



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 April 17, 2023 | 7:00 p.m. Council Chamber

Call to Order

Mayor Kulpa-Eddy called the meeting to order at 7:00PM.

Present were Mayor Pro Tem Chris Brittan-Powell, Councilmember Shinita Hemby, and Councilmember Jason Papanikolas. Councilmember Faustino Menjivar arrived at 7:04pm. Also present were Interim Town Manager Peter Jones, Town Treasurer Mike Lightfield, Town Clerk Melanie Friesen, Code Compliance Director Hollyce Goodwin, and Director of Public Works Brad Pudner as well as residents of the Town of Berwyn Heights.

Approval of the Agenda

CM Papanikolas moved to approve the agenda, MPT Brittan-Powell seconded with an amendment to move the resolution on the police department funding to earlier in the agenda. Council discussed the proposed amendment. The agenda, as amended was approved unanimously. The resolution will now fall after the ARPA Budget Development as item 1g.

1. Mayor

a. Announcements

Mayor Kulpa-Eddy stated that there had been a fire at the Paramount building near McDonalds on Greenbelt Road. There is likely only smoke damage but will keep residents informed if more information arises. She also wished her husband a happy birthday.

MPT Brittan-Powell wished everyone a happy Tax Day. CM Papanikolas shared condolences to former MPT James Wilkinson on the death of his father and shared the service details. CM Hemby stated that Code Compliance will be working with residents who wish to participate in "No Mow April". She explained this activity is a national initiative to support pollinators. MPT Brittan-Powell stated that the Green Team is facing some difficulties and shared his high regard for former Mayor Amanda Dewey.

b. Calendar

Mayor Kulpa-Eddy highlighted the time change for the upcoming budget worksession and the continuation of the Town Meeting. She also reviewed the upcoming PGCMA meeting and Four Cities Meeting.

c. Codification Project: Code and Police Review

Mayor Kulpa-Eddy reviewed the purpose and function of the Codification process.

Council discussed proposed changes with Director Goodwin. The highlight was that many of the questions regarded the fees and fines schedule. Mayor Kulpa-Eddy reviewed the responses from the Police Department submitted by Lt. Unger as no representatives were available. She noted that they had provided some specific details that she does not believe should be in the ordinance, such as the size of the police force or how it is managed.. Mayor Kulpa-Eddy noted that due to changes in State legislation, the police department is no longer subject to the Law Enforcement Bill of Rights and there are changes for how a trial of an officer proceeds. Lt. Unger's submitted document stated that the Police Department does not have a manual, but rather a set of General Orders and Policies and Procedures and the language should be updated to reflect that. He also responded to a question regarding the Nuisance Ordinance prohibiting vulgar language. He believed that this would be infringing on a person's constitutional rights. The updates will be made. MPT Brittan-Powell asked about vulgar language directed at employees being considered "abuse" and would like to see if there is something that can be put into an ordinance that would prohibit that. The Town Attorney will be asked about this possibility.

d. FY24 Fees and Fines Schedule

Mayor Kulpa-Eddy asked ITM Jones to review the Fees and Fines schedule. He shared that Code and Police Departments had updated a few amounts for fines and fees. CM Hemby stated that she has had residents reach out regarding noise issues in rental properties and would like to see if there is a way to address those and make fines stricter for landlords. There was discussion regarding how landlords have a responsibility to ensure their tenants abide by Town Ordinances, or they may lose their rental license. MPT Brittan-Powell asked about the number of complaints or violations that must be substantiated before a license would be revoked. Director Goodwin reviewed the process for violations from a Code perspective. CM Hemby highlighted how families have been adversely affected by the noise. Council noted that noise violations have a two-pronged approach, one from the Police Department and the other from Code Compliance. Director Goodwin stated that Code is working with the Police to solve the problem. There was also discussion to ensure that both departments have certified decibel meters. CM Hemby was satisfied with the fine under Ordinance 120, Public Nuisance Violations but expressed that she would like to ensure that this does not happen to other residents.

ITM Jones reviewed that there are no changes to the fee schedule. These are the fees that cover the cost of doing the work or obtaining the license or permit. There was Council discussion on bulk refuse collection as there have been complaints about the amount of bulk refuse some residents set out. Director Pudner reviewed that residents are allowed to put out 3 cubic yards of trash and explained how much that really is. He also stated that there are a few incidents where residents have been charged for excessive pick up. He highlighted that Public Works cannot take waste from a major renovation, only minor renovations, and is unable to accept bricks or concrete.

e. FY23 Budget Amendments

ITM Jones reviewed that there are three proposed budget amendments for FY23. These are to cover the costs for the severance pay for the former Town Manager, for the cost of a consultant to search for a permanent Town Manager, and to cover the \$10,000 for floodgates that will not be funded by APRA. There was discussion on where the

funding for these amendments will come from. Consensus was to reallocate money currently approved in the FY23 budget for the floodgates, negating the need for an amendment. As an aside, it was determined that ITM Jones will review the floodgate applications. There was discussion about the dollar amounts needed for the amendments for the consultant and severance pay. There was also discussion if an amendment would be needed for the forthcoming teen and young adult volunteer program. It was determined that this money could also be reprogrammed from the same line item being utilized to fund the floodgates.

