



# 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

Executive Session: 6:00PM

The Town Council met in Executive Session, beginning at 6:00 p.m. on January 3, 2023, under the exception of § 3-305(b)(1): To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

## **Work Session Minutes January 3, 2023| 7:00 p.m. Council Chamber**

This meeting was held in the Council Chamber, 5700 Berwyn Road. Residents could comment by attending the meeting or by calling 301-474-9570. Resident comments limited to 3 minutes.

Due to technical difficulties, the meeting was called to order at 7:27 p.m. Present were Mayor Jodie Kulpa-Eddy, Mayor Pro Tem Chris Brittan-Powell, Councilmember Faustino Menjivar, and Councilmember Jason Papanikolas. Councilmember Shinita Hemby had an excused absence. Also present was Assistant to the Town Manager Yvonne Odoi and Town residents.

Approval of the Agenda

- CM Papanikolas motioned to approve. CM Menjivar seconded. MPT Brittan-Powell interjected that the agenda was drafted without following proper procedures. Based on his understanding of the rules and ordinances governing Town Council meetings, he stated that Mayor Kulpa-Eddy is usurping her authority when setting meeting agendas. The Mayor explained the process she takes in creating the agenda is in keeping with the Charter, Ordinances, and Council Rules, in that order. However, Mayor Kulpa-Eddy stated, she will contact the Town Attorney to obtain clarification on the legality of the agenda forming process. She also addressed the issue of why some items were moved to other meetings. CM Papanikolas reminded Council that there was a motion on the table. CM Papanikolas moved to amend the agenda to include the Watershed Study RFP and UMD-SPH update. The motion was seconded by MPT Brittan-Powell and approved 4-0.

### 1. Mayor

#### a. Announcements

- The Mayor reported on the Executive Session. She stated that Council met at 6:00 p.m. in Council Chambers without CM Hemby, who had an excused absence. CM Papanikolas motioned the meeting into session, seconded by CM Menjivar. The Assistant to the Town Manager attended briefly to discuss employee benefits. Topics discussed were the Interim Town Manager position

and potential litigation. The Mayor reported that the action taken was to offer a contract to an Interim Town Manager candidate. The Executive Session ended at 7:01 p.m. She further reported the Town Clerk is also absent from this worksession and will be absent for the January 11<sup>th</sup> Town Meeting. In the Clerk's absence, the meetings are recorded but may not be readily available on the website. Residents may request DVD copies if needed before the minutes or playback are accessible on the website.

- MPT Brittan-Powell wished residents the best of holiday seasons. He stated that residents' New Year's resolution should be generous and healthy to yourself, and that the Council is looking to improve from last year.
- b. Calendar – Next meetings are the Town Meeting on January 11<sup>th</sup> and the next worksession on January 17<sup>th</sup>. Mayor Kulpa-Eddy stated that the Four Cities meeting is scheduled for January 26<sup>th</sup> in College Park. Agenda topics for that meeting are needed prior to the next Town Meeting. MPT Brittan-Powell recommended proposing housing as a topic at the Four Cities meeting.
- Budget Timeline– Mayor Kulpa-Eddy presented the timeline for the FY2024 Budget process. She explained due to the vacant Town Manager position, the Council is behind schedule. She further explained that the Councilmembers may have to take on more responsibilities in this process. Councilmembers should reach out to their respective departments to remind them to be ready for the upcoming budget worksessions. Initial Department presentations are expected in February. A Saturday “marathon” budget worksession will take place in March, with the date to be announced. The FY2024 budget will be introduced in April and adopted in May. CM Papanikolas stated he has the ARPA spreadsheet and could continue to present ARPA updates during work sessions. They discussed CM Papanikolas creating a process for tracking the ARPA funds Mayor Kulpa-Eddy will request each department director develop two budgets, one that is “flat” and one with a 5% increase. MPT Brittan-Powell asked about a stormwater tax. CM Papanikolas discussed the needs of the Town and service expectations of the residents. He continued with the comment that the Town needed an improved stormwater system but is not willing to pay for it.
- c. Codification Update– Mayor Kulpa-Eddy mentioned receiving a draft of the Town's “codification” (standardized organization and numbering system of the Towns Ordinances) manuscript. The hard copy of this draft is in the Town Office for review by all. Once the legal and editorial copy is received, a 60-day time frame starts on our review. PDF copies will be scanned and sent to CMs for easier review, once Mayor Kulpa-Eddy confirms that this is allowed by the publisher.
- d. Flood Resilience Home Retrofit Program – Mayor Kulpa-Eddy sought clarification regarding this program. She presented a memo with background information as to what was done in past meetings. MPT Brittan-Powell discussed the Howard County program that was previously presented to Council: that Howard County had a \$3,000 match for residents who had retrofit projects done on their homes. Mayor Kulpa-Eddy clarified that the official name of this program is the Residential Flood Mitigation Assistance Program. They discussed the different phases this program has gone through with the Council. Mayor Kulpa-Eddy added that Rockville and Edmonston municipalities also have flood resilience programs that BH should review. She stated the only items prohibiting moving forward are to confirm the amount to provide each applicant and determine how to implement the program. The Council discussed detailed restrictions and qualification requirements for applicants, and agreed the maximum grant match

