



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 August 21, 2023 | 7:00 p.m. Council Chambers

Call to Order

Mayor Jodie 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 had an excused absence. Staff present were Interim Town Manager Peter Jones, Town Clerk Melanie Friesen, and Town Treasurer Mike Lightfield. Board of Elections Chief Judge Sharmila Bhatia was present to discuss the Election Ordinance proposed changes. Also present were residents of the Town of Berwyn Heights.

Approval of the Agenda

CM Hemby moved to approve the agenda. CM Papanikolas seconded. In discussion Mayor Kulpa-Eddy suggested reordering the agenda to discuss the Code Compliance "Pet Waste" item and ARPA items earlier in the meeting, moving them to 1.d and 1.e respectively. CM Hemby moved to approve the agenda as amended. CM Papanikolas seconded. With no further discussion the motion passed unanimously.

1. Mayor

a. Announcements

Mayor Kulpa-Eddy reviewed that there will be a National Senior Citizens Day celebration hosted by the Berwyn Heights Police Department on August 22. The Seniors will also be hosting a get-together in honor of ITM Jones on August 29th. She also shared that resident Mrs. Jeannette Enderson is in the hospital.

b. Calendar

Mayor Kulpa-Eddy reviewed the upcoming calendar, highlighting that the September 5th Worksession will have the first part of the meeting dedicated to an ARPA Budget Listening Session. She also noted that the Maryland Municipal League Fall Conference will be in College Park this October and encouraged all of Council to attend.

c. Election Ordinance (109) Changes

Chief Election Judge Sharmila Bhatia covered Election Ordinance 109 section by section to highlight the proposed changes from the Board of Election Supervisors and Town Clerk Melanie Friesen. The proposed changes include moving the election from the first Tuesday in May to the second Tuesday in May. The reason for this change would be to try to increase engagement with voters during Berwyn Heights Day, which is the first Saturday in May. However, this would require a Charter Amendment. Secondly, the State passed HB1200 which sets rules for the compensation of election judges working at local (County) boards. The suggestion is to increase compensation to

be in line with this new law. She also highlighted that judges who receive elective training by volunteering at the County level would receive \$50 for that training. Ms. Bhatia reviewed a proposal to add a section enabling the Board of Election Supervisors to set early voting hours. This would be worded so as to make it optional, rather than mandatory, as there would likely need to be an increase in election judges to accommodate that change. Also noted is a set date to begin accepting candidate applications (the second Tuesday in January). MPT Brittan-Powell asked about ways to make Election Day less arduous for the judges and about voter eligibility. CM Papanikolas asked about the cost of an all-mail election (approximately \$4700). Mayor Kulpa-Eddy would like clarification on the timeline for a candidate to withdraw before they are publicly announced. She also suggested designating common locations where candidates could post their election signs, which would have the potential to reduce campaign costs and perhaps encourage more residents to run for office. Council, Ms. Bhatia, and TC Friesen reviewed the timeline to have the ordinance to be amended before the next election. The ordinance will be reviewed at the September 5th worksession with hope that it can be introduced at the September Town Meeting.

d. Code Changes for Pet Waste Management

CM Hemby reviewed that there have been a number of recent complaints from residents about pet waste not being picked up by pet owners. Code Compliance Director Hollyce Goodwin stated that pet waste is addressed in Ordinance 101 (Animals) and while there is a requirement to pick up pet waste there are no fines associated with failure to do so. Director Goodwin reviewed that the County has set fines at \$50 for the first offense, \$100 for the second, and \$250 for each subsequent offense. She also reviewed what neighboring communities are doing. MPT Brittan-Powell asked if residents bagged but left the waste. Mayor Kulpa-Eddy asked about enforcement. Director Goodwin acknowledged that enforcement would be difficult as the offender would have to be caught in the act, but that the addition of a fine may be a deterrent. There was discussion whether the police would also be able to enforce the Ordinance violation. Resident Jimmy Diamond spoke saying that Code is already overburdened and understaffed and that there should not be an additional burden because of pet waste. Council discussed the possibility of adding language to the Ordinance to address service animals, and to clarify that parks and school grounds are considered “public property”. Changes to the resolution for Fees and Fines will be introduced at the September Town Meeting.

e. ARPA Budget Amendment Discussion (reordered)

Council reviewed the consolidated draft budget. They discussed items that appeared to be duplicative. There was discussion on how to make a draft of proposed projects something that could be presented to residents to inform them during the listening session. CM Papanikolas asked what the goal of the listening session is. The conclusion is that the goal will be to let the community inform the Council on which projects they believe should be prioritized. Council further concluded that the column titled “Discussed Amounts” included the suggested cost that needed to be on the document for the listening session. There was some discussion on a few remaining line items. Council also briefly discussed using ARPA for general governmental services. Concerns expressed included that funding items from the general fund through ARPA might be viewed as a tax cut, which is not permitted under ARPA regulations.

