



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 October 17, 2022 | 7:00 p.m. Council Chamber

Call to Order

Mayor Jodie Kulpa-Eddy called the meeting to order at 7:02PM. Present were Mayor Pro Tempore Chris Brittan-Powell, Councilmember Shinita Hemby, Councilmember Faustino Menjivar, and Councilmember Jason Papanikolas. Town Clerk Melanie Friesen was in attendance and Town Manager Laura Allen had an excused absence. Also present remotely were Charlie Griffith from Prince George's County Department of Public Works and Transportation (DPW&T), Jeff DeHan from the Department of the Environment (DoE) Dawn Hopkins-Nixon and Frank Galosi also from the DoE were present. Rodney Taylor, special assistant to the director of the DoE was in attendance for observation.

Approval of the Agenda

CM Hemby moved to approve the agenda. CM Papanikolas seconded. During discussion, MPT Brittan-Powell expressed that he doesn't believe items were placed on the agenda appropriately, that the items a and b. under Administration should not be included as they were excluded from the Town Meeting agenda when he attempted to amend that agenda. He continued that he believes that under Robert's Rules and Council Rules that they should have been approved and would like them addressed in a Town Meeting as soon as possible rather than a worksession. There was discussion over the Town Meeting agenda amendment process with MPT Brittan-Powell stating that process was violated and Mayor Kulpa-Eddy and CM Papanikolas in disagreement with him. CM Papanikolas suggested that MPT Brittan-Powell address his concerns to the Ethics Commission. MPT Brittan-Powell moved to exclude Administration items a and b from the agenda. There was no second for the motion. Mayor Kulpa-Eddy moved to bring administration items a, b, and c under the Mayor section as items f, g, and h. CM Papanikolas seconded. There was no further discussion and the motion passed 4-1 with Mayor Kulpa-Eddy, CM Hemby, CM Menjivar, and CM Papanikolas in favor and MPT Brittan-Powell opposed.

1. Mayor

a. Announcements

MPT Brittan-Powell expressed that he's heard numerous people in Town have expressed concern that the Council isn't functioning according to Council Rules and Robert's Rules. Mayor Kulpa-Eddy shared that this comment would be more appropriate under Resident Comments.

b. Calendar

Mayor Kulpa-Eddy highlighted the upcoming PGCMA meeting. She also shared about General Election deadlines and early voting dates as well as reminding residents that Election Day is November 8th.

c. Presentation-County Drainage Study of Berwyn Heights- Charlie Griffiths

Mayor Kulpa-Eddy introduced Charlie Griffith of DPW&T and gave background on the storm drain issues in town. She shared that the drains were constructed by WSSC about

50-70 years ago and turned over to the County in the 1980s. After the storm event in 2014, the drains were evaluated and found to be inadequate for a 10-year storm event. She reviewed the hydrologic and hydraulic analysis that was conducted shortly thereafter, and the need for a feasibility study before engineering and construction could begin. Work was done on the storm drain inlets in Town in 2018. Lastly, she mentioned the Town recently received a 2021 study from the County. Mr. Griffiths shared that he is the associate director for storm drain maintenance. Mr. Jeff DeHan from the DoE introduced his team, including Dawn Hopkins-Nixon who is the associate director of the DoE and heads the drainage investigations program and municipal storm drain acceptance program. Mr. Frank Galosi is with the stormwater management division, drainage remediation and has a broad scope throughout the County, including working towards implementing CIP projects. He reviewed that the County has a 2010 agreement with multiple jurisdictions and many stakeholders involved to address issues across the Anacostia watershed. Mr. Rodney Taylor is the special assistant to the director of the DoE and is here to listen and learn.

Mr. Griffiths stated that he was formerly with the Office of Engineering and Project Management and has been involved in Berwyn Heights since the 2014 storm. He added that all the different offices have a different focus and one of the goals is to help municipalities know who they need to reach out to. Mr. Griffiths gave an overview of work done in 2018 (upsizing 20 inlets throughout the town) and the updated hydrologic model done in the 2021 study, adding that the original price tag of \$10 million to fix the problem is old and that those numbers would have increased since the initial estimates. He encouraged residents to report drainage issues through “PGC311” as well as an emergency dispatch number for the Town.

