



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

Work Session Minutes November 7, 2022| 7:00 p.m. Council Chamber

Call to Order

Mayor Jodie Kulpa-Eddy called the meeting to order at 7:01PM. Present were Councilmember Shinita Hemby, Councilmember Faustino Menjivar, and Councilmember Jason Papanikolas. Mayor Pro Tem Chris Brittan-Powell joined the meeting remotely. Town Clerk Melanie Friesen was present; Town Manager Laura Allen had an excused absence.

Approval of the Agenda

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

1. Mayor

a. Announcements

Mayor Kulpa-Eddy reported out the Executive Session that happened prior to the Worksession from 6:00-6:25PM under 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. CM Hemby moved to close the meeting with CM Menjivar seconding. The motion passed unanimously. All Councilmembers were present, with MPT Brittan-Powell attending remotely. During the session Council took action to approved the terms of a personnel agreement.

b. Calendar

Mayor Kulpa-Eddy reviewed the November calendar. Dates for the Legislative Dinner were discussed, and TC Friesen will reach out to fellow legislators to poll for available dates. MPT Brittan-Powell asked for Council to discuss scheduling a meeting with the University of Maryland School of Public Health. This prompted discussion about what the community wants from a needs assessment. Council decided to hold a listening session, with a possible date of November 17th, despite some conflicts.

c. News from the Town Manager

i. Codification Project Update

Mayor Kulpa-Eddy read the update from American Legal that indicated that the codification is likely to be done ahead of schedule.

ii. Community Bulletin Boards

TC Friesen shared the websites of the recommended bulletin boards. Council reviewed the options and expressed that they are leaning toward the option from Treetop.

d. Ethics Code Review recommendations

Ethics Commissioners Alex Lopatka and Diane Beckham reviewed the purpose of the State mandated updates to the Ethics Ordinance. They shared that the ethics

commission recommends adopting the ordinance. Commissioner Lopatka shared that while the State does not require a lobbying section to the Town's Ethic Ordinance, the Commission has included the lobbying section so that there are guidelines in place should lobbying occur. Commissioner Lopatka also reviewed the State Financial Disclosure form that has small changes that the Commission recommends adopting to address the changes to the Ethics Ordinance. Mayor Kulpa-Eddy asked about repetitive language found in Section 4(c) and (c)(1). She also shared that the changes appear to be a consequence of actions taken by other municipalities in the State. CM Papanikolas shared his support for the lobbying section. When answers have been received from the State regarding the duplicate language, the Ordinance will come before the Council again, likely for the December Town Meeting.

e. Resident Comments

Resident Claudia Barragan asked if comments would be held to three minutes collectively or per topic. Mayor Kulpa-Eddy replied that comment time is usually collective, but there is some flexibility.

2. Public Works

CM Menjivar shared that leaf collection has begun on the northside of Pontiac Street, with the southside pick-up beginning the week of the 14th. Leaf collection has been extended to January 7th, weather depending. He reported on the street restoration and praised Director Pudner for his quick response to unsafe conditions left by the street contractor. He also gave praise for Public Works participation in "Trunk or Treat".

3. Administration

MPT Brittan-Powell asked Mayor Kulpa-Eddy to give an update on the Town Manager status. She shared that TM Allen's last day will be November 10th and that a search has started with a consultant for an interim Town Manager who will serve through the end of Budget Season and will be conducting the search for a new Town Manager. Department directors will be helping to cover the workload until an interim has been found. She added that the Town will not have as much Staff capacity to get work done during this time but will be doing the best it can. MPT Brittan-Powell expressed his appreciation for TM Allen's service and also expressed confidence in the administrative staff.

a. Storm Water Management/Ordinance 185-A "Selecting Consultants"

