



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

Town Meeting Minutes Town Council Chamber September 14, 2022 | 7:00 p.m.

Mayor Jodie Kulpa-Eddy called the meeting to order at 7:02 PM. Present was Councilmember Shinita Hemby, Councilmember Faustino Menjivar, Councilmember Jason Papanikolas, Town Manager Laura Allen and Town Clerk Melanie Friesen. Mayor Pro Tem Chris Brittan-Powell joined the meeting remotely. Also present were several residents of the community.

Pledge of Allegiance

1. Announcements

Mayor Kulpa-Eddy reported out on the Executive Session that was held from 6:03PM to 6:53PM. All members of the Council were present at that meeting with MPT Brittan-Powell joining remotely. The Session was held pursuant to General Provisions Article § 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 (14) before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. TM Allen was present for half the meeting. CM Hemby moved to close the session with CM Papanikolas seconding.

2. Approval of Agenda

CM Papanikolas moved to approve the agenda. CM Menjivar seconded. After no discussion, the motion passed unanimously.

3. Consent

CM Papanikolas moved to approve the Consent Agenda. CM Menjivar seconded. Mayor Kulpa-Eddy, CM Menjivar and CM Papanikolas voted in favor of approving the Consent Agenda. MPT Brittan-Powell and CM Hemby abstained.

4. Mayor & Councilmember Reports

Mayor Kulpa-Eddy reviewed the 30 day County-wide Juvenile curfew. She shared that Chief Antolik reported the Police Department had not seen any issues with it by the time of the meeting. She stated she had attended a hearing on a proposed change to the County Zoning Map, but despite concerns it might affect some properties in Berwyn Heights, it turns out it will not. Pepco has been tasked with getting more information from communities on streetlights and LED lighting, and will hold a total of four meetings with the municipalities; she attended the first one held earlier today. She was also able to attend a couple of recent Town Organization meetings including the Rec Council and NW/EP meeting. She was at the "Hello Huskies" night at the

Berwyn Heights Elementary School and the Seniors Appreciation Lunch hosted by the Police Department. The Police Department will host a Multicultural day on October 1st from 11-3 in the lower parking lot of the community center.

MPT Brittan-Powell deferred his report to the upcoming Worksession.

CM Hemby shared that she had the honor of delivering the postcards concerning the flood survey and that she was warmly welcomed by the residents. There had been over 140 responses from the questionnaire. She thanked staff for getting the postcards produced quickly. She thanked Mr. Ronald Daley for their discussions during Lakeland Day. She updated that Code Compliance did not issue any tickets during the month of August, but that they will be looking for any remaining issues from the storms and will be contacting residents as needed to address remaining hazards.

CM Menjivar reported that the ARPA Residential Relief Committee is reviewing applications and that he is working with the Mayor and those residents to get their requests completed. He reviewed the playground inspection of Pops Park and reported that some equipment was taken out of service, maintenance completed, and hazards removed.

CM Papanikolas shared that most of his updates will be covered by the committee reports. He added that both he and the Mayor are on the Maryland Municipal League Summer Conference Planning Committee. He will be receiving his certificate for graduating from the Academy of Excellence in Local Governance this weekend.

5. Committee Reports

- a. Education Advisory Committee: CM Papanikolas shared that they did not meet during the month of August.
- b. Green Team: CM Papanikolas reviewed that they met on the 11th. The meeting covered the Sustainable Maryland grant application, which Paul Kavanagh will be taking the lead on writing. The Green Team watched the presentation from the 4 Cities meeting on enacting legislation banning plastic bags, and determined it will only affect two retailers in Town. They are considering the implications of that before making recommendations. He added that the Adopt-a-Block program is going well.
- c. Historical Committee: Debby Steele-Snyder reported that the Historical Committee did not meet in August but participated in National Night Out. The next meeting will be September 28th at 7:30 pm, and visitors are welcome to join. She added that committee elections will be held at that meeting. The Wine and Cheese event is returning after 3 years, with a presentation by Maya Davis, director at the Riverdale House Museum. The event will be held on November 6 from 2-4PM.
- d. Neighborhood Watch/ Emergency Preparedness: Mayor Kulpa-Eddy shared that no one from the Police Department was available for the meeting as they were responding to an incident. The Committee talked about Bulletin ideas, recruitment and working with the Volunteer Fire Department for a fire safety presentation in October. They also expressed interest in the storm response survey results.
- e. Recreation Council: Mayor Kulpa-Eddy shared that the ice cream social will be on Thursday, September 15th. Trunk or Treat is coming up on October 22 at the lower parking lot at the community center and that a Sound Sensitive Halloween party will be held upstairs in the Town Center the following day. Saturday, October 8th is the last concert of the summer series. Finally, an Arboretum walking club trip is coming up on September 17th; meet in the Town Hall parking lot at 10AM. She reminded residents of the regular meet-ups of the Walking Club and Game Night. She reported that the next Rec Council meeting has been moved to September 27th to avoid a conflict with Yom Kippur.

