



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

Special Meeting Minutes Town Council Chamber August 19, 2022 | 6:30 p.m.

Call to order

Mayor Jodie Kulpa-Eddy called the meeting to order at 6:31 p.m. Present were Mayor Pro Tempore Chris Brittan-Powell, Councilmember Shinita Hemby, and Councilmember Faustino Menjivar. Councilmember Jason Papanikolas had an excused absence. Also present were residents of the Town of Berwyn Heights.

1. Announcements

Executive Session Report Out Executive Session (personnel matter) held under General Provisions Article § 3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals. The session occurred from 6:01-6:28 pm in Town Council chambers, motioned by CM Menjivar and seconded by CM Hemby. The motion passed unanimously. Attendees at the closed session were Mayor Kulpa-Eddy, MPT Brittan-Powell, CM Menjivar and CM Hemby. No action was taken during the closed session.

Mayor Kulpa-Eddy read a comment on behalf of resident Blake Dewey: "Proper notice of meetings that follow the spirit as well as the language of the law are what we have come to expect in Berwyn Heights. I am disappointed in the members of council that feel they can operate in such a non-transparent manner."

2. Approval of Agenda

MPT Brittan-Powell moved to approve the agenda. CM Hemby seconded. After no further discussion, the motion passed unanimously.

MPT Brittan-Powell moved to address the nature of this meeting in light of the requirements of the Maryland Open Meetings Act, by requesting the Council consider this is an urgent situation. CM Menjivar seconded. The motion passed 3-0-1, with Mayor Kulpa-Eddy abstaining as she did not believe enough information has been provided to determine the urgency of the agenda item, and therefore the need for the short notice given for this meeting.

3. Proposed Home Retrofit Program

As there were no Town Staff available to attend this meeting, Mayor Kulpa-Eddy requested MPT Brittan-Powell oversee the meeting, as he is most familiar with the latest version of the proposed program. She will be acting as the recording secretary and maintaining a written record in the event the electronic recording equipment malfunctions.

MPT Brittan-Powell began by reviewing the flooding event that occurred on August 10 and its aftermath. He stated while many municipalities wait to approve a stormwater management project in its entirety, he would like to focus on just this program and approve it now. The program is designed to be focused and limited to stop the entry of water and sewage in three specific areas of Town: 8900 block of 59th Avenue, 8800 block of Cunningham Drive and the west side of Berwyn Road at 57th Avenue. He estimates the number of affected homes to be 5 to 7 in each of these areas, and more data will need to be gathered to determine what is needed to mitigate the water/sewage situation for each home. He is requested the Council act to approve the use ARPA funds already allocated for stormwater management to fund this program, and asked if there were any comments from the Council.

Mayor Kulpa-Eddy asked if the program would be limited to these three specified areas; it otherwise provided structure and criteria to the concept the Council had agreed to at Monday's worksession. MPT Brittan-Powell stated the affected areas may need to be expanded. He reiterated installation of the flood mitigation features would need to be done by professionals, according to College Park, Laurel and Montgomery County engineers. Mayor Kulpa-Eddy pointed out the Town may need to contract then with such professionals to ensure proper installation.

CM Menjivar agreed with the need for a specialist to make sure it is done correctly. He would prefer to ensure the equipment is used right, and not just give away money. He asked if anyone had contacted WSSC to do anything, as they are responsible for the sewage system.

Resident Merrill Weinrich responded WSSC is aware of the problem, as they were contacted after the 2014 flood, but have not been helpful. He suggested residents consider a class action suit, if the same issue is occurring over and over. He stated 91 homes were affected during the 2014 flood.

MW: Stairwell doors may be protected by flood doors, but water can still come up through floor drains, and this may be a problem throughout the Town.

Resident Jenni Saltos stated 59th Avenue floods even with a light rainfall, and neither WSSC nor the County seem to want to do anything. She is concerned that the water is coming up from a stormwater inlet in her backyard.

Resident Charles "Chuck" Jones said flooding on 59th Avenue occurred as recently as 2017, but he does not know why. He experienced sewage backflow on August 10; WSSC has told him that backflow preventer valves need to be installed. They can be put in outdoors in the ground, or indoors in a panel. The homeowner must be aware that if the preventer valve is engaged, they cannot flush the toilet or run water in a sink. It will be stopped at the valve and back up through the floor drain. MPT Brittan-Powell agreed the valves need to be inspected 1-2x/year. While the Town can more easily inspect outdoor valves, indoor ones may be more difficult to do. Mr. Weinrich stated these valves cost about \$6000 each and must be meticulously maintained, as any debris that gets into the valve may render it unworkable. Resident Jose Valcarcel said the Town wants to install and inspect this equipment, but then require the homeowner to hold the Town harmless? This seems contradictory. He reminded the Council there is engineering, and permitting needed for this equipment, in addition to the installation and product costs.

Resident Claudia Barragan suggested reaching out to established groups to provide feedback on the program. She is concerned about the language barrier, as the proposal was not written in Spanish. She also asked about funding availability for the program, and proposed the ARPA stormwater

management funds be used as a start, though more will be needed to expand to other areas in Town. MPT Brittan-Powell reiterated \$175,000 already exists as a pool of money, and Ms. Barragan urged moving this from a stormwater analysis to funding for emergency flood relief. CM Menjivar said the Council has already allocated money for this purpose. [She stated this will need a report on existing conditions; knowing how much people have already spent to fix their problems.]

