



# TOWN OF BERWYN HEIGHTS

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

**MAYOR**  
Stephen Isler

**COUNCIL MEMBERS**  
Jason Papanikolas (Mayor Pro Tem)  
Amanda Dewey  
Ethan Sweep  
VACANT

## Worksession Minutes December 17, 2018

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

Personnel matter

### Regular Meeting (Starting 7:04 p.m.)

Present were Mayor Stephen Isler, presiding, Mayor Pro Tem (MPT) Jason Papanikolas, Councilmembers (CMs) Amanda Dewey and Ethan Sweep. Also present were Town Manager (TM) Maria Broadbent, Clerk Kerstin Harper, and Anacostia Watershed Society Representatives Joshua Clark, Matthew Gallagher and Stacy Lucas, and citizens.

#### **1. Announcements**

Town offices will be closed for the holidays on December 24 and 25.

#### **2. Presentation by Anacostia Watershed Society**

CM Dewey said [Anacostia Watershed Society](#) (AWS) representatives are here tonight to contribute to the Town's ongoing discussion about flooding and stormwater management. In November the Council was briefed on the upgrades to the Town's stormwater drainage system recently completed by Prince George's County. The Council learned that further upgrades to the system to handle more runoff during major storms would require tearing up the streets and moving houses. Therefore, it is important to look at other ways to mitigate stormwater runoff.

Joshua Clark, Landscape Architect and Environmental Designer with AWS, gave a presentation on the activities of AWS to restore and protect the Anacostia River and its tributaries. The goal is to restore the Anacostia to a fishable and swimmable river by 2025 by reducing pollution through installation of green infrastructure and rebuilding people's relationship with the river through education.

Much of the pollution of the Anacostia comes from increased rainwater runoff from paved surfaces, such as motor oils, pet waste and litter, as well as sediment, which washes into streams and rivers. To reduce pollution, AWS works to increase greenspace in the watershed where stormwater can soak into the ground and installs projects that filter, capture, and reuse stormwater, known as green infrastructure. Examples of green infrastructure include rain gardens, rain barrels, green roofs, and pervious pavement as well as planting shade trees. In Prince George's County property owners can receive "[rain check rebates](#)" for installing approved stormwater management systems and recoup some of the cost of installation.

In response to questions, AWS representatives said that homeowners can get informal technical assistance from AWS for installing green infrastructure and it maintains references for contractors that can design and install green infrastructure. For design and implementation of projects AWS partners with Corvias

and Prince George's County. The Chesapeake Bay Trust is another organization that provides technical assistance to private property owners as well as some grant funding.

TM Broadbent invited AWS to go on a walk to identify possible sites in Berwyn Heights for mitigating runoff and they agreed. AWS also confirmed that they are willing to help with the revitalization of the Town Center raingardens as a demonstration project. AWS thanked the Council for inviting them and left educational materials for distribution to residents.

### **3. Citizen Discussion (added item)**

Maria Epton, 8925 58<sup>th</sup> Avenue, said she is one of the property owners whose property was flooded during the flash flood of June 2014 but unfortunately was not covered by insurance. She has since repaired her home with her own funds. Her property has a storm drain running through the back yard, but it does not seem to work because every time it rains she has water in her basement. The County came out to inspect the drain after the flood and declared that it is functioning properly. She has not been able to get them to come back and check the system again despite the continued water backups during storms. She is hoping the Town can give her some advice or help in getting the problem solved. TM Broadbent offered to take Ms. Epton's contact information and reach out to the County on her behalf.

Ms. Epton further stated that the 2014 flooding of her home necessitated repairs to her electrical systems for which a County permit and inspection was needed, as well as a Town permit. She asked why the Town charges a permit fee when it does not perform inspections. TM Broadbent said the Town ensures that the work is done by a licensed professional, but it does not have staff to perform electrical inspections. The Town's permit fees were recently lowered to reflect the lesser degree of service provided.

Ms. Epton also reported that she used to rent the Town Center a lot but does so less now because the facility is not being kept up. She did rent the room last Saturday and was surprised to find that the Town now requires insurance. She asked why this Town requires insurance where other municipalities do not. TM Broadbent said the Town's insurance company and Town Attorney recommend it to protect the Town from becoming liable for any accident or damage that may occur during an event. Customers have the option to utilize their own insurance or the Town's 'TULIP' insurance referenced on the rental application form, but it must be at the \$1 million level, and be received by the Town one week prior to the event.

Lastly, Ms. Epton reported that she had a bad experience when she came to pick up the keys for the Town Center she was renting last weekend and found the offices closed for a holiday party. She would have appreciated receiving a call to let her know that the office was closed. TM Broadbent apologized and explained that staff thought Ms. Epton was not going to hold the event because the insurance coverage she initially obtained was not at the required level.

### **4. Discussion Items**

***Charter Amendment re Mayor Pro Tem Authority – review of Section C:*** Mayor Isler said the Amendment was up for adoption at the December 12 Town meeting but it was tabled because the Bulletin notice had the wrong date and several citizens expressed concern about Section C, which provides that the Mayor is absent if "the majority of the Council determines by a public vote that the Mayor is unable or unwilling to perform all or a part of the duties of the office." The Council agreed that the concerns raised required further discussion.

