



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 October 12, 2022 | 7:00 p.m.

Call to order

Mayor Jodie Kulpa-Eddy called the meeting to order at 7:01 pm. Present were Mayor Pro Tempore Chris Brittan-Powell, Councilmember Shinita Hemby, Councilmember Faustino Menjivar and Councilmember Jason Papanikolas. Town Clerk Melanie Friesen as well as several residents of the Town of Berwyn Heights were also present. Town Manager Laura Allen had an excused absence.

Pledge of Allegiance

1. Announcements

Mayor Kulpa-Eddy reported out on the Executive Session that was held on October 6, 2022, from 6:00-7:17 pm. 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 (7) to consult with counsel to obtain legal advice. Present were Mayor Kulpa-Eddy, MPT Brittan-Powell, CM Hemby, CM Menjivar and Town Attorney Suellen Ferguson. CM Papanikolas was absent. The Council discussed legal advice regarding the continued employment of a Town employee, hiring practices, and a potential litigation matter. Council took action during the meeting and has decided to not renew the contract of TM Allen when it expires next month.

Mayor Kulpa-Eddy also shared about the passing of Resident John Scanlon and the visitation details.

MPT Brittan-Powell wished TM Allen well and thanked her for her service.

2. Approval of Agenda

MPT Brittan-Powell moved to approve the agenda. CM Menjivar seconded. MPT Brittan-Powell moved to amend the agenda to include several items 1) identifying appropriate funding sources for the Police Department, 2) Establishment of a Natural Disaster Mitigation workgroup, 3) Establishment of the Berwyn Heights Community Engagement workgroup, 4) the Disaster Relief Fund. Mayor Kulpa-Eddy shared that she was concerned about the repeated amending of the agenda as well as the fact that the Town Meeting is for formal action after the work has been done in a worksession. She shared her thoughts publicly on the separate items and stated why she thought it was inappropriate to amend the agenda. With further discussion, MPT Brittan-Powell expressed that he did not share the Mayor's thoughts on the previous proceedings. Mayor Kulpa-Eddy called the motion to a vote. The Council voted 2-2-1, with MPT Brittan-Powell and CM Menjivar in favor of amending the agenda, Mayor Kulpa-Eddy and CM Hemby opposed and CM Papanikolas abstaining. Without a majority, the motion failed and the agenda proceeded as

published.

3. Public Hearing Ordinance 185A- Budget Amendment for a Holistic Watershed Model

Mayor Kulpa-Eddy gave background on the purpose of the budget amendment and shared that the program has been officially named the Berwyn Heights Watershed Model. MPT Brittan-Powell provided the background for the need of a watershed model and the plans to work with the County and WSSC where appropriate to address flooding issues in Town. Mayor Kulpa-Eddy shared that the previous Council had approved a watershed study, but that this Council had reallocated those funds.

Resident Debby Steele-Snyder asked if anyone has looked at old maps of the Berwyn Heights area to see where the streams once ran and wondered if those have been erroneously diverted overtime. She lives on Pontiac Street and feels that there may have been a stream behind her yard. She also shared that she has been told that there is marine clay throughout the area, and this does not absorb water very well.

Resident Claudia Barragan stated that she was present as a representative of INCbh and stated that she was not going to adhere to the 3 minutes as she does not agree that any ordinance gives the Council the ability to limit time for resident comment. She shared that INCbh is in complete disagreement with the ordinance. She stated that the County did a drainage study in 2021 and that the Town has been thoroughly studied on this issue and that on Page 4 of that study are the County's findings and recommendations. She continued that the money should be spent on repairing and retrofitting homes that have been damaged and that passing the ordinance would create a slush fund that the Council could spend on College Park vetted contractors that would need to be scrutinized for conflicts of interest. Ms. Barragan stated that the Town should spend the \$175,000 already allocated for home retrofitting before allocating any more funding. She also asked Council to discuss the 2021 report with the County during the next worksession. She asked why the \$35,000 in the approved budget for architecture and engineering studies isn't being utilized for this. She continued that ARPA funds shouldn't be used for this and that the Councilperson who proposed this and anyone who supports it is negligent. She also asked why the \$10,000 that was allocated for flood gates hasn't been spent.

