



Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
Fax (301) 474-5002

MAYOR
Amanda M. Dewey

COUNCIL MEMBERS

Jodie A. Kulpa-Eddy (Mayor Pro Tem)
Christopher S. Brittan Powell
Jason W. Papanikolas
Ethan D. Sweep

Worksession Minutes April 18, 2022 | 7:00 p.m. Council Chamber

Call to Order

Mayor Amanda Dewey called the meeting to order at 7PM. Present were Mayor Pro Tempore Jodie Kulpa-Eddy, Councilmember Jason Papanikolas, Councilmember Chris Brittan-Powell, and Councilmember Ethan Sweep. Also present were Town Manager Laura Allen and Town Clerk Melanie Friesen and residents of the community.

1. Announcements

Mayor Dewey shared that there will be a Prince George's County Municipal Association (PGCMA) meeting, in person on Thursday in College Park at the new municipal building. That meeting is open to the public.

2. Approval of Agenda

Mayor Dewey shared that MPT Kulpa-Eddy had an item to add to the agenda, a discussion of a couple of matters that may be discussed at the PGCMA meeting. This item will be added to the agenda as Discussion Item D.

MPT Kulpa-Eddy moved to approve the agenda as amended. CM Brittan-Powell seconded. After no discussion, the motion passed unanimously.

3. Presentation FY 2021 Audited Financial Statements – Bob Diss, CPA, Lindsey Associates

TM Allen introduced Mr. Diss and explained the purpose of the audit. Mr. Diss presented the highlights of the audit for Fiscal Year 2021. He shared that the first three pages of the document are the opinion letter, which gives the Town a clean or unmodified opinion, stating that the audit provides reasonable assurance that the statements are not materially misstated. The next section is the Management Discussion and Analysis, which is written by the Town and lets the reader know what the Town wants to highlight. He further explained the layout of the document, including the two sets of financial statements. He briefly reviewed the notes that are included in the audit and stated the final pages cover the "budget to actuals" of the Town as well as some recommendations. Mr. Diss also reviewed a few items that will look different in audits in the future due to changes in the law. Mayor Dewey reminded everyone that the audit is due to the State of Maryland by April 30, 2022, and that is why the Council will be taking a vote on it during a worksession, as this is the last meeting before the deadline. MPT Kulpa-Eddy asked a question about a detail on reserve funds being used to balance the budget. CM Brittan-Powell asked if Mr. Diss had any projections about the fiscal impact of Covid-19 on the Town. Mr. Diss shared that since most of the Town's revenue comes from real property taxes, the impact will be less than on a municipality where there is significant tax revenue from businesses. CM Brittan-Powell also asked about having good financial housekeeping while not dampening the spirit of volunteerism that the Town has. Mr. Diss explained that there must be segregation of duties, even when there are volunteers. He further shared that oversight is necessary to keep

people accountable. CM Sweep asked a question about the Management Discussion and Analysis. He wanted to know what the phrase “significantly impacted” meant in regard to the Town not being significantly impacted by Covid-19. TM Allen explained that it means there has been no real impact on the Town’s income. MPT Kulpa-Eddy asked if it would be possible to create reserve funds for areas other than the Vehicle Reserve Fund. Mr. Diss explained that reserve funds could be set up for any reason. MPT Kulpa-Eddy wondered if it would be possible to have a reserve fund created for end-of-the-year rollover money for Town Organizations. The Council discussed several possibilities for Town organizations to have easier access to funds they may need throughout the year. Resident Angie Wolfinger expressed that the Rec Council has had access to extra funds through their checking account. She expressed concerns about the expediency for invoices being paid and concerns about reimbursement. TM Allen stated that there will need to be greater pre-planning and communication with the Town. She also stated that the Town is working on credit card options that would allow organizations to have access to a set amount of funding for purchases. She also wanted to draw attention to the recommendations on pages 61-62 and stated that they are working on cash handling policies for general purposes as well as specifically in relation to Berwyn Heights Day. Angie Wolfinger asked about the requirement for Town Organizations who only had one officer needing a secondary signature for purchases.