f. Flag Policy Draft

Mayor Kulpa-Eddy reviewed a draft flag policy that was written in response both to the

situation in Boston where the Supreme Court ruled against the City (though noting if the City had consistently applied a Flag Policy it might not have ruled that way) and in response to a request the Town received in May to remove all non-governmental flags. She asked Council to review the policy and provide comment, and she will bring the policy back for further discussion at a future worksession.

g. Bulletin Policy Draft

TC Friesen reviewed that the Town does not have a cohesive Bulletin Policy, and only provides limited guidance as part of the Town Organizations and Assemblies resolution. The goal of this draft Bulletin Policy is to create a standard for submissions, as well as to introduce the idea of a “Council Corner” for Councilmembers to provide information that they would like to have included. It would make the Town Manager responsible for the overall administration of the Bulletin. There was discussion regarding how the Council should proceed to establish such a policy. Council will have an opportunity to make suggested changes and this draft policy will be reviewed at a future worksession.

h. Update: UMD-SPH Partnership-Community Advisory Team

ITM Jones reviewed that they received an email from UMD-SPH indicating they are in the process of moving forward and will be finalizing the team next month. Mayor Kulpa-Eddy added UMD-SPH received a good number of applicants, but no one from the Hispanic community and they are looking at ways to increase engagement with these residents.

i. Update: IT Vendor Contract

ITM Jones stated that the RFQ closed last Friday and there are five responses. Those will be opened and reviewed later in the week.

j. Update: Hiring of ARPA-Funded Positions

ITM Jones stated that there has not been any response to the advertisements for the ARPA funded positions. They are looking into other options, like Indeed.com. CM Papanikolas suggested looking for a stormwater engineering firm rather than hiring an individual contractor. ITM Jones will also reach out to the National League of Cities to see if we can advertise through their website.

k. Update: CTC Contract to Review Small Cell Facility Applications

A current proposal has been requested by the Town Attorney, and CTC is working on updating their 2021 documents.

l. Resident Comments

Resident Leslie Wolfinger stated that a tree from their neighbor’s property fell on their deck. She asked if there was anything that the Council could do to help residents with tree assessment, removal, and replanting of trees as the old trees in Town are dying. CM Papanikolas offered that Director Pudner from Public Works is a horticulturist and may be able to offer his opinion on tree health.

Resident Angie Wolfinger would like to see a campaign of information about trees for residents, perhaps as a part of the welcome package that has been discussed. She further stated she believes the Town could choose the simple option in the flag policy which would be to not allow any non-governmental flags to be flown. She also would like to see more done to advertise the availability of absentee ballots.

Resident Paul Kavanaugh would like to second the concerns about trees and would like to see the Shade Tree Board reactivated to be advisors to the arborist. He thanked the Councilmembers who participated in the Berwyn Heights Elementary School Garden cleanup. He added there will be a pollinator garden planting day on October 21st. He also noted that the September Bulletin will have an advertisement for Environmental

Justice Workers, and he shared information about an upcoming environmental justice symposium. Lastly, he noted that he was unaware of how much it cost to produce the Bulletin and suggested letting residents opt out and apply to only receive a digital copy to reduce costs.

Leslie Wolfinger stated she felt that having resident comments at the end of Council discussion was excluding residents who are unable to afford the time to stay through the entirety of the Council discussions.

2. Code Compliance

There was no Code Compliance report.

a. Code Changes for Pet Waste Management (moved to 1d)

3. Parks, Recreation, Education, and Civic Affairs

CM Papanikolas reported that he is working with the Rec Council to update their Ordinance.

4. Public Safety

There was no Public Safety report.

5. Public Works

There was no Public Works report.

6. Administration

MPT Brittan-Powell shared that he spoke to administration at BHES and they believe there can be garden educational materials posted on the windows of the school near the garden. He added that staff was reluctant to have wood compost bins rebuilt as part of the garden project.

a. Transition Plans Between Interim Town Manager and Town Manager

MPT Brittan-Powell reviewed the farewell gathering for ITM Jones on August 29th.

Mayor Kulpa-Eddy stated that there is a two-day (weekend) gap between the end of ITM Jones contract and the beginning date for the new Town Manager. Council will ask Chief Antolik to be acting Town Manager over the weekend in case of an emergency during that period. ITM Jones reported working on a succession planning document for the new Town Manager.

7. Adjournment

CM Papanikolas moved to adjourn. CM Hemby seconded. With no discussion the motion passed unanimously and the meeting adjourned at 9:32PM.