Resident Helen Weinrich recalled an earlier flooding episode, perhaps around 2005, that took place after a snowstorm was followed by a heavy rain. She also stated WSSC took no responsibility for the 2014 sewage back-up that affected 3 homes, and attorneys didn't think they had enough of a case to pursue a lawsuit. WSSC did offer to install a new storm drain between 8805 and 8809 Cunningham Drive, but later decided not to. She would like to Town to reimburse her for the damages to her car and basement, and increased insurance premiums.

Resident Alejandro Vasquez stated the water damaged their car as well. The issue with water happens quite often; they obtained a pump to move the water out.

Resident Genevieve de Messieres mentioned that stormwater management is a common concern in this area, as well as downstream to the Chesapeake Bay. Providing relief to residents, both short-term and long-term was discussed at a recent Route 1 Corridor Green Team summit. This will take collaborative efforts with the County and utilities. She said the best way to handle run-off is to allow it to recharge (soak in) on the source property. The Town would need expert advice on what to do with the low-lying areas of town.

Ms. Barragan wants concrete next steps to make sure something is done. MPT Brittan-Powell outlined two actions: (1) to edit and finalize the proposal, and (2) to provide for funding. He stated a budget hasn't been created yet, as the Town still needs to determine what equipment is needed and what the installation will cost.

Resident Alejandro Quintanilla (translation provided by Ms. Barragan) said he bought his house at 8900 59th Avenue about six months ago. Fixing up the basement cost him \$50,000 and one foot of water came through the door. He has put the house up for sale, but no one will buy it. He blamed the Community Garden for the problem. Water flows through it and deposits vegetation debris and trash in his yard. No one is taking care of the garden. He also pointed out a larger storm drain is needed in that area. Lastly, he mentioned Code had told him that having a pump to move water was a violation. CM Hemby stated she would look into it and get him an answer as to why he was told this.

Resident Jonah Quintanilla stated he is tired of talking, and implored the Council to fix the stormwater issue.

Resident Santiya Mandrega (8908 59th Avenue) asked if a fund could be established to help people; she does not have the money to fix the water damage, replace lost furnishings. She said this fund could also be used to help pay for doctors (checking for post-flood illnesses and mental health issues).

She mentioned she had called the Berwyn Heights Volunteer Fire Department local number for help during the storm, but they did not respond. She has since learned she must call 9-1-1 in order to request emergency assistance. Ms. Barragan stated the County's Office of Emergency Management gave a presentation on emergency preparedness at the August 4 Four Cities meeting, and thought this should be distributed to residents.

Resident Dave Wolfinger talked about how he worked with WSSC and his insurance company to deal

with damages during three previous floods that affected his house on Cunningham Drive. He encouraged homeowners to figure out how best to prepare their houses to mitigate these known problems. While he and MPT Brittan-Powell have had discussions about the right type of equipment to install (he likes flood doors and backwater valves), it really is the property owner's responsibility to see to this. He was in favor of establishing a grant program to assist those owners experiencing a hardship.

Mr. Wolfinger further stated the Town can only do so much, and we need assistance from WSSC and the County to address the underlying infrastructure issues.

Resident Angie Wolfinger added that the Red Cross can also assist residents after a flood. She asked if the Town is actively seeking any grants for temporary housing or stormwater infrastructure. It would help if the area was designated a "flood zone", and suggested asking the Town Manager to do this. She also supported the idea of a grant program for residents that could assist with funding to recover from all types of disasters.

CM Hemby reported the Town has prepared postcards, in English and Spanish, that will be hand-delivered to every house by Sunday night (August 21). The postcard contains information instructing residents to complete a "flood survey". This will help inform the Council on the locations experiencing water issues and the types of problems that are occurring. Mr. Jones agreed it would be hard to approve funding without knowing the types of mitigation that are needed. CM Menjivar stated the data collected will help revise the proposal being discussed.

MPT Brittan-Powell summarized the proposed program has been introduced and discussed. CM Hemby suggested moving \$175,000 from the ARPA funds allocated for stormwater engineering analysis to this program. She stated we already know where the water issues are, and if a flood door will help mitigate damages, we should procure it. The Council can re-allocate more ARPA funds to the engineering analysis later if the survey indicates there are other problem areas in Town. CM Menjivar outlined the steps needed: approve the funding now; revise the proposal language; gather the survey data and review the total amount that may be needed for this program; adjust the funding as needed.

Mayor Kulpa-Eddy stated that \$175,000 in ARPA funds was already allocated to reduce flooding/stormwater, but it would be good to clarify the Council's intent for a change in the use of the money with a motion. CM Hemby moved to direct \$175,000 to fund stormwater emergency prevention and relief. CM Menjivar seconded. The motion passed unanimously.

CM Hemby reiterated the need to collect as much survey data as possible. CM Menjivar stated this is a short-term solution; the long-term answer will rely on involvement from the County and WSSC. He said we need to make revisions to the proposal (add dates, limits on funds) in order to proceed. MPT Brittan-Powell asked the Council to continue the discussion on how to expand the proposal to include relief funding. CM Menjivar requested Council focus on just the original proposal for now, as it can be expanded later when there is more information available.

MPT Brittan-Powell motioned to approve the concept of the Retrofit Relief Program, with the understanding the formal application still needs to be revised and finalized. He would like these revisions done in the next five days, but unfortunately he will be unavailable during that time. CM Hemby seconded. The motion passed unanimously.

4. Adjournment

CM Hemby moved to adjourn the meeting. CM Menjivar seconded. After no discussion, the motion passed 3-0-1, with MPT Brittan-Powell abstaining as he wished to continue discussion on the relief program. The meeting was adjourned at 9:22pm.