



Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
Fax (301) 474-5002

MAYOR
Jodie Kulpa-Eddy

COUNCIL MEMBERS
Christopher Brittan-Powell (Mayor Pro Tem)
Shinita Hemby
Faustino Menjivar
Jason W. Papanikolas

Work Session Minutes March 6, 2023 | 7:00 p.m. Council Chamber

Call to Order

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

Approval of the Agenda

CM Hemby moved to approve the agenda. CM Menjivar seconded. With no discussion, the motion passed unanimously.

1. Mayor

a. Announcements

Mayor Kulpa-Eddy shared that the Executive Session scheduled to follow the March 4, 2023 Budget Worksession was not held.

b. Calendar

Mayor Kulpa-Eddy shared there are two additional budget listening sessions scheduled for March 21 and 23 from 6-8PM. Council rescheduled the missed Executive Session for 6:30PM on March 20, prior to the Worksession. Mayor Kulpa-Eddy reviewed a number of items that need to be accomplished before the April Bulletin deadline, including determining if there is consensus to have a Constant Yield Tax Rate Hearing in April. MPT Brittan-Powell asked about adding stormwater management as a regular part of the budget and to consider a special tax to fund this undertaking and the additional burden that it would place on both Code Compliance and Public Works. Council decided to add a second special budget worksession on Monday the 13th of March, as there is normally a budget proposed by the Town Manager for their review at this time and they are somewhat behind. There was discussion on the possibility of a special tax being added during this budget planning cycle or if that was something that should be saved for the next budget cycle, to provide more time to do research on it. Mayor Kulpa-Eddy asked Council to review the Maryland Municipal League Summer Conference dates to determine if they are able to attend as registration is opening soon. MPT Brittan-Powell asked to do a budget listening session prior to the April Town Meeting (April 12) at 6PM as the Budget Summary will be part of the April Bulletin and people will have had a chance to review it.

c. Codification Project Discussion:

Mayor Kulpa-Eddy reviewed the purpose and plan regarding the Codification effort, highlighting that the project makes the Town Code searchable and easier to locate information about Town regulations. American Legal, the publishing company, has found some issues that need to be responded to. She asked if there was any concern with her assigning each person/department an area of review. Council and staff agreed to each take an area as assigned. The goal will be to bring back each section to the March 20th worksession for review with possible proposed changes.

d. DHCD Sustainable Communities Update

Code Compliance Director Hollyce Goodwin reviewed the status of the Sustainable Communities renewal application. She reviewed the membership of the workgroup that is working on the renewal process. She shared that the Department of Housing and Community Development (DHCD) requests that the Town focus on weaknesses that we have control over rather than areas that will remain out of the Town's control and ability to improve. She highlighted that funds need to be spent on brick and mortar development, but DHCD is willing to help the Town source grants for non-brick and mortar projects such as transportation options. She shared that the Town is past the deadline for renewal, but since the Town does not have any active grants in process or projects pending, we are still in good shape for DHCD acceptance of our renewal. The Town would then be eligible to apply for grants in FY24. Director Goodwin reviewed some of the projects that are currently on the action plan. She shared that there is a plan to put the current renewal before the workgroup, gather their suggestions, and bring it back to the Council for the March 20 worksession.

e. Small Cell Facilities Discussion, Ord. 125 Background

Mayor Kulpa-Eddy reviewed that the Council had a presentation from Crown Castle at the February Town Meeting. She has put together a memo on the historical aspect of the issue. She added that former TM Broadbent developed a good memo on a municipality's oversight role regarding small cell facilities, as the federal government limited their capacity to affect what happens within their boundaries on this matter. She added that once an application has been made there is a timeline that must be adhered to. Ordinance 125 was created to regulate small cell facilities in Town to the extent allowed. There are a number of items that need to be addressed. For instance, vendors must apply for a permit through the Town, but the Town does not yet have an application for a permit. There are some specific issues that may need to be addressed such as line of sight, health, and privacy concerns. She reviewed the Town can hire a third party to be the subject matter experts on the application process and that their fees could be added to the expense of the permit. She added that the Town has the option to hold public hearings on the applications and that all residents within 300 feet of a proposed site need to be notified. MPT Brittan-Powell thanked the Mayor for all her work on this. Director Goodwin added that there are companies who are interested in doing what is called "make ready" work for the small cell facilities. MPT Brittan-Powell expressed concern about the installed facilities limiting the Town's ability to offer future broadband infrastructure. Mayor Kulpa-Eddy stated that the Town can request a plan prior to the application so that all aspects can be reviewed before the clock starts on a formal application. ITM Jones will work with Town Attorney Ferguson

on a permit application and licensing agreement process.

f. WesBanco Official Signers, Debit Cards

Mayor Kulpa-Eddy reviewed an email from Town Treasurer Lightfield regarding the official signers on the Town's bank accounts. WesBanco has several former Councilmembers and staff as signers. Council determined that the official signers on the accounts should be the current Councilmembers: Jodie Kulpa-Eddy, Chris Brittan-Powell, Shinita Hemby, Faustino Menjivar, and Jason Papanikolas. In addition to the Council, ITM Peter Jones is to be a signer. To be removed as signers are Amanda Dewey, Ethan Sweep, and Laura Allen.

