



Town of Berwyn Heights

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Minutes Worksession August 20, 2018

The meeting was called to order at 5:00 p.m. Present were Mayor Pro-Tem (MPT) Stephen Isler, Councilmembers (CMs), Jason Papanikolas and Ethan Sweep. Mayor Lynn White was absent

Executive Session (6:09 p.m. – 7:00 p.m.)

On a motion by CM Sweep, seconded by CM Papanikolas, the Council went into executive session to interview applicants for the vacant Council seat. Having interviewed the candidates, CM Sweep moved and CM Papanikolas seconded to select Amanda Dewey as the 5th Councilmember.

The Council also discussed the contract for the next Town Administrator. On a motion by CM Papanikolas, seconded by CM Sweep, the contract was approved without changes in a 3 to 0 vote. The executive session ended at 7:00 p.m. MPT Isler left the meeting due to a prior engagement.

Regular Session (starting at 7:02 p.m.)

Present were CM Papanikolas, presiding, and CM Sweep, as well as Treasurer Michelle Rodriguez, Clerk Kerstin Harper and citizens. There was no quorum.

1. Announcements

CM Papanikolas said that the Council held an executive session on Saturday, August 18 at 3:00 p.m. MPT Isler, CM Sweep, CM Papanikolas and Clerk Harper were present, while Mayor White sent an apology. The meeting was held to discuss Mayor White's refusal to sign the bond issue agreement the previous Council had authorized to finance road repairs. The Councilmembers present voted 3 to 0 to authorize MPT Isler to sign the bond documents.

CM Sweep said the Council has since been informed that the Town has been excluded from the bond issuance. He read a letter from Matthew Heckles, Assistant Secretary of the Division of Development Finance and Director of the Community Development Administration of the Maryland Department of Housing and Community Development (DHCD), who had helped Berwyn Heights with the bond issue.

"I am writing to follow-up on our recent communications regarding the Town participating in the Department's 2018 Local Government Infrastructure Program. CDA has carefully reviewed, and appreciates, the Town's efforts in trying to resolve the uncertainty surrounding the legal issue of signatory authority. However, based on the opinion of multiple legal counsel, including the Office of the Attorney General, CDA's outside Bond Counsel, and legal Counsel to the financial underwriters responsible for marketing and selling the bonds, a sufficient legal cloud remains concerning valid signature authority -- creating legal enforceability, disclosure and marketing problems thereby preventing the Town from

participating in this transaction. CDA hopes that it will be able to partner with the Town in future infrastructure projects. Please feel free to contact me if you have any questions or comments.”

CM Papanikolas continued, as a result of the executive session deliberations and Berwyn Heights’ exclusion from the bond issue, he, CM Sweep and MPT Isler have drafted a letter calling on Mayor White to step down as Mayor. He read the letter into the record (attached).

In discussion, Meg Miller Shane, 57th Avenue, commented that she and other residents have tried to persuade Mayor White to sign the bond agreement. CM Sweep said the Town Administrator and Town Attorney are currently communicating with DHCD’s Local Infrastructure Finance Division to try to get back into this bond issue. But the decision not to sign the bond documents hurts the Town’s financial standing and reputation. More to the point, the Town authorized \$2 million in road repairs for which it is now \$1 million short.

CM Papanikolas said the Town has sufficient funds to fund Phase I of the road repair program and will have to work out how to move forward from there.

2. Discussion Items

Independent verification of road resurfacing project and cost: The item was tabled because it was requested by Mayor White who was not present to discuss it.

Voting protocols for MML and PGCMA: CM Papanikolas said the Council was provided background documents describing the voting protocols followed by the previous Council, i.e. the Councilmember attending a Prince George’s County Municipal Association (PGCMA) meeting vote in accordance with the position taken by the Council as whole. Since Mayor White requested this agenda item, discussion was tabled to a future meeting.

Damage to personal vehicle: CM Papanikolas explained this matter concerns damage to the personal vehicle of Code Supervisor Glass. It was shot with a pellet gun when he attended a worksession at the Council’s request. TA McLaughlin recommends the Town pay for the repair, but since there is no quorum tonight a decision has to be postponed to the next meeting.

Raingarden revitalization: CM Sweep said at the last Town meeting Green Team chair Amanda Dewey reported that the Green Team is looking into re-vitalizing a raingarden located at the south-west corner of the Town Center parking lot. She has asked the County, which installed the raingarden, to provide assistance with project next spring. Further discussion of the item was tabled to the next meeting, at which Amanda Dewey will be present.

3. Minutes

The July 16 worksession minutes were tabled for lack of a quorum.

4. Department Reports

CM Sweep reported that the streets near his house have been repaved. The contractor has done a good job so far. At the entrance to the lower school parking lot they re-oriented a handicap access ramp. This was done upon request by the school’s crossing guard and will make this location safer.

5. Citizen Comments

Meg Miller Shane reported that the Quality of Life Commission has met and agreed to take on the function of a Complete Count Committee for the 2020 Census. Some Commission members already have

experience with the Census. The Commission requests that copies of the 2020 Census package be provided to them. The next full Commission meeting will take place on September 10.

6. Town Council Schedule

The September 12 Town meeting will likely be rescheduled because it falls on the same day as back-to-school night, which is attended by at least 2 Councilmembers. The first worksession in September has been moved to Wednesday, September 5. The Ice Cream Social date is September 20 and Hello Huskies Night September 27.

The meeting was adjourned at 7:31 p.m.

Signed: *Kerstin Harper*, Town Clerk