Mayor Dewey asks for a motion to accept the audited statements CM Brittan-Powell moved to accept the audited statements. CM Papanikolas seconded. After no discussion, the motion passed unanimously.

4. Discussion Items

A. Annual Review of Fines and Fees

Mayor Dewey reviewed that the Town looks at the Fines and Fees Schedule annually as part of the budget process. She stated that there are two changes in the schedule, both of which are related to roll-off containers. The first is to remove the late fees for permits for roll-off containers and portable storage units from the “Fines” schedule, as these are incorporated into the “Fees” schedule. The second is to reduce the roll-off permit fine. MPT Kulpa-Eddy expressed concern about wording in the resolution, requesting that the resolution be updated to express that the late fee would be removed because it is “extraneous”.

B. Council Rule #2 – Council Member Papanikolas

CM Papanikolas shared that this Rule has some basic objectives: providing a basic job description for each role, providing residents insight into the roles of their elected officials, and addressing some differences between the ordinances and Charter. MPT Kulpa-Eddy asked where are the contradictions/differences; no examples were provided. CM Brittan-Powell raised questions about the role of the mayor in the document. Council discussed the role and ultimately decided that the best way to address the question about the relationship of the Mayor to the Town Manager would be to address the sections of the document one-by-one.

Section 1: Mayor Dewey expressed that the sources still need to be cited. CM Papanikolas shared that this section outlines generic terms for what the Council does and puts it into context for residents. MPT Kulpa-Eddy expressed that the Council has judicial functions as well as legislative and executive roles and that the language should be updated to reflect that. She also pointed out that there is no staff member assigned to PRECA and that needs to be clarified for residents and future Councilmembers.

Section 2: CM Papanikolas shared that this section is all about the role of the mayor and explains the weak mayor system of government that the Town has. Mayor Dewey asked

about the Town's practice that the mayor doesn't make motions during the meeting and wondered if there should be policy about that. CM Brittan-Powell stated that it is a function of Robert's Rules. Mayor Dewey also suggested changing the document to reflect that the mayor does not have veto power over the majority of the Town Council. Mayor Dewey also asked that this section use consistent language between sections regarding PRECA. She also requested a change to say that the mayor facilitates rather than leads as that is inclusive of both public and Council comment.

Section 3: This section lays out the roles of the Town Manager. CM Papanikolas made a correction that the Town Manager is not a political appointee, rather that they serve at the pleasure of Council. TM Allen further clarified that all other employees of the Town are at-will employees and that it is only the Town Manager who has a contract and reports directly to the Council. MPT Kulpa-Eddy had concerns about section B which states that the Town Manager helps the Council develop a long-term vision. She expressed that would prefer that the statement read that the Town Manager implement the long-term vision of the Council. Council agreed to change the word to assist rather than help. TM Allen asked where the description in the document came from and suggested that it would be beneficial to look at her job description approved by the Council rather than using ICMA's job description.

Section 4 of the presented document focused on the relationship between Council and the Town Manager. The general phrase that CM Papanikolas expressed he was trying to convey was "praise in public, chastise in private". MPT Kulpa-Eddy raised questions about the sentence stating "a Council undermining a Town Manager could erode trust of other Town employees". Council discussed scenarios in which this could occur. They also discussed how to differentiate when a Councilmember is speaking to other residents in Town between when they represent themselves, and when they represent the Town. Mayor Dewey reminded Council that the Town Attorney would say as a public official, they always represent the Town when speaking to residents. TM Allen reminded Council that the Town has Ordinance 124 on Code of Conduct. Mayor Dewey raised questions about the word "publicly" in the sentence "publicly commenting on rumors and unsubstantiated allegations is frowned upon and may subject the individual to a vote of censure". Council discussed if publicly meant at a meeting, club event, or even out with friends. Resident Angie Wolfinger weighed in on her thoughts about what constitutes public/private. Mayor Dewey suggested "as a public official, commenting on rumors and unsubstantiated allegations...". This received general consensus. MPT Kulpa-Eddy asked that this be compared to Ord. 124 to ensure that there is no conflict. TM Allen reminded Council that as a body, they are the employer for all the employees of Berwyn Heights. CM Brittan-Powell thanked CM Papanikolas for all his work on this rule, however as he feels that the change in structure from Town Administrator to Town Manager was a process that was mismanaged, he will be abstaining from the vote. He clarified that the process was legal and above board, but he believed that the decision should have been a vote by the Town, not by the Council.