would be \$5000. Resident Comment: Beth Brittan-Powell asked that the Council consider adding a tiered matching-grant structure to address the wide range of income of Town residents. The Council discussed details regarding the application review and appeal process for the program. The Council agreed that the floodgates program is different from the mitigation program. Mayor Kulpa-Eddy explained that the Public Works budget does not have funds available for the floodgate program. She asked that the program application be made simple. She'd hoped to have a list of affected residents from the last storm event who need the gates but has yet to receive it. CM Menjivar and MTP Brittan-Powell agreed to provide the list. Mayor Kulpa-Eddy further clarified that the Residential Flood Mitigation Assistance Program will be funded through ARPA, while the floodgates program will be funded through the FY 2023 budget. The Council discussed additional applicant requirements, legal aspects to the application process and the deadline for submitting an application. The Council agreed to find additional funding sources if the need for gates was greater than expected. It was noted that a draft of the application was needed by Friday for discussion at the January Town Meeting.

- e. Resident comments – Ms. Brittan-Powell stated it is hard to know what is going on, as the TV broadcast is very hard to hear. She asked for more visual presentations so residents and participants can follow the process of what is being discussed.
2. Parks, Recreation, Education, and Civic Affairs – CM Papanikolas reminded Council to update the project tracker for placement on the Consent Agenda.
  3. Public Safety – Mayor Kulpa-Eddy stated the ARPA Grants Manager advertisement has been placed on the MML and Indeed.com websites. Three candidates have applied. ATTM Odoi asked for clarification on the hiring process. CM Papanikolas discussed the possibility of funding this to a full-time position. The Council discussed and decided to complete the first screening of current applicants on 1/5/2023 at 6 p.m. Mayor Kulpa-Eddy provided an update on the UMD-SPH partnership; they asked the BH Council to have an internal discussion to set priorities first, and then UMD will come in to assist. Mayor Kulpa-Eddy reminded that the “Listening Session” held on 11/17/2022 was to poll residents as to what the needs are for the community. MPT Brittan-Powell stated that UMD is waiting for BH to respond. MPT Brittan-Powell asked that an immediate discussion happen with the intention of moving this project forward. The Council discussed areas for UMD to help: the impact of stormwater on public health; mental health pre- vs. post-pandemic; analysis of the well-being of the Town broken up by subgroups (race, ethnicity, sexual orientation, income, age, tenant vs. homeownership); access to transportation; and volunteerism. Mayor Kulpa-Eddy committed to sharing these with UMD-SPH on January 4<sup>th</sup>. She continued with her Department Report. The Town has executed the MOU for the Men’s League with the Maryland National Capital Park and Planning Commission for the 2023 membership year. PGCMA has distributed a survey regarding how the association can best service it’s members, and responses are due by January 10<sup>th</sup>. A Community Shred event sponsored by NW/EP will take place on Saturday January 28 at the Town Office parking lot.
    - a. Noise Camera Legislation – Mayor Kulpa-Eddy shared this bill that was drafted by a Montgomery County Delegate. Legislation is being introduced at the State level to allow municipalities to install motor vehicle noise monitoring systems and enforce noise violations.
    - b. MPT Brittan-Powell discussed an emergency issue that involved Westchester Park and Washington Gas. Residents of Westchester Park asked that BH open the Town Center for their use. Council discussed that the process for such an emergency should be for

Westchester Park to first contact Prince George's County. They further discussed that this type of request should be considered on a case-by-case basis, since the Center is limited in capacity, and the availability of Town staff could be an issue.

4. Public Works – CM Menjivar wished residents a Happy New Year. Curbside loose leaf pick-up is ending this week. He thanked Director Pudner for availing himself on his personal time to handle an emergency that occurred during the holiday season. Mayor Kulpa-Eddy stated that the “No Parking” sign at Indian Creek Park needs to be re-installed; it has been propped up for now. MPT Brittan-Powell expressed appreciation for Director Pudner.
5. Administration
  - a. Resident Renters to Homeowners Program(s) – MPT Brittan-Powell reviewed the program he had introduced to the Council in December, to provide quality living standards for all residents regardless of home ownership. CM Papanikolas added that the State and the City of Greenbelt have collaborated on a mortgage program, and stated the State could be asked to make a presentation to BH residents. Mayor Kulpa-Eddy asked if there were data regarding how many people have been assisted in these programs and their experience? She stated that homeownership should be encouraged without being restrictive. CM Papanikolas stated that may be possible, but the goal is to help the homeowner.
  - b. Added agenda item: The Berwyn Heights Watershed Study RFP. MPT Brittan-Powell discussed the Watershed program. He continued that it is in review and looking for funding sources. CM Papanikolas clarified the expectations of Prince George's County. Mayor Kulpa-Eddy stated the RFP, when ready, should be posted on the MML website and shared with the Prince George's County Procurement Office. Resident Beth Brittan-Powell suggested teaming up with the University of Maryland, who already has a watershed program. MPT Brittan-Powell commented that he will continue working on this program. CM Papanikolas will place this on the Council project tracker.
6. Code Compliance
  - a. Sustainable Communities Recertification – Mayor Kulpa-Eddy gave an update on the renewal process, beginning with a summary of Director Goodwin's staff report. She continued by stating that the next step is completing the forming of the workgroup with a senior and a student participant. She recommended resident Dave Wolfinger be added as the representative for the Seniors.
7. Adjournment - CM Papanikolas motioned and was seconded by CM Menjivar. Motion passed, 4-0. The meeting ended at 9:55p.m.