikolas, presiding, Councilmembers (CMs) Amanda Dewey, Ethan Sweep, and Jeffrey Jay Osmond. Mayor Stephen Isler had an excused absence. Also present were Town Manager (TM) Maria Broadbent, Clerk Kerstin Harper, Election Judges Sharmila Bhatia, Lee Fuerst and Debby Steele-Snyder, as well as developer Jay Endelman, code appellant Jason Meier and citizens.

1. Announcements

Mayor Isler was absent due to a medical appointment. MPT Papanikolas, CMs Dewey and Osmond will attend the upcoming MML Fall Conference. BHES sixth graders are at North Bay Adventure Camp this week, supported with funds raised by their teacher Bret Goldstein who rode his bike to the camp. Last Friday, employees enjoyed a staff development day on the skipjack 'Stanley Norman.' The sailboat is owned by the Chesapeake Bay Foundation, which uses it to give educational tours on the Bay.

2. Discussion Items

Vote by mail - Election Judges Report: MPT Papanikolas welcomed Berwyn Heights election judges Sharmila Bhatia, Lee Fuerst and Debby Steele-Snyder. He said the Council is thinking about adopting a vote-by-mail component to the Town Council election process and asked the Board of Election Supervisors to look into it. CM Dewey clarified that there are no plans to replace the current in-person voting system but to add an option for voting by mail.

Chief Election Judge Sharmila Bhatia said the Board of Election Supervisors recently filed a report with the Town laying out concerns the Board has about voting by mail, i.e. sending ballots to every registered voter in the Town through the mail. She said the Town's current election process already makes voting by absentee ballot available on request to all registered voters for any reason. It affords residents the convenience of voting at a time of their choosing in the month prior to the election. The Board's concerns about voting by mail include:

- Ballots and ballot envelopes would have to be redesigned to conform with USPS standards;
- USPS post office serving Berwyn Heights has bad service record. The report includes several examples of customer complaints;
- Challenges with validating ballot signatures during tallying of the vote.

Ms. Bhatia continued the Board recognizes the Council's concern about low voter turnout and provided recommendations to increase voter turnout to include:

- Improve voter education about the Town's form of government;
- Advertise election on social media, e.g. Twitter, Facebook, Next Door, in addition to Bulletin;
- Post banners and signs about the election along Town streets;
- Send out election mailers;
- Increase door-knocking by candidates;
- Utilize Facebook to advertise the election and possibly live-stream candidates' night.

In the ensuing discussion, the Council agreed with the Board's recommendations for increasing voter turnout but had questions about the process. Ms. Bhatia, Clerk Harper and TM Broadbent sought to answer their questions about signature validation on mail-in ballots; the role of the Prince George's County Board of Elections; voting by absentee ballot; and appointment of the Board of Election Supervisors.

CM Sweep and CM Osmond expressed skepticism whether the Town can fit all the pieces together to implement voting by mail in time for the next election and would prefer to spend the money on voter education and outreach. CM Dewey said if it is not possible, she would like the Town to publicize the absentee voting option. TM Broadbent asked Councilmembers to e-mail her their concerns, and she will attempt to provide answers for the November 4 worksession.

Variance 94-2019 8906 58th Avenue: MPT Papanikolas welcomed property owner Jay Endelman, who plans to build a new single-family home at 8906 58th Avenue. Mr. Endelman was invited to explain the variance request. The Council will hear the variance tonight but will not make a formal decision until the next Town meeting.

Mr. Endelman said he needs two variances to build a house because his property does not meet the current development standards: 1) zoning regulations now require each lot to have a minimum of 6,500 square feet, but his property has only 6,315 square feet; 2) each lot must be at least 65 feet wide along the front building line, while his property is only 50' wide. Mr. Endelman said this lot was created by a deed of re-subdivision at a time when development standards were different, and the lot size and frontage would have been acceptable. He requested Town support for the variances.

TM Broadbent noted that parking opportunities along the property's frontage are limited. The site plan calls for a driveway that can accommodate only two vehicles parked in a line. A second driveway might be an option to create more off-street parking. The Council expressed concerns about reducing stormwater runoff and maintaining shade trees. Mr. Endelman replied his current plans, approved by the County, call for gutters and downspouts to manage stormwater and the planting of a pin oak and an ornamental cherry. No large shade trees will be removed. The Council suggested that Mr. Endelman consider adding more sophisticated stormwater management facilities and plant another shade tree instead of the cherry.

TM Broadbent said the Council will take Mr. Endelman's variance request under advisement but will likely request environmental improvements before recommending approval to the Board of Zoning Appeals. She asked, and Mr. Endelman agreed to provide the Town with landscape plans showing additional stormwater management features and trees prior to the Town meeting.

Code appeal – 5716 Berwyn Road: MPT Papanikolas welcomed Jason Meier, owner of the rental property at 5716 Berwyn Road, to make appeal concerning his rental license renewal application. The Council will take testimony tonight but make a decision at the next Town meeting. TM Broadbent recommended that Mr. Meier be allowed to present a timeline of events relevant to his appeal, followed by Code Compliance Director Goodwin’s presentation of a timeline and applicable law.