6. Old Business

- a. Home Retrofit Program

MPT Brittan-Powell stated that he brought this forward because the appropriateness of the Special Meeting has been called into question and he wants this program to be reaffirmed. CM Papanikolas reviewed that an Open Meetings Act Complaint has been made but while he does not believe anything that would come from the advisory board would undo the work done at that meeting, there is no issue with reaffirming the program. Mayor Kulpa-Eddy questioned why the changes discussed during the August 19th meeting were not included in the documents presented at this meeting. MPT Brittan-Powell stated that since his goal was reaffirmation, he did not believe that the changes were appropriate to include in this meeting. CM Papanikolas moved to reaffirm the action taken at the August 19th meeting. MPT Brittan-Powell seconded. With no further discussion the motion passed 4-0 with CM Hemby abstaining.

b. Traffic Enforcement Follow-up

TM Allen shared the cost information and possible locations for temporary speed bumps and the cost of LED stop signs. She continued that this would be a pilot project, with limited stop signs and temporary speed bumps (including signage announcing “speed bumps ahead”). Mayor Kulpa-Eddy asked about the location for the Pops Park South Bound speed bump, to clarify its exact location. She would also like to have residents informed about the LED stop signs as they might be quite bright. TM Allen stated that residents will be notified. CM Papanikolas asked how long it will take to implement the changes. TM Allen replied that she believes it will be within two months. Mayor Kulpa-Eddy moved to approve the staff recommendations. CM Hemby seconded. After no further discussion, the motion passed unanimously.

c. ARPA Residential Relief Program – Setting Award Limits

Mayor Kulpa-Eddy reviewed that the program is once again active and that they have received 4 applications. None of the applications were complete enough to go forward, but the review committee will be meeting every 2 weeks to continue working on the applications. During previous discussions on the ARPA relief program, there had been discussion to reduce the total amount awarded from \$5000 to \$3000 per applicant. MPT Brittan-Powell stated that by lowering the amount offered the program could help more people. Both CM Papanikolas and CM Menjivar stated they were fine with lowering the relief amount. There was discussion if more money could be paid at the end of the fiscal year if funding remains. CM Papanikolas moved to accept the recommendation to set the amount of relief to \$3000, and to set the limit for food voucher cards to \$500 per household. MPT Brittan-Powell seconded. After no further discussion the motion passed 4-1 with CM Hemby stating that she believes the amount should be higher. After the vote, there was discussion on educating residents about the program.

7. New Business

a. Men’s League Agreement Renewal

TM Allen reviewed the Town’s long standing use agreement with the Berwyn Heights Community Center for the Men’s Basketball league. Generally, the agreement has been for longer terms and the league would like a longer-term agreement with Park and Planning this time. Mr. Jim McGinnis, league contact, was invited to speak on the changes that need to be made to the agreement.

Resident Claudia Barragan made a comment that she believes that as the representative of INCbh she should have been able to speak on the ARPA program.

Mr. McGinnis shared that there are changes to the times that Park and Planning are offering, and the league is willing to accept these changes. Mr. McGinnis expressed that he had concerns about the termination clause and wants a definition of “convenience”, as well as

correcting the name from “A men’s league” to “The Men’s League”. Mayor Kulpa-Eddy asked for confirmation that there will be no changes to the cost of the liability insurance. TM Allen will check and ensure it is covered by the current budget. CM Papanikolas would like to have some protection for the Men’s League if the agreement is cancelled by Park and Planning, possibly with a prorated refund. TM Allen will edit the document and send it back to Park and Planning. Mr. McGinnis and CM Papanikolas discussed ways to amend the wording.

b. Disaster Relief Fund Program

MPT Brittan-Powell shared that the intent from the August 19 Special Meeting is to provide relief to residents. He is bringing this up at a Town Meeting because there was not a Worksession in early September. Mayor Kulpa-Eddy asked what kind of outcome he is looking for this evening. MPT Brittan-Powell stated that he wanted this to be presented to be more in a worksession fashion for them to make comment and adjustments. Mayor Kulpa-Eddy shared that some of the questions regarding this proposal are similar to those they have found in the ARPA relief program. TM Allen asked if the intent is to create a budget allocation or a separate fund from an accounting standpoint or to simply put funding as a budget allocation. CM Papanikolas stated that he understands this to be more in the idea of a reserve account. He also mentioned that the previous Council had voted down a disaster reserve account. Mayor Kulpa-Eddy stated that it would be good to review why that Council decided against it. CM Hemby asked for clarification if this was a onetime allocation or an annual allocation. MPT Brittan-Powell stated that it was for the Council to decide. CM Hemby stated that during the last meeting, she made a suggestion to move \$175,000 from the stormwater engineering study to be used for to help members of the community. She was later contacted by other Councilmembers to tell her that because she didn’t use the word “relief” in the motion that the funds couldn’t be used for residential relief. She stated that as a new Councilmember she doesn’t know all of the political details. She continued, wondering why there is now a proposal that doesn’t have any funding attached to it. She wants to know where the funding is now if it isn’t going to relief. Mayor Kulpa-Eddy stated that she understands that it is allocated to the Home Retrofit program, but since that meeting is in question the funding may also be in question. CM Papanikolas shared that he watched the meeting, as he was unable to attend, and he feels that CM Hemby’s intent was clear and that technicalities should never keep the Council from action. He suggested reaffirming the funding for the home retrofit program and then setting aside a separate allocation for the disaster relief fund. CM Papanikolas shared that the only program that was discussed at the Special Meeting was the home retrofit program and the only funding that should be reaffirmed is for the home retrofit program. MPT Brittan-Powell stated that it was his understanding that the retrofit program would have access to that money but not that it would be exclusively for the home retrofit program. He continued that if intent should not be hindered by technicalities, then the funding should cover both programs. CM Papanikolas stated that the only program that was discussed at the Special Meeting was the home retrofit program and that the \$175,000 was allocated at the Special Meeting. CM Hemby and TM Allen discussed how quickly they could move on getting retrofit products for residents. CM Papanikolas moved to reaffirm the \$175,000 allocated for the home retrofit program. CM Hemby seconded. CM Papanikolas called for rule of order and asked for a vote on the motion. The motion carried 4-0-1 with MPT Brittan-Powell abstaining.