There was no update on debit cards for Town Organizations. Mayor Kulpa-Eddy asked that this be addressed in the Treasurer's report for the Town Meeting.

g. Town Manager Search: Update

ITM Jones reviewed the memo he provided immediately prior to the meeting. He received two very similar proposals from GovHR and from the Mercer Group in response to the RFP. He shared his slight preference that the Council choose the Mercer Group, as their costs are slightly lower as well as their being known to the Town. He shared that he sent solicitations to other recruitment organizations but received no response. There was discussion regarding the delay from MML in posting the RFP and if the period should be extended in order to have options for more responses. CM Hemby expressed her belief that this position is critical to the Town and should not be delayed. ITM Jones will reach out to two other recruitment firms to determine if they can submit a proposal by Wednesday for Council review. The Council will vote to choose a firm at the Town Meeting.

h. Resident Comments

There were no resident comments.

2. Code Compliance

CM Hemby shared that on March 5th she was able to meet with several residents who have homes near them that consistently exhibit Code violations. These residents expressed concern about what is going on in these homes, as there have been repeated, egregious violations such as public urination and noise issues. She stated there are a few landlords who are not being professional. She also reviewed that Ordinance 114, governing Peace, Order, and Nuisances has not been updated since 1992 and she will be seeking to update the ordinance to impose significant fines. Mayor Kulpa-Eddy asked residents to also report these activities to the Police Department since some issues, such as public urination, are arrestable offences. MPT Brittan-Powell asked about the structure for a repeat offender losing their rental license. Director Goodwin reported there needs to be process review on this as well. MPT Brittan-Powell stated the Chief of Police has said previously that there is a link between homes with police calls and homes with Code violations. CM Menjivar stated that he would like to have Public Works be aware of trash on the street from parties as he's received comments on waste left at certain intersections after a weekend. MPT Brittan-Powell asked about parking permits and ways to limit the number of vehicles that could be at a property.

3. Parks, Recreation, Education, and Civic Affairs

There was no PRECA reports.

4. Public Safety

Mayor Kulpa-Eddy stated that she will give her report at the Town Meeting. MPT Brittan-Powell asked about the status of the UMD School of Public Health partnership. Mayor Kulpa-Eddy stated a meeting has been scheduled with them in April. MPT Brittan-Powell expressed his concern that that this will not be done in time to reflect any budgetary requirements in the FY2024 budget. Mayor Kulpa-Eddy stated that the ARPA budget is more flexible than the General Fund and PSTD budgets. CM Hemby asked if ARPA eligible general fund items will be up for discussion at the Special Budget Worksession on March 13th. There was further discussion on the flexibility of ARPA funds.

5. Public Works

CM Menjivar shared that the new trash truck has been purchased and will be out on the streets very soon. He stated there will be a new kitchen floor installed in the Senior Center on March 9th.

6. Administration

MPT Brittan-Powell reviewed a number of topics briefly including BarkSocial dog parks, a desire to update the Town Microsoft Office Suite, Town Council training, and working with the UMD students to help facilitate awareness on the stormwater projects in the Town. He expressed a desire to see the Council address housing security needs as well as possible collaboration with existing programs. He thanked ITM Jones for his work on the stormwater relief application and sending it to the Town Attorney. He expressed a desire to address cross-property water management. He also stated that he would like to bring the backflow inhibitors back into the stormwater grant as WSSC will not be working with residents on that matter. He has had preliminary discussion with the Army Corps of Engineers on the Town Watershed issues and they have expressed a desire to collaborate. Mayor Kulpa-Eddy asked if this discussion was for the entire Town watershed evaluation, as the Town does not own the storm drain system and that would be a County project. MPT Brittan-Powell confirmed that his understanding is that it is a Town-wide collaboration, not just on the storm drains.

a. Residential Floodgate Relief Program Application

ITM Jones shared the most recent version of the Floodgate application. Mayor Kulpa-Eddy asked for there to be one additional clarification: the address needs to be the property address, not the address of the homeowner, as the homeowner may be a landlord living outside of Town. CM Hemby asked if the application will be in Spanish. TC Friesen said that once the application is complete and approved it will be sent to a document translator.

b. Stormwater Mitigation Grant Application

This application was not available yet.

7. Adjournment

CM Hemby moved to adjourn the meeting. CM Menjivar seconded. In discussion, MPT Brittan-Powell asked for clarification on the Constant Yield Tax Rate and publishing the advertisement. He also asked about the possibility of adding a special tax to fund stormwater management. That discussion resulted in the consensus that review of that option will begin after this budget season as a possibility for FY2025. With no further discussion, the motion to adjourn passed unanimously and the meeting adjourned at 9:06PM.