Resident Joan Hayden on Seminole St shared that there is an issue with the sound volume for those watching on cable. She stated that she also doesn't think a study for the Town is necessary as there have been multiple studies done over the last 15-20 years. She suggested that the Town needs to hire someone who knows how to handle water and that the Town isn't doing the job that they are paid to do. She also stated that there are trees down in Indian Creek from the July 12 windstorm and would like to see those addressed. Mayor Kulpa-Eddy responded regarding the trees on Indian Creek, stating that those trees are on Park and Planning property and they have to wait for the Army Corps of Engineers to approve any work that is done on waterways. They have, however, cleared out the trees that fell in Indian Creek south of Berwyn Road.

MPT Brittan-Powell stated that regarding citizen concerns about funding that hasn't been spent yet, that those were a part of the agenda amendments that did not pass.

Resident Helen Weinrich urged the Council to do something about the flooding, rather than conducting study after study. It makes a big difference to the residents who have been directly affected by the flooding.

Mayor Kulpa-Eddy asked if there were any further comments. Seeing none, she closed the public hearing on Ordinance 185A.

4. Consent

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

5. Mayor & Councilmember Reports

Mayor Kulpa-Eddy shared that on October 5th she attended the municipal tax differential kick-off meeting and explained how the tax differential program ensures that residents of the Town do not pay the County for services that are already provided by the Town. She also attended a Pepco municipality streetlight ownership process meeting on October 6th and will be forwarding that information to the Green Team to explore the possibility of purchasing the streetlights in Town. This may be a way forward in changing the lights away from the sodium halogen lights and toward LEDs. She attended the Maryland Municipal League Fall conference and attended sessions on stormwater management, employment issues and conducting community engagement with an equity focus. She added that the County's Juvenile Curfew has been extended through the end of the calendar year.

MPT Brittan-Powell shared that the most important issue has been addressed, which is that the Town will be ending the relationship with our current Town Manager. He reiterated best wishes to TM Allen and asked Mayor Kulpa-Eddy to explain the process for the search for a Town Manager as well as an interim Town Manager. Mayor Kulpa-Eddy explained that Council will interview applicants that best meet the requirements of the position, and that resident and employee panels will be included in the decision making process. MPT Brittan-Powell stated that he met with Town Treasurer Lightfield, reviewing the current budget and reserves available to help during difficult times. He added thanks to TC Friesen for handling an additional workload while TM Allen is out of town. Mayor Kulpa-Eddy added that she forgot to mention that TM Allen is attending a conference and is unavailable for this meeting.

CM Hemby thanked residents for all they have done to help keep the Town clean during the recent disasters. She extended special thanks to David Wolfinger for all his help filling sandbags prior to a predicted storm. She added that she had received two calls from residents who had Code Compliance issues. She added that those were addressed quickly. She encouraged residents to check if a permit is required for construction projects. She highlighted that Code has assessed no fines or fees for property violations, as these were suspended in September for storm repairs and clean-up. She added that Code Compliance will be putting a snapshot of what projects require permits. She also added if residents have issues with landlords not being fair, to please contact Code Compliance.

CM Menjivar shared that road construction has begun on 62nd Avenue. The planned projects will take 4-6 weeks depending on weather. Leaf curbside pickup will begin next month.

CM Papanikolas stated that \$175,000 has been allocated for the retrofit program but that the application is being held up by the Town Attorney. Mayor Kulpa-Eddy stated that actually the issue is how the program will be managed, if it will be a grant or a new Town service. CM Papanikolas expressed his frustration with the delay. Resident Claudia Barragan offered to translate for the Spanish speaking residents in the room. MPT Brittan-Powell interjected that if his amended agenda items had been approved, these issues would have been addressed. CM Papanikolas stated that one of his responsibilities as the Civic Affairs liaison is to help residents communicate with their government. Council discussed if the program has been affirmed as a Town contractor program or a grant to residents. CM Papanikolas continued his report stating that the 10-year review of school boundaries has concluded and that PGCPS appears to be going with Proposal 2, which will extend the boundaries for BHES a little further into Riverdale, increasing the ESOL population of Berwyn Heights. He shared the proposed phased changes for middle and elementary schools; boundary changes for high schools will be done at a later date. He shared about upcoming public hearings on the Proposal, and that the links will be provided on the Town website.