c. Budget Amendment for the Establishment of a Holistic Watershed Model

MPT Brittan-Powell shared that since the storms he has been speaking with engineers and other Town Managers and believes that the Town needs a good model of what the Town Watershed looks like in order to make informed decisions. He stated that he knows there are certain target areas due to the two events that have impacted them, but that there are other locations that may

be higher risk areas. He stated that we are at the bottom of the barrel for the County to do this review for us, but that it would be a long-term process. Mayor Kulpa-Eddy stated that we are not at the bottom of the engineering study list, but rather halfway through as the Town has been working with the County since the first flooding event in 2014 and Berwyn Heights already has the attention of County. CM Papanikolas clarified that he was on the same call with MPT Brittan-Powell and that we are at the bottom of the Capital Improvement Project list. CM Papanikolas moved to introduce and waive the first reading of Ordinance 183C. MPT Brittan-Powell seconded. During discussion, Mayor Kulpa-Eddy said that she believes there needs to be more information before it is introduced. CM Papanikolas made points of procedure, that ordinances have to be read at two Town Meetings, a public hearing needs to be held, and there will be a 20-day waiting period before the Ordinance becomes law. The motion was called to a vote, and it passed 3-2 with Mayor Kulpa-Eddy and CM Hemby voting against the motion. TM Allen asked for clarification that this would be a new appropriation from the ARPA reserve funds. Council will be bringing this to the September 19th Worksession for further discussion and review.

8. Resident & Community Comments

Mayor Kulpa-Eddy shared that while resident comments would not be timed, she asked that people consider being succinct and keeping their comments to approximately 3 minutes.

Resident Steve Beckham spoke regarding paying additional payments from the ARPA relief program, stating that he hates the idea that you need to use all the funds that are allocated. He also responded to CM Hemby's comment about the Home Retrofit program getting caught up in political issues, stating that the issue is not political but procedural.

Resident Rob Baker wanted to know where the \$175,000 allocated to the Home Retrofit program is coming from. CM Papanikolas replied that it is coming from the American Rescue Plan Act funding. Mr. Baker stated that he wants to see speed bumps on Osage Street. He would also like to see preventative maintenance work done on the trees in Town. He expressed that he has documentation of water and mud running through his yard, that he would share with those involved in a watershed study. He added that he would like to see motion detectors put on the LED stop signs.

Debby Steele-Snyder responded to the playground inspection, stating there is a low section on the Cunningham Drive side of Pops Park that is a wet spot where water gathers and doesn't drain. She suggested adding mulch into that area. It is also a mosquito issue.

Dave Wolfinger stated that he wants to make everyone aware that he is not anti-police but has questions and has more questions with every answer. He would like to have a sit down with the Police Department and other concerned citizens. He stated he would like to know more about what the enforcement is going to be for stop signs. He also expressed that per the Chief's monthly report there are more warnings than citations given and he would like to see that changed.

Ms. Claudia Barragan stated that she is also representing INCbh which has been an approved assembly since April. She referred to the Code Compliance report where two properties were cited in July for performing work without the proper permits. She stated that it doesn't sit well with her. She also would like to see that the work that is done by her and INCbh is credited to them and that they are included in all things. She would like to have clarification on the ARPA funds, detailing what was spent in what fiscal year and what funding is available. She would also like to know what the Town is doing with residents' WSSC bills, as it has been several months since their presentation. She gave

thanks for the flooding remediation and prevention programing; however, she was critical of the written program description. INCbh is meeting with the Green Team to work on a community resiliency grant. Ms. Barragan shared her gratitude to CM Hemby for making the storm survey happen, while also being critical of the questions in the survey. She would have liked to have had the results of the survey presented at this meeting. She shared that the results of the survey indicate there is a flood resiliency issue in Berwyn Heights. She continued that she is not the cleaning lady for policy work and that the work that she is doing should be done by the Town.

8. Adjournment

CM Papanikolas moved to adjourn the meeting. CM Hemby seconded. After no discussion, the motion passed unanimously, and the meeting adjourned at 9:12PM.