



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 March 20, 2023 | 7:00 p.m. Council Chamber

Call to Order

Mayor Kulpa-Eddy called the meeting to order at 7:22PM. Present were Mayor Pro Tem Chris Brittan-Powell, Councilmember Faustino Menjivar and Councilmember Jason Papanikolas. Also present were Interim Town Manager Peter Jones and Town Clerk Melanie Friesen. Councilmember Shinita Hemby had an excused absence.

Approval of the Agenda

MPT Brittan-Powell moved to approve the agenda. CM Menjivar seconded. With no discussion the motion passed unanimously.

1. Mayor

a. Announcements

Mayor Kulpa-Eddy reported out on the Executive Session that happened immediately prior to the worksession. Council met in open session at 6:30PM and moved into Executive Session at 6:40PM with a vote of 3:1, with Mayor Kulpa-Eddy, CM Menjivar, and CM Papanikolas in favor of closing the session and MPT Brittan-Powell opposed. The meeting was closed under General Provisions Article §3-305 (b)(1) the personnel exemption to discuss Resident of the Year and (b)(3) to discuss the acquisition of real property for the Town. Also present in the Executive Session was ITM Jones. The property discussed was for the purpose of a permanent location of the Police Department. There was a motion and a vote to submit a letter of intent on a piece of property. The vote was 3:1, with MPT Brittan-Powell opposed.

CM Menjivar shared that resident Steven Tote, who CM Menjivar coached as a youth, fell off a roof and was in the hospital with extensive injuries. CM Papanikolas shared that the team that CM Menjivar coached is still going strong and is playing in a tournament. MPT Brittan-Powell shared his appreciation to all who came to help when there was a fire at his home over the weekend. He stated it was not lost on him that the fire was on the 19th which was 7 months to the day after Council passed programs to help the community in times of tragedy, but that they have been held up by administrative delays. He also shared about his hopes to have programs and activities outdoors as Spring is coming.

b. Calendar

Mayor Kulpa-Eddy shared that there is a budget listening session on March 21st and 23rd upstairs in the Town Center from 6-8PM and another immediately prior to the Town

Meeting on April 12 at 6PM. CM Papanikolas highlighted the Stormwater Fair on April 1st from 10AM to 12PM in the Town Hall parking lot.

c. DHCD Sustainable Communities Submission

Mr. Carter Reitman from the Maryland Department of Housing and Community Development joined the meeting remotely. He shared that his office has been able to provide technical assistance for the renewal application. The action plan was developed by the Sustainable Communities Workgroup and will serve as the basis for competitive grants that the Town may be interested in pursuing over the next 5 years. Code Compliance Director Hollyce Goodwin gave an overview of the categories included in the action plan: Environment, Transportation, Quality of Life, Housing, and Economic Development. She shared a few highlights from each category. Mayor Kulpa-Eddy noted that one of the weaknesses discussed in transportation was the discontinuation of the Call-A-Bus program and stated that the vehicle was still available, but we would need to ask Greenbelt to bring it back to Berwyn Heights. MPT Brittan-Powell asked how we could avoid duplicating this effort, with this being a State program and there also being other programs at the local and County level. Mr. Reitman stated that there would need to be coordination and focused on this not being a zoning plan. Mayor Kulpa-Eddy stated that this is an umbrella document for a particular funding source. CM Papanikolas added that it has the potential to be the beginning of a strategic plan with a nice framework for a lot of the issues we have in Town. Mr. Reitman stated that the action plan is really the meat of the document. He added that there are categories with both very specific language and some with very broad language. In terms of applying for grants, the Town does not have to have the details in the action plan, the grant just needs to support moving the Town in the direction listed in the action plan. He also shared about the circuit rider program that would allow the Town to partner with another small municipality to pay for a grant writer. Mayor Kulpa-Eddy asked about the next steps for the application renewal process and Mr. Reitman laid out that after the Council approves the application, it will go to the DHCD team to review and then the Smart Growth Subcabinet which is staffed by the secretaries of the various agencies that manage the Sustainable Communities program. He mentioned that this subcabinet may make suggestions before approving the application. Once approved by the State, the Town would have 5 years of eligibility for grants. Mayor Kulpa-Eddy would like to have this ready for Council vote at the April Town meeting. The Town would keep eligibility until February of 2028. CM Papanikolas would like to have this back on April 3rd after Council has had more time to look at the action plan. MPT Brittan-Powell asked about the bare minimum for staffing to make this happen. Mr. Reitman mentioned the circuit rider program which can provide operating assistance to small communities. Mayor Kulpa-Eddy shared that the Town Manager has been the one responsible for ensuring the action plan items are being completed. Previously there was periodic review by Council to determine what was being done and by who on the action plan. Council discussed the value and process behind adopting the action plan as a strategic plan for the next five years.

d. Codification Project Update

Mayor Kulpa-Eddy led a discussion reviewing the questions that American Legal, the company that the Town has hired to complete the codification project, had sent in. Council took time to discuss a number of the questions and while several of the

questions were answered, the Council requested that the Town Clerk ask for an extension to complete the review.

e. Vehicle Reserve Fund

Mayor Kulpa-Eddy reviewed that only recently has there been an updated reconciliation on the vehicle reserve fund. There were a number of vehicles that were purchased in the past few years where the expenses were not reconciled on the account. MPT Brittan-Powell asked about where the breakdown happened and how these errors were made. CM Papanikolas suggested that it likely happened during the turnover between Town Treasurers in 2019, where the current Treasurer may have not been told about the spreadsheets to update them. He also added that the audited numbers from FY20 and FY21 were not added to the spreadsheet, which is what Council uses to make its budget decisions. There was discussion about police vehicles being purchased out of the reserve fund without revenue being credited to the reserve fund. Mayor Kulpa-Eddy and MPT Brittan-Powell noted that it is a complicated issue which needs clarification. Ultimately, the spreadsheet needs to be updated with both police and public works vehicles being accounted for. Mayor Kulpa-Eddy emphasized that there will be hard decisions to be made over the next few years as the reserve fund is rebuilt.

