



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 February 21, 2023| 7:00 p.m. Council Chamber

Call to Order

Mayor Kulpa-Eddy called the meeting to order at 7:02PM.

Present were Mayor Pro Tem Chris Brittan-Powell, Councilmember Shinita Hemby, and Councilmember Jason Papanikolas. Staff present were Interim Town Manager Peter Jones and Town Clerk Melanie Friesen. Councilmember Faustino Menjivar had an excused absence. Also present were residents of the Town of Berwyn Heights.

Approval of the Agenda

MPT Brittan-Powell discussed the process for adding items to the agenda, as he had submitted items that were not included but will discuss them during his departmental report.

CM Hemby moved to approve the agenda. CM Papanikolas seconded. There was no discussion and the motion passed unanimously.

1. Mayor

a. Announcements

Mayor Kulpa-Eddy reported that CM Menjivar had an excused absence. She reported out on the Executive Session held on February 14, 2023, from 5:25PM to 6:48PM. All Councilmembers were present as was ITM Jones. The meeting was closed under General Provisions Article §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related thereto. The meeting was closed with a vote of 4:1 with MPT Brittan-Powell opposed. There was discussion of several possible locations to house a permanent Police Department as well as possibly providing space for other Town activities. The Council voted 4:1 (MPT Brittan-Powell opposed) to send a "Letter of Intent", indicating that the Town would like to negotiate a contract for a particular property.

MPT Brittan-Powell announced that he has filed an Open Meetings Act complaint, as he believes that most of this meeting should have been a public session. He expressed feelings of frustration and his perception that this was lacking transparency. There were no further announcements.

b. Calendar

Mayor Kulpa-Eddy shared that beyond the current Town calendar, there is a PGCMA meeting on Thursday February 23, 2023, in Laurel that she plans to attend. She asked ITM Jones about the budget listening sessions. ITM Jones shared that there will be two

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listening sessions later in the week with one on Friday, February 24, 2023, and another on Saturday February 25, 2023. The purpose of these sessions is to create space for residents to voice their input into the FY2024 budget planning process. These will be advertised via signs outside the Town Offices and on social media and the Town Website. Council set March 21 and 23, 2023 as additional listening sessions, possibly setting those up in Council Chambers so that they can be hybrid meetings. There was discussion about the upcoming budget worksession on March 4, 2023, as TC Friesen is mostly unavailable during that time. TC Friesen shared that she will be able to help out in the morning but will need to leave before noon.

c. ARPA Funding Update

ITM Jones shared an expenditure document reviewing the accounts that have had funds allocated. There was some discussion about the purpose of each line item. The Council pointed out that the University of Maryland School of Public Health collaboration has not been funded and that the AV upgrade, and the BH Emergency Assistance Fund are not ARPA expenditures.

MPT Brittan-Powell discussed the status of the project with the SPH. Mayor Kulpa-Eddy shared that she sent a list of five items that the Council identified in January but she does not know what the SPH is doing with those. MPT Brittan-Powell stated he believes that it is the Town's responsibility to do the next steps. ITM Jones will follow up with the SPH during the week.

Mayor Kulpa-Eddy identified some items for discussion. She expressed that the expenditures for residential and business support are higher than currently reflected as there are new pending applications, and that these will all likely deplete the funding. CM Papanikolas stated the expectation was that what was not spent in FY22 would roll over into FY23, so the amount available for residential and business relief should be \$60,000 instead of \$40,000. He suggested moving money from the existing line item for non-profits providing housing and food support to the line item for direct residential/business relief. MPT Brittan-Powell expressed his concern about transparency. CM Papanikolas stated that is why he suggested moving funds from line items that have similar goals. MPT Brittan-Powell expressed his opinion that the Town should be consistent with the original understanding that relief would be provided on a first-come, first-served basis. CM Hemby expressed her support on moving funds to the line item for direct support from the line item for non-profits. She clarified the way that the funds for the business grants have been expended. MPT Brittan-Powell indicated that there is still a desire to see food programs in Town. MPT Brittan-Powell expressed that ARPA Funds should really go to residents who need support. Mayor Kulpa-Eddy asked for ITM Jones to make the corrections and updates to his spread sheet and bring it back to Council.

There was discussion regarding transparency regarding the budget. The March 4th Budget meeting will cover both ARPA and General Fund budgets.

ITM Jones stated that he does not believe that the Grants Manager position is required and that it could all be handled in-house. CM Papanikolas stated that a new duty the Council is looking for is the outreach portion of the position. Discussion led Council to determine that the position should be re-labeled as a Community Outreach Specialist and re-advertised.

Council discussed PRECA needs. TC Friesen reviewed a couple of software options to help with grants management.

Council discussed the storm water/flooding line items and ways to go forward on those projects, including outside resources such as the Army Corps of Engineers, and identifying what other infrastructure and County resources are available to the Town. There was disagreement on what the Town needs to do with the County in regard to the latest stormwater study and will need to seek clarification. The watershed study will encompass the entire Town. Mayor Kulpa-Eddy asked if there were any other questions or suggestions.

d. Budget Discussion: ARPA Funding Allocations: combined with the previous discussion.

e. Resident Comments:

There were no resident comments.