f. FY24 Employee Compensation, Department Reorganization, Merit and COLA Increases

ITM Jones reviewed that there were several different recommendations and requests for employee compensation. He stated that he was proposing a 2% COLA for all employees. He noted that separate compensation packages (3% and 6%) were requested by the Police Department. He also reviewed the proposed reorganization for Public Works employees with the purpose of ensuring that employees are compensated for skill sets that are not accounted for in the current personnel structure. MPT Brittan-Powell expressed concern about remaining competitive and keeping employees. CM Hemby asked if there was a way to use ARPA funding to award employees who performed well during the summer emergencies. ITM Jones stated it is his understanding that once ARPA money has been used for this designated purpose it cannot be reused for that again and premium pay has already been given to staff. There was discussion regarding the additional expectations for Code and Public Works for stormwater management. There was discussion about the need to set a COLA so that the budget can reflect accurate salaries. There was discussion about merit increases, however without a permanent Town Manager, neither Administration nor Department Directors have received evaluations, making them ineligible to receive a merit increase. CM Hemby disagreed with the assessment that Administration or Department Directors should be ineligible for merit increases. ITM Jones reviewed several salary scenarios and how the tax rates will affect the funding for salaries. Without merit increases, a 4% COLA was proposed to be more equitable for all employees. CM Menjivar spoke regarding the proposed reorganization; several employees have been with the Town for a long time and have skill sets that should be recognized. Director Pudner was invited to explain his proposal. With the departure of the Foreman, several employees have filled that role in various ways. He reviewed the ways that Public Works was out of compliance when he came on board, and they have been working to get the department in compliance. He believes that the proposal would move the department out of survival stage. There was not consensus to move forward with the reorganization at this time as it was felt there was not enough data, including what other municipalities are paying for these skill sets. Staff will do some preliminary research, and this will be added to the special worksession agenda later in the week.

g. 18 Month ARPA Budget Development

ITM Jones stated that he is going to plead with the Council to use ARPA funds to purchase items that the Town needs, as well as to offset some of the costs in the general fund. He also proposed setting aside funds for the purpose of a grant match with the Army Corps of Engineers on stormwater management and to encourage the County to be more involved in fixing the Town's drainage system. CM Hemby proposed that the

permanent location for the Police Department be taken off the ARPA budget, citing resident comments at past meetings, and a rumor that Chief Antolik does not support this. Mayor Kulpa-Eddy refuted the claim that Chief Antolik does not support a permanent location for the police department; in fact, he believes paying rent is a waste of taxpayer money but the ultimate decision is not his to make, it is up to Council. MPT Brittan-Powell echoed CM Hemby's sentiments. Discussion occurred about the value of keeping the building in the budget, but unfunded. MPT Brittan-Powell stated a resolution to use traditional funding sources for a building can always be overturned if needed. Ultimately, the conclusion was to remove the Police Department from ARPA funding consideration. ITM Jones expressed concern about stormwater projects being able to be concluded in a reasonable period of time. CM Hemby asked that the residents be given the opportunity to speak on the subject, as they have been waiting.

Resident Michael Bloom of 8717 63rd Ave stated that it is extremely rude to keep residents this long to make comment. He stated it is up to the Town to manage stormwater and it is shameful that in this proposal there is a total of \$175,000 allocated to protecting the Town from the next super storm. He added that \$1.5 million should be spent on mitigation, installing trenches, and an infiltration system as well as capturing the 40-50,000 gallons of rainwater that runs off the roofs in Berwyn Heights annually. He stated it is shameful to spend \$1million on a police building that the Chief says isn't necessary. He stated that the Mayor is seeking a legacy project. He stated that the idea of a combined community center with police department would not be safe or desirable. He stated that the Mayor has not prioritized stormwater. He added that the Town is watching and requested the ARPA money be spent on stormwater mitigation.

Resident Paul Kavanaugh of 6019 Berwyn Road thanked everyone for their serious deliberations. This is the first time he's seen the budget. There are lots of rumors in Town and he wishes the Chief was here and hopes he will be present on Thursday. He thought that Director Pudner's presentation was moving, that these are the people we see and are ambassadors for the Town. He wondered if the Town could save money by only picking up trash once a week. He appreciated the transparency of the Council and has written several emails to Council. He would like to have an answer to the rumor about the police not patrolling overnight. He shared his families experience with the Boys and Girls Club and encouraged Council to consider spending more money there to improve after school programs.

Council resumed discussions of the ARPA budget including community enhancements, and needs for the Boys and Girls Club.

Resident Jeff Knutson called and applauded Mr. Bloom and Mr. Kavanaugh as well as echoing concerns about spending on a police building, stating that funds should be spent on stormwater and general Town improvements. He thanked Council for all their work. Council resumed conversation and focused on community engagement. MPT Brittan-Powell asked about systematically organizing ARPA priorities. CM Papanikolas offered to revamp the ARPA priorities sheet as well as having a Council "Principles List" to guide prioritization. CM Hemby stated that the largest priority is still stormwater management, but community engagement is also important.

CM Papanikolas moved to waive the rest of the agenda and adjourn. CM Hemby seconded. Council discussed how that would affect the Thursday Worksession. With no further discussion, the motion passed unanimously, and the meeting adjourned at 10:18pm.