MPT Brittan-Powell expressed gratitude to CM Menjivar for his assistance in this area as well as residents who have given their input. He stated that even larger municipalities hire consultants for work of this magnitude and he would like to set up a meeting with the consultants identified from his meetings and interview them. Mayor Kulpa-Eddy stated that this would need to be advertised and proposals would have to be submitted before a meeting could be scheduled. She continued that an advertisement should be published for 30 days, setting a tentative review in January. There was discussion about piggybacking off of another municipality's selection, with CM Papanikolas expressing that the scope of work needs to be reviewed, to ensure their selection also meets our needs. MPT Brittan-Powell stated that he has a draft proposal that he can share with the Council. CM Papanikolas offered to draft the RFP/RFQ. Resident Jose Valcarcel expressed concern about this discussion, with the implication that the consultants have already been selected and that this is a fake RFP process. MPT Brittan-Powell responded that it was about vetting vendors rather than exclusion. Mayor Kulpa-Eddy also responded that the RFP/RFQ process will be open and encourages residents to share the advertisement once it is published.

4. Code Compliance

a. Flood Survey Results

CM Hemby thanked all the residents who filled out the survey, gave ideas for the survey, and to staff for their help with the survey. She stated that there were 96 respondents to the survey. Of that 96, there were 73 that were directly affected by storms. There were 13 respondents who did not share their contact information with the Town for follow-up. She asked for those who did not share their information to reach out to the Town so that they can be included in the follow-up conversations.

She will be continuing work with Code Compliance to address concerns and ways to ensure homes in Berwyn Heights are safe for occupancy regardless of ownership or tenant status. She also expressed concern about reports of unsatisfactory behavior between residents, including loud voices and aggressive behavior. She asked for anyone who encountered such an incident to report it using 911. She asked that residents be kind. Mayor Kulpa-Eddy echoed her concerns. MPT Brittan-Powell stated that there may be good data to cross reference from the surveys for the work that CM Menjivar and he are doing.

5. Parks, Recreation, Education, and Civic Affairs

CM Papanikolas encouraged participation in the General Election.

a. 50th Council Goals and Objectives Update

CM Papanikolas shared that there were two documents in the packet, one being the project tracker as discussed in a previous Worksession. He asked that Council add their projects to the tracker, and proposed to make it an online document so that Council can keep it up-to-date. Mayor Kulpa-Eddy asked to have discussion regarding the 50th Council Goals and Objectives, including prioritization of those projects so that she can add them to agendas as appropriate. CM Papanikolas shared that the tracker is a project list while the Goals and Objectives is a prospective list. There was discussion about how to rank or prioritize items, as there was a discomfort about ranking or prioritizing the goals championed by other Councilmembers, and how to handle projects that a CM has an interest in championing when the project may fall under another CM's purview. MPT Brittan-Powell also asked for discrete tracking on ARPA projects.

Resident Claudia Barragan spoke asking that residents and organizations who have participated in the project be shown on the tracker. She also would like to see each Councilmember's name by the goals they proposed. She added that some of the goals should be updated, reflecting current Town issues, such as replacing restorative justice in Lakeland with addressing violence and racism in Town. Resident Jose Valcarcel also shared that ranking goals could tell the residents that are involved in those items that their projects are of lower value than others and suggested adding dates of action on the tracker so that it will be obvious if there had not been work done in a considerable period of time. Mayor Kulpa-Eddy stated that goals have steps that need to be captured and knowing next milestones would help with agenda planning. CM Papanikolas will modify the tracker and send it back out to Council for them to fill out their projects, retroactive back to May of 2022 to the extent possible.

b. BH Education Grant

CM Papanikolas shared that they had advertised Round One of the grant. He reported that Berwyn Heights Elementary School sent in an application and would like to have that reviewed and voted on at the November Town Meeting.

Ms. Barragan asked when Round Two of the grant will be open. Mayor Kulpa-Eddy

said it will be in the Spring but no specific date has yet been set.