Mr. Meier stated that he bought his house in 2007 and resided there until 2017. He relocated to Washington, D.C. and now rents the house. He is appealing the validity dates of his current license, which was issued on August 21, 2019, but has a licensing period of July 1, 2019 – June 30, 2020. He disputes a license can be valid prior to its date of issuance and completion of licensing requirements such as passing an inspection and obtaining a lead-free certificate. He thinks his license should be valid from the date of issuance, August 21, 2019 – August 20, 2020. He has spoken with TM Broadbent on August 29 about the matter but was informed that the dates would not be changed. He also stated his complaint at the last Town meeting and was advised to file this appeal.

Mr. Meier further stated he believes Berwyn Heights’ rental license renewal process is ‘broken’ and does not permit enough time to complete all requirements for license renewal before the old license expires. He received an email on May 31 notifying him to submit his application and fee by June 28, two days before the license expiration date, June 30, 2019.

Director Goodwin explained all rental homes operate on fixed licensing schedule: if a rental license was valid between July 1, 2018 and June 30, 2019, the same licensing period would apply for following year. Second, if the Town were to issue a license valid between August 21, 2019 and August 20, 2019 it would violate Ordinance 120 Section 4D, which requires that licensing periods run from the 1st day of the month of issue. Ordinance 120 Section 4D also requires a rental homeowner to apply for a license renewal 20 days prior to the expiration date, leaving time for processing the application and performing an inspection. Lastly, had this year’s license not been made effective for July 1, Mr. Meier would have operated his rental home without a license and could have been fined.

Mr. Meier said he does not have an issue with the process as it is laid out in the Ordinance but the Town, in his opinion, did not follow it. If the license must start on the first of the month, he would like the Town to issue a license with a start date of September 1 and an end date of August 30. The Council responded making the following points:

- The Town is bound by Ordinance 120 to follow a certain process;
- It is the home/ business owner’s obligation to know what the rental licensing process is and to ensure that the rental home is inspected and licensed prior to expiration of the license, regardless of whether there was a notification problem;
- Mr. Meier had the same issue last year and might have filed his license renewal application earlier this year to avoid the problem.

After further discussion, CM Osmond said the Town cannot violate its Ordinance to accommodate Mr. Meier’s request but apologized for any miscommunication on the part of the Code Compliance Department and the length of time it took to renew the license. The Town will review the notification process and make any necessary changes. Mr. Meier is encouraged to submit his license renewal application at least 20 days prior to its expiration next year, as required by Ordinance 120. Mr. Meier accepted the apology and withdrew his appeal.

Education Advisory Committee funding request: CM Dewey said the BHEAC will hold a series of

listening sessions to better understand existing educational needs, concerns and initiatives. The BHEAC will invite parents with school-aged children and other education stakeholders, provide translation service, as well as light refreshments. The BHEAC asked if the Town might be willing to support this activity. The Council agreed to give up to \$300 for the BHEAC listening sessions from the Town Council's outreach fund.

Legislative dinner date: The Council set November 6 as the first choice for the Town's legislative dinner, and November 12 and 14 as alternative dates.

Employee appreciation lunch date: Staff proposed December 13 as the date for the annual employee appreciation lunch. The Council agreed.

M-NCPPC correspondence: CM Sweep moved, and CM Osmond seconded to table the item to the November 1 worksession. The motion passed 4 to 0.

3. Minutes

CM Sweep moved, and CM Osmond seconded to approve the September 9 worksession minutes. The motion passed 3-0-1, with CM Dewey abstaining. Approval of the September 16 worksession minutes was tabled to October 21. The September 11 Town meeting minutes were distributed.

4. Department Reports

CM Sweep reported that road construction continues but is nearing the end. He thanked residents for driving carefully in construction zones. He cautioned residents about cutting their grass too short or having open fires in their yards because the area is experiencing a drought. TM Broadbent added that the planned tree planting has been postponed to the spring.

Phil Ventura, 57th Avenue, said it may be advisable for residents to water their homes' foundations because the prevailing clay soils shrink during droughts and may cause cracking of foundations. He also wondered whether remedial street work was done at the contractor's expense. He was assured it was.

CM Dewey reported that the Green Team hosted a very successful and fun pet event last Saturday. Two cats and 2 dogs were adopted, 11 dogs were micro-chipped and some 40 pets vaccinated. The vendors who came out to participate were not disappointed. CM Dewey also worked on the resident survey, on a tree planting plan and with the Walkable, Bikeable Berwyn Heights Task Force.

5. Town Council Schedule

The Council reviewed the upcoming Town Council schedule. No changes were made. An M-NCPPC planning official will attend the October 21 worksession to brief the Council on the new zoning regulations.

7. Citizens Discussion

Phil Ventura thanked CM Osmond for apologizing for mis-steps in the code enforcement process and MPT Papanikolas for defending the Town's election process. Further, he said that the recycling market is becoming increasingly restrictive. Many recycling processors are no longer accepting glass containers and are asking collectors to sort paper and cardboard items.

TM Broadbent replied the Town has to go by what the Prince George's County recycling facility does and they have not made any of the changes Mr. Ventura describes. CM Dewey added this is why the Green Team always recommends consuming less first.

Blake Dewey, Quebec Place, commented that opportunities for voting should be increased even if it means that traditional processes would have to be changed. He encouraged the Town to advertise and expand absentee voting as a way to give residents more opportunities to vote.

The meeting was adjourned at 9:30 p.m.

Signed: *Kerstin Harper*, Town Clerk