CM Dewey said she believes it is best to leave Section C as is, except to require a supermajority of those Councilmembers present. Since the Amendment can't address every possible eventuality, it is better to err on the side of the majority of the Council than on the side of one individual. Mayor Isler said one concern expressed by citizens is whether Section C could be used to remove a Mayor from office. CM Dewey and TM Broadbent said that the Amendment relates only Section 306.2, which provides for the Mayor Pro

Tem to assume the duties of the office when the Mayor is absent, meaning an instance of limited duration. It does not deal with recall or removal from office, covered by other sections of the Charter.

There ensued discussion of what constitutes a quorum, whether a provision should be added to clarify that the Amendment does not deal with the Mayor's removal from office, and what circumstance is covered by Section C that is not covered by Sections A and B. The Council agreed to modify Section C to clarify that it applies to a Mayor's absence of which the Council was not notified, but when important business needs to be carried out. The words "the Mayor is unable or unwilling to perform" were replaced with "the Mayor has failed to perform." TA Broadbent was asked to have the Town Attorney review the revised Amendment.

**Council priorities review:** Mayor Isler said he wanted to review what progress has been made on the priorities of the 48<sup>th</sup> Council and possibly add and delete some. TM Broadbent has provided a memorandum with updates. Mayor Isler suggested the Council review the memo as well as the Quality of Life Commission recommendations and discuss this at a future meeting. It was agreed to defer deliberation to the 2<sup>nd</sup> worksession in January, at which time a new Councilmember may be on board and benefit from the review.

**Mid-monthly e-newsletter:** Mayor Isler said he would like to continue a Council e-newsletter started by former Mayor White to provide a mid-monthly news update between editions of the Bulletin. He provided a 2-page draft template and explained a proposed layout: Council notes, seasonal information, Town Meeting updates and upcoming events would go on page 1, and news from the Town departments with contact information and employee spotlights on page 2. The Council would gather content in the first half of the month, discuss content at the 1<sup>st</sup> worksession, finalize the newsletter after the Town meeting, and then post it on the website and Town list serves.

In discussion, the following points were made:

- 2 pages might be too long;
- Someone needs to be designated as editor and publisher of the information;
- Contributions need to be submitted in a timely manner;
- The newsletter should be published on an agreed upon date.

**8911 60<sup>th</sup> Avenue on-street parking:** TM Broadbent said that Berwyn Heights Police has made preliminary traffic observations on 60<sup>th</sup> Avenue before the intersection with Greenbelt Road, where traffic tends to back up during rush hour, especially when buses or trucks are lined up. They recommend posting no parking signs in front of 8911 60<sup>th</sup> Avenue between the hours of 7-10 am and 4-6 p.m. but will continue to monitor the situation for the next weeks.

In discussion, CM Sweep suggested making one side of the street 'no parking' rather than designating short periods for 'no parking'. He also invited residents who live in the 8900 block of 60<sup>th</sup> Avenue to comment or report their observations.

**Men's League Community Center Use Agreement:** TM Broadbent explained that she has met with representatives of the Men's League and the Community Center to work out a renewal of a long-standing agreement to use the gymnasium. One of the sticking points is M-NCPPC's requirement that an insurance certificate be provided. The Men's League maintains they are considered part of the Boys & Girls Club and are covered by the Town's insurance. MPT Papanikolas said the Men's League is an offshoot of the Boys & Girls Club but is not considered a subsidiary organization in the current bylaws of the Boys & Girls Club. Nor is it covered by the Boys & Girls Club's insurance.

TM Broadbent laid out 3 options for insuring the Men's League:

- Adopt Resolution to designate Men's League a Town organization, which makes them eligible to be covered by the Town's insurance;
- Make a donation to the Men's League stipulating that they purchase insurance that names both the Town and Park & Planning as insured;
- Have the Men's League purchase their own insurance that names the Town and Park & Planning as insured.

There ensued discussion of the consequences of choosing a particular option. TM Broadbent was asked to explore the cost associated with making a donation and covering the Men's League under the Town's insurance. Once the information is at hand, the Council would vote on adopting the Agreement at the January Town meeting and ask if M-NCPPC can extend the current agreement to that point.

## **5. Minutes**

On a motion by MPT Papanikolas and second by CM Sweep, the November 19 worksession minutes were approved 4 to 0.

## **6. Department Reports**

Mayor Isler reported that the Council and employees had an enjoyable holiday lunch; that the Council will judge Christmas decorations until December 21 with an announcement of the best decorated house and yard to be announced at the January Town meeting; that applications for the vacant Town Council seat will be due on January 9; and that residents can request BHPD to perform house checks while on vacation.

CM Sweep announced holiday closing of December 24, 25, 31 and January 1, during which no trash will be collected. He thanked everyone for a nice holiday party, and CM Dewey for making cookies for everyone. CM Dewey said she appreciates BHPD for working over the holidays to keep the Town safe. Unfortunately, there have been more airbag thefts from Hondas, which is also occurring in neighboring jurisdictions. BHPD still has steering wheel clubs for sale that help deter the thefts. Lastly, residents are encouraged to check on their pets if they are outside.

## **7. Town Council Schedule**

The 2<sup>nd</sup> worksession in January was moved from January 19 to January 14. Interviews of Council applicants will take place on the same date, prior to the worksession.

## **8. Citizen Discussion**

There was none.

The meeting was adjourned at 9:44 p.m.

Signed: *Kerstin Harper*, Town Clerk