6. Committee Reports

- a. Education Advisory Committee: was covered by CM Papanikolas' Council Report.

- b. Green Team: No one was present from the Green Team to give the report. CM Papanikolas shared that he knew that they were discussing some grant applications as well as working with INCbh regarding a tree grant.
- c. Historical Committee: Debby Steele-Snyder reported that the Historical Committee met in September but did not have a quorum and so were unable to vote on the officers for the upcoming year and postponed them until the October meeting. She shared that on November 6th an afternoon of history will be held with Maya Davis of the Riverdale Museum. She mentioned the Oct 24th PG Historical Society History Chat, which is held free over Zoom. She reviewed the last PG History Chat which addressed historic homes and tax breaks available for them. The Historical Committee has information for residents wishing to pursue Historic Home designation. The November meeting will be on the 16th and the December meeting will be on the 14th to address the holiday season.
- d. Neighborhood Watch/ Emergency Preparedness: Mayor Kulpa-Eddy reviewed that they had a collaborative event with the Berwyn Heights Volunteer Fire Department on October 8th, giving away smoke alarms, carbon monoxide detectors and fire extinguishers. She added that trick or treating will be held on Halloween night from 6-9PM and asked for those not participating to turn off their porch lights. The NW/EP and Police Department will be patrolling on Halloween as well. The NW/EP Committee is interested in learning more about the proposed Hazard Mitigation Workgroup.
- e. Recreation Council: Angie Wolfinger reported for the Rec Council. She reviewed the last concert event of the season and upcoming events, such as Craft Day, Trunk or Treat, a Sensory Friendly Halloween Event with glowsticks but no loud noise, and the monthly book club discussion. She added that Game Night continues every Friday at 7:30 pm and the Walking Club is continuing.

7. Old Business

- a. Adoption of Ordinance 185A- Budget Amendment for a Holistic Watershed Model
MPT Brittan-Powell moved to adopt 185A: AN ORDINANCE TO AMEND THE FISCAL YEAR 2023 BUDGET TO ADD \$80,000 OF ARPA FUNDING FOR A WATERSHED MODEL. CM Menjivar seconded. In discussion, Mayor Kulpa-Eddy expressed hearing resident concerns about the amendment. She stated that this will make money available if the opportunity arises to make progress on this, but it does not require the money to be spent. With no further discussion, she called for a vote. The motion passed 3-2 with Mayor Kulpa-Eddy, MPT Brittan-Powell and CM Menjivar in favor and CM Hemby and CM Papanikolas opposed.

8. New Business

- a. Ordinance 185B Budget Amendment/UMD Agreement
Mayor Kulpa-Eddy reviewed that the purpose of this amendment is to set aside funding to cover the Town's share of expenses that may arise as part of the agreement reached with the University of Maryland's School of Public Health. She invited MPT Brittan-Powell to add more information. CM Papanikolas added a point of order indicating that the Amendment needed to be introduced. MPT Brittan-Powell moved to introduce and waive the first reading of Ordinance 185B: AN ORDINANCE TO AMEND THE FISCAL YEAR 2023 BUDGET TO ADD \$100,000 IN ARPA FUNDING FOR AN AGREEMENT WITH THE UNIVERSITY OF MARYLAND. CM Papanikolas seconded. MPT Brittan-Powell stated that the Town does not have our own Public Health Department and that we are looking to develop a community health model, not only to address medical health, but also community relationships. He added that there will be expenses associated with the working relationship and this will provide the funding as it is needed, that this amendment will make the funding available in a timely manner. Mayor Kulpa-Eddy asked that the Ordinance be reformatted to the standard format for

Town Ordinances. With no further discussion, the motion passed unanimously. The public hearing for this Ordinance will be held during the November Town Meeting.

b. Council Meeting Calendar

Mayor Kulpa-Eddy reviewed that every year the Council considers the upcoming proposed meeting dates for the calendar year to address known conflicts. CM Papanikolas stated that while the first worksession of September was skipped in the 2022 calendar, he would like to have that worksession added back in for 2023. TC Friesen shared that she has a known conflict for June 5th. CM Hemby moved to approve the Town Council Calendar as amended. CM Papanikolas seconded. After no further discussion, the motion passed unanimously.