C. 4 Cities Agenda Items

Mayor Dewey reviewed that the 4 Cities meeting will be coming up on April 28th and that it is still undecided if the meeting will be held in person or virtual. She asked Council for agenda items to be sent to Greenbelt. CM Sweep asked if it would be possible, when Berwyn Heights hosts, to do a summary agenda where an item is only addressed once even if multiple municipalities ask for the same item. Council submitted the following items:

Greenbelt Road Corridor Visioning/planning update

Continuing Bus Driver shortage

School Boundary initiative

Collaborative Watershed/stormwater projects

D. PGCMA meeting (amended agenda item)

MPT Kulpa-Eddy stated that PGCMA officers were supposed to be sending language on policies discussed at the previous meeting, to be voted on at the upcoming meeting, but this language hasn't yet been received. PGCMA proposed that their logo be available for municipalities/entities to use, provided that the events are fully open to the public and permission is obtained in advance. After brief discussion, the Council generally supported this item. The second item was that PGCMA wanted to add a category of honorary membership for elected officials. The purpose of this proposal was to ease transition in PGCMA if an officer loses an election or resigns their position while holding a position at PGCMA. After brief discussion there was general support for this item as well.

5. Department Reports

Mayor Dewey shared again the PGCMA meeting in College Park on Thursday. She shared that the BHEAC meeting is Monday the 25th and CDMA meeting is Wednesday the 27th. She shared that she and TM Allen have a check-in with Denise Ross, County liaison. She also shared about the Congressional District change to District 4 instead of 5. She mentioned webinars presented by the County Office of Homeland Security. Upcoming modules include hurricane preparedness and flood mitigation. She also reminded everyone to check the county website for Covid vaccine and testing sites as those are changing.

MPT Kulpa-Eddy shared that Park and Planning summer camp programs will be opening April 20th and that some day camps will have virtual options. She also shared about the PGCPs student transfer season being open until May 13th. Parents will need to log on to their SchoolMAX accounts, call 301-507-8751 or email students.transfers@pgcps.org to request changing to another school. She also shared that all redistricting maps made as a result of the 2020 census are finalized. Federal Congressional level changes place Berwyn Heights in a new district with an open seat. She also shared about upcoming meetings for the BHEAC, Historical Committee and Rec Council, which will have a meeting on Sunday May 1 at 4pm. She shared that the focus remains on Berwyn Heights Day.

CM Papanikolas stated that he had an answer to a question that has been asked several times- there are currently 9 vacant homes in Berwyn Heights. He also shared that he received an elected officials invitation to the Mormon Temple and would be attending that function. CM Brittan-Powell asked about the "no-mow April" initiative and if residents would be cited for participating. There was discussion about making no-mow April an event for future years and the practicalities of the citation process making it unlikely that anyone would receive a citation this year.

CM Brittan-Powell shared a thanks to administration team for surviving budget season. MPT Kulpa-Eddy reminded residents that Candidates Night is April 26th and the League of Women Voters will be hosting.

CM Sweep shared that there is not a lot happening in Public Works at the moment. He shared that the Greenbelt electronics recycling is scheduled for April 23 from 9-12. He also reviewed that the street sweeper will be in town the first week in May.

6. Resident & Community Comments

MPT Kulpa-Eddy shared about some park issues that needed to be dealt with, giving thanks to Parks and Planning for their response to the Indian Creek Playground issues and thanks to Public Works for responding to issues at Pops Park. CM Brittan-Powell asked that tree issues be evaluated at Sports Park. There were no other resident comments.

7. Adjournment

CM Sweep moved to adjourn the meeting. CM Brittan-Powell seconded. After no discussion the motion passed unanimously, and the meeting was adjourned at 9:13PM.