6. Public Safety

Mayor Kulpa-Eddy reminded residents of the upcoming Team Trivia event on November 18th.

a. BH Natural Disaster Relief Fund Program

Mayor Kulpa-Eddy reviewed that the program and application are the result of edits submitted by herself and MPT Brittan-Powell. She hopes that this will be able to get off the ground soon. There was discussion regarding ensuring that more than one household may be present at an address. There was discussion regarding self-attestation vs proof of different elements of the program, such as insurance. Council had some disagreements about the underlying philosophy of the program. MPT Brittan-Powell asked for clarification on if the funding for this program was part of the vote at the August 19th special meeting. He expressed it was his understanding that the program has already been approved and it just needs to be implemented. CM Papanikolas stated it was his understanding after viewing the meeting video that the funds were allocated for a program to be defined as quickly as possible. Discussion continued around the program philosophy and eligibility requirements.

Resident Claudia Barragan stated that she likes the BHEAC grant application and how it is written, and would suggest using it as a template. She also expressed a desire to have the program name changed from disaster assistance to emergency assistance to help create clarification about the program purpose. She also asked if the funding for this program is coming from the \$175K of reallocated ARPA funds. Mayor Kulpa-Eddy, MPT Brittan-Powell and CM Papanikolas had differing recollections whether this funding was part of the \$175K of reallocated ARPA funds. There was further discussion to ensure that it is clarified where the funding for this program is coming from. Ms. Barragan continued that the where the funding is coming from is important as with large disasters the funds could be depleted quickly.

Mayor Kulpa-Eddy stated that it does not seem like the Council is in consensus about what the program is supposed to entail. Ms. Barragan interjected that it has been three months and no residents have received relief. CM Papanikolas wondered as this is no longer an emergency situation if the priority should be the home retrofit program. CM Hemby asked to prioritize the flood gates and spending the \$175K on fixing homes. She indicated there are a number of projects coming before Council and it would be helpful to develop a focus. MPT Brittan-Powell stated that for this year the disaster/emergency assistance fund will come from the \$175K of reallocated ARPA funds, but in future years would be part of the annual budget. CM Papanikolas will look at the documents and bring them back to Council.

b. BH Home Retrofit Program

MPT Brittan-Powell and Council discussed what was passed on August 19th, with a discussion about what was proposed, passed, and is now required to make the program a reality, including how the application is an essential function. MPT Brittan-Powell expressed that adding the low-to-moderate income limitation is an amendment to the program that was not discussed. Mayor Kulpa-Eddy stated that limitation is a function of the funds being sourced from ARPA.

Resident Jose Valcarcel stated that the renter vs homeowner portion of the application is not applicable, as renters would not be able to make permanent changes to someone else's property. There was Council discussion about if there should be another application for the temporary flood gates or if they should be a part of this application. Mr. Valcarcel expressed concern that the given timeline on the draft application would limit residents to those who want to install backflow preventors. He also expressed

concern that to take advantage of the program residents will need to have permits, time, etc. and that the proposed \$10,000 limit may only pay for the design of the retrofit project, not implementation. He expressed that having a set of pre-vetted vendors that the Town can recommend may speed the program along as well as save residents money in the design process. He expressed that this is a short-term fix when the long-term problem is fixing the road and storm drainage system. He also suggested that the Town could hire a contractor for the design. Mayor Kulpa-Eddy replied the Town providing this service is not part of the proposed program, which is written as a reimbursement grant program. Resident Claudia Barragan stated she believes residents will be able to sue the Town in the future for floods if they don't take advantage of the grant program as the Town is aware of a problem and did not solve it. Mayor Kulpa-Eddy reiterated that the stormdrain system is owned by the County. Mr. Valcarcel suggested that the Town reach out to the 13 people who are known to have flooding and then target a program to fit them.

There was continued discussion whether the program should be a service provided by the Town, or a grant program. MPT Brittan-Powell offered to take the lead and speak to residents and get estimates on what flood doors and windows will cost. He will also write a proposal for contractors. There was discussion on if an RFP/RFQ is required. There was continued discussion about the program description and the application.

7. Adjournment

CM Hemby moved to adjourn. CM Papanikolas seconded. After no discussion, the motion passed and the meeting adjourned at 9:40PM.