f. ARPA Budget Update

MPT Brittan-Powell shared that it is his understanding that the ARPA budget is not required to be on the same fiscal year as the Town is. There was discussion regarding when the budget needed to be completed by. Mayor Kulpa-Eddy stated while there are a number things that we won't know by April, we should plan ahead for the things we know will be needed. ITM Jones stated that there were a number of line items in the current approved budget that were not used or well utilized. He had a number of suggestions on how to increase or reduce specific line items and add some possibilities for new line items including a police station, vehicles for the Police Department and Public Works, Community Engagement, funds for the School of Public Health, and the scholarship fund for high school students. MPT Brittan-Powell asked ITM Jones about why he is suggesting using ARPA funds for items that could be regular budget items, as well as not following the Res. 5-2022 which establishes accounting methods. ITM Jones explained that with ARPA allocations of under \$10 Million, there was a considerable amount of leeway given to communities, including helping with immediate needs, as well as long term planning. MPT Brittan-Powell disagreed, stating that the ARPA funds are to be used for the long term needs of the community. CM Papanikolas shared that Town reserves do not tend to get larger, they tend to stay the same or get smaller and that is the only money that keeps the Town from needing to do a special tax assessment. MPT Brittan-Powell stated his position is that the Town should be run as though ARPA doesn't exist. CM Papanikolas stated that you cannot hold a current Council to what a previous Council passed as a resolution. Mayor Kulpa-Eddy stated that we cannot put the money in the vehicle reserve fund, but we can buy the vehicles out of ARPA money. CM Papanikolas stated that he is not comfortable with this level of spending nor is he comfortable with allocating \$1million of ARPA funds for a police station when the estimates on a stormwater master plan are about \$1million as well. Mayor Kulpa-Eddy stated that much of the money for the stormwater project should come from the County, as it is their system. CM Papanikolas stated if the County comes through on that funding, then he has no problem spending the money on a police station.

Mayor Kulpa-Eddy expressed concerns that there would not be enough time before the end of ARPA to complete a major stormwater project and that the Town would lose the money altogether. She also stated that she does not want to spend ARPA money on things that County should be paying for. CM Papanikolas stated that if giving \$1 million of the ARPA funds helps move the Town to the top of the County list, it would be worth it. MPT Brittan-Powell stated that we have not tried to get other sources of funding for the other items as well. CM Papanikolas stated he believes that ITM Jones is on track with his funding suggestions with the current ARPA programs. CM Papanikolas stated that one of the problems is that we are looking at annual allocations for the grant, when it should be considered for the lifetime of the grant. Mayor Kulpa-Eddy expressed concern that since our current ARPA funding is on the fiscal year, that if we don't pass a budget in May, come July we won't have access to funds. Mayor Kulpa-Eddy suggested that Council pass an ordinance for an 18 month schedule of funds, that is introduced in May and passed in June.

g. Resident Comments

There were no resident comments.

2. Code Compliance

Mayor Kulpa-Eddy shared on behalf of CM Hemby that the residents who appealed their Code Compliance violations at the March Town Meeting have made noticeable improvement, but that Code Director Goodwin is still looking for a bit more work in one area.

3. Parks, Recreation, Education, and Civic Affairs

CM Papanikolas stated that the Green Team has some questions that the Town should address soon. One is to determine if there is anything that the Town can do to help with stormwater run-off with the new tenants in the old Staples building. Mayor Kulpa-Eddy stated she does not think the Town has any leverage with the property owners, as they are not requesting a change in zoning or changing the footprint of the building. MPT Brittan-Powell mentioned that with a grocery store coming into Town he'd like to revisit the plastic bag ban. There was discussion on the status of a plastic bag ban in neighboring communities. CM Papanikolas shared the Green Team's request for some guidance on the location of the pollinator garden that is part of the Bee City requirements. There is limited public land and some areas are not ideal for the introduction of bees. He asked that there be a discussion on in-town composting in the first June worksession.

4. Public Safety

Mayor Kulpa-Eddy shared that there was a shed fire in Town over the weekend and there were concerns about why the Berwyn Height Volunteer Fire Department and Police Department did not respond. She inquired and was told they had already been dispatched to a vehicle accident with injuries.

5. Public Works

CM Menjivar shared that they are getting their inventory done for Berwyn Heights Day. They are also preparing the upstairs to get ready for the pancake breakfast.

6. Administration

MPT Brittan-Powell shared that he is grateful for all the people who have helped and responded during the fire and aftermath. He also stated that the stormwater realities are not gone and there is still a lot of unfinished business to accomplish. He has been going through the audit reports and where the Town spends its money and the Town is not spending money on recreation which is such a critical part of the community. He would like to see that priority reflected in the budget.

a. Residential Flood Gate Relief Program Application

The Town Attorney had concluded her review of the application and the Council reviewed her comments and the application one final time. The consensus was it was ready to be released. TC Friesen will post it to the website once it has been translated into Spanish. MPT Brittan-Powell stated that there is still an outside possibility that the Town may be able to get some help from WSSC on a very limited basis.

7. Adjournment

MPT Brittan-Powell moved to adjourn the meeting. CM Papanikolas seconded. After no discussion, the motion passed unanimously, and the meeting adjourned at 9:28PM.