2. Administration:

MPT Brittan-Powell asked for Council to consider expanding the Town's Microsoft Office Package to the full suite, or at the very minimum to add Project and possibly Access. There was some discussion about the cost. He also expressed a desire to schedule trainings and education utilizing the trainer recommended by the Maryland Municipal League.

a. Residential Flood Gate Relief Program

MPT Brittan-Powell shared an updated flood gate program application. CM Hemby asked why the application appears to have a section missing (jumps from section 3 to section 5). There was discussion on what was removed and moved to other areas, and the numbering issue will be fixed. CM Hemby asked about the income level question on the application to ensure all residents, regardless of income, will have access to a gate. CM Papanikolas replied that those who are not income-eligible for ARPA payment will be funded out of the Town's General Fund. Council discussed consistency between sections, having each section indicate "property owner" instead of applicant. Mayor Kulpa-Eddy and ITM Jones indicated that they have a meeting the following day with WSSC regarding backflow preventors.

b. Residential Stormwater Mitigation Grant Program

MPT Brittan-Powell stated that if you need more than one flood gate, you could apply for this program to get more. There was discussion regarding the requirement that the mitigation work must be completed before applying. Mayor Kulpa-Eddy stated there had been concern about residents who may struggle to pay for things upfront. There was discussion on the bullet points on the application and ways to clarify which points are for projects pending and which are for projects completed. CM Papanikolas suggested that Council provide feedback before February 24th, so that there could be a rewrite and have the application sent to the Town Attorney for review by March 3rd with the aim to have a March 10th launch. MPT Brittan-Powell pointed out that this "hold harmless agreement" is different from our standard as it was copied from Rockville, and he highlighted some of the differences. There was discussion about the inspection portion of the "hold harmless agreement" and if there were staff that were qualified to conduct such an inspection. It was decided to leave that portion in the "hold harmless

agreement”, as it is basically an inspection verifying completion, not evaluating the quality of work. ITM Jones noted the historical preservation portion and is going to request that the Town Attorney take a special look at that portion.

3. Code Compliance

CM Hemby noted that the Code Compliance office is not the police department and is here to help you stay safe, not to turn anyone in. She reported hearing discussions on social media about the County allowing chickens in R55 zones, but wanted to let residents know Berwyn Heights is zoned RSF65 and chickens are still not permitted in Town. She highlighted that business licenses are only at 60% compliance and since license renewals were due in June 2022, the Town will begin to turn non-compliant businesses over to the County. Mayor Kulpa-Eddy asked if notice will be sent before reporting these businesses. CM Hemby stated that she will seek clarification on that. CM Hemby asked that residents who have an idea or club they are interested in seeing created, to send those to CM Papanikolas, adding that she will be sending her own ideas to CM Papanikolas (an adult soccer club).

4. Parks, Recreation, Education, and Civic Affairs

CM Papanikolas stated that MPT Brittan-Powell has talked with him about some activities. He stated Ordinance 113 guides how new groups in the community are formed. He is working with the Rec Council to formalize a process for it, since things were relaxed during Covid. If you have ideas, come to the Rec Council, but be prepared to help implement your ideas. He reminded all Town Organizations that they are to send a delegate to the Rec Council meetings, reminding them that they get to vote. He hopes to see everyone there.

5. Public Safety

Mayor Kulpa-Eddy shared that there will be a Black History Month Celebration Brunch sponsored by the Cornerstone Grand Council of Masons (with appreciation to the Town and to the Berwyn Heights Karate Club) on February 25 from 2-5PM. She shared about the Maryland Mayors Association Conference that she attended last week. There was an update on State Legislative Priorities, Cybersecurity, Economic Development and Emergency Response as well as training on First Amendment Audits and Advocacy. She met with State Senator Washington and Delegates Healy and Williams and was told that our third delegate will likely be Ashanti Martinez who hosted a meal give-away in Town after the storms of last summer. He is awaiting appointment by the Governor. Mayor Kulpa-Eddy reviewed the potential State legislation regarding police accountability boards and the legalization of cannabis, and further reviewed several bills that are of interest to the Town, including SB229 on the use of noise abatement monitoring systems and HB353 which permits the use of monitoring systems to record violations of traffic control devices (e.g, stop sign cameras). SB813 is the Flood Management Grant Program which would give \$20 million for Counties and Municipalities to deal with flooding, setting aside 40% of the funding for underserved and overburdened communities. This bill had a scheduled hearing on Thursday, February 23rd. HB313 would give \$50 million statewide for the construction of public school stadiums. This was discussed as Parkdale High School has need of athletic fields, with a senate version having a hearing on March 8th. She asked for general consensus on the drafting of letters of support for these bills, particularly the Flood Management Grant Program and the public school athletic stadiums.

6. Public Works

There was no Public Works report.

MPT Brittan-Powell stated that he forgot to mention to CM Papanikolas that young adults are often overlooked in Berwyn Heights and reported that the organization “Bark Social” is looking to open a facility in either Greenbelt or College Park and may be open to operating a mini-park in Town. CM Papanikolas asked for contact information so that he could explore the options available.

7. Adjournment

CM Hemby moved to adjourn the meeting. CM Papanikolas seconded. With no discussion the motion passed unanimously, and the meeting adjourned at 9:16PM.