9. Resident & Community Comments

Resident Helen Weinrich on Cunningham Drive stated that she was reviewing materials from a past meeting and asked about the proposal to use some of the ARPA funds for a police station, stating that her understanding of the purpose of ARPA funds is to provide relief to residents. She asked why the Council would take the funds out of the hands of residents to build a police station. Mayor Kulpa-Eddy explained that it would be inappropriate to have a discussion during this resident comments section, but that the purpose of the line item is to consider further study of the project, not to allocate any funding to the building of a police station at this time. Ms. Weinrich stated that she would like to propose that this item be taken to the residents to vote on it.

Resident Claudia Barragan expressed her dismay about the UMD agreement and expressed sadness that the Council was not prevented from taking that step. She sent an email to the UMD School of Public Health asking if they approve or support the allocation of \$100,000 out of resident's hands, stating that the amendment is poorly written and provides inadequate information. She continued that in March of 2022 she submitted a 12-page report requesting \$4,000 and that Mayor Kulpa-Eddy (MPT Kulpa-Eddy at the time) was opposed. She believes that three Councilmembers are "in cahoots" for the proposal. She stated that the Council is misusing ARPA funds and that she believes there will be consequences when "the Feds come knocking". She added that with every amount that is approved, the Council should review the proposal for conflicts of interest and that she hopes that UMD will oppose the Ordinance. She expressed frustration at the \$175,000 not being available to residents yet and that MPT Brittan-Powell has been misusing his Council stipend, which is funded by taxpayers, working on Ordinances. She continued that CM Menjivar has a responsibility to represent immigrants and that she believes that he has not even read the 2021 drainage study done by the County. Mayor Kulpa-Eddy tried to enforce the 3-minute time limit and Ms. Barragan stated that she will be taking the 3-minute limit to Maryland PIA (Public Information Act) to review. Ms. Barragan continued, asking why no funding has been spent on streetlighting and asked Council to really take a look at the "Budget to Year-To-Date" comparisons, expressing concern over the amount of money spent on legal work. She stated that she believes there will be consequences when the audit occurs, also expressing concern over the increase of the audit budgetary line item. She stated that residents expected better of CM Menjivar and to not waste residents time anymore and that it is horrible.

Resident Debby Steele-Snyder asked if leaf collection could be extended into January as leaves have been dropping later in recent years.

CM Menjivar stated he would check. He also asked that residents don't push leaves into the street as they can clog storm drains, but rather keep them at the edge of the yard, above the curb.

Resident David Wolfinger on Ruatan Street stated his support for a 3-minute time limit for

resident comment. He commented that he has noticed an increase in Police Department activity in Town for stop sign runners, but that there is more work to be done. He stated at the last several Council meetings and Worksessions that there have been Town residents calling out Councilmembers and basically slandering them and that it needs to be controlled. He continued that there is a lot that goes on behind the scenes that residents aren't always privy to and that he believes Council is generally doing a good job, despite not agreeing with everything.

Resident Angie Wolfinger on 58th Avenue added that Council takes a lot of crap, and does a good job maintaining composure. She would like to see less bickering on Council. She would also like to see fewer items on the agenda, so the Council could spend more time focusing and making significant progress on items. She also responded to a previous meeting where there was discussion regarding starting a new group similar to the Quality-of-Life Commission that was in place in 2018. She was on that Commission and believes that resident voices have already been heard and rather than spend time developing another group, spend time implementing the suggestions from the 2018 Commission.

Adjournment:

CM Hemby moved to adjourn the meeting. CM Papanikolas seconded. After no discussion the motion passed unanimously and the meeting was adjourned at 8:51 PM.