Mr. DeHan shared about a few of the programs from the DoE at the municipal and residential level, including grant and rebate programs to help address stormwater issues. He specifically highlighted the Rain Check Rebate Program available to residents. He shared about initiatives through the Clean Water program and implementing on-the-ground projects to remove pollutants in the waterways.

Mr. Frank Galosi shared the project map of the PG County portion of the Anacostia watershed, adding that many of the projects are water quality projects. Much of the completed work has been done since 2014. The map also shows the portions of the waterway that under the jurisdiction of the Army Corps of Engineers. One of the projects that the Army Corps of Engineers will be working on is part of Indian Creek that is proximate to Berwyn Heights. He added that a goal is for the work that they accomplish to also improve areas beyond water quality (such as slope stabilization). He spoke about the micro-bio retention areas that were built at Town Hall in 2004 and then updated again in 2017. He also presented on the outfall stabilization project at 58th and Nevada in Berwyn Heights that was completed in 2020. He added that Osage Street is still on the County’s radar, but it would not help reduce peak water flow due to it being on the low point of a dead-end road.

Ms. Dawn Hawkin-Nixon explained that the Municipal Storm Drain Acceptance Program (MSDAP) was established to allow Municipalities to bring their storm drains up to standards that would be acceptable for entrance into the County stormwater maintenance program. Many of the systems were turned over from WSSC to municipalities. The team maintains a storm drain inventory and mapping for all municipalities in the County, except Bowie. The map shows which storm drains have been accepted into the County’s maintenance program and which storm drains remain in the municipality’s jurisdiction. The program allows for municipalities to request assistance from the DoE for storm drain improvements. The municipality could bring that to the County’s attention via “PGC311”. The DoE would then research

responsibility for maintenance and work with the municipality to arrive at a solution. She continued that sometimes the resolution will be that the municipality is responsible. Once a storm drain system is determined to be eligible for an upgrade through the MSDAP, the DoE will review cost estimates and oversee project design and construction while the municipality takes the lead and functions as project managers. She also gave an overview of the Rain Check Rebate program, which allows for residents to apply for rebates to implement improvements to reduce the amount of stormwater that leaves a property.

Mr. DeHan also spoke about the Stormwater Stewardship Program, which is administered by the Chesapeake Bay Trust, targeted for non-profit organizations including municipalities in three primary tracks 1) Water quality projects 2) Tree planting projects and 3) citizen awareness and engagement. The grant cycle opens next month with eligibility for projects to begin in January.

Mayor Kulpa-Eddy stated that the Town Manager has been asking for several months about the Town's responsibility for the storm drains and asked that any information the County has be shared with her. Ms. Hawkins-Nixon stated that the MSDAP has a map, and she will share it, but added that it may be the municipalities have information that the County does not have. MPT Brittan-Powell says he was provided with a lot of questions from residents. He stated that his perception is that this presentation is about the "green and the grey", that is, environmental and physical infrastructure, such as plumbing. He stated that he understands that the onus is on the municipality to act as project manager under the MSDAP. He asked about next steps. Mayor Kulpa-Eddy asked Ms. Hawkins-Nixon if the Town has already been accepted into the County storm drain maintenance program or if they still need to go through the MSDAP. Ms. Hawkins-Nixon stated that the Town can request a meeting with her team and will work through the responsibilities to implement a project. Mayor Kulpa-Eddy asked what the next step are if the storm drains have already been accepted as the County's maintenance responsibility. Mr. Griffiths explained that the Town would need to contact the DPW&T, who would work to get it on the six-year CIP but reiterated that the CIP projects are County-wide and cost benefit analysis is done on every project to determine its placement. MPT Brittan-Powell asked if there is an expectation for the Town to prepare a plan and proposal to discuss with the County on both the "green and grey" side of stormwater. Mr. Griffiths stated that would depend on the project. Mr. DeHan shared that as projects are identified, it would also need to be determined who the Town would partner with, be it DPW&T, DoE, or MSDAP and there are opportunities with many agencies around the County. MPT Brittan-Powell asked about the inclusion of green solutions along with storm drains. Mr. Griffiths expressed that it is everyone's responsibility to address solutions. MPT Brittan-Powell also asked if the Town can delineate a floodplain, explaining that some residents have told him that they are unable to purchase certain types of insurance due to not being in a floodplain. Ms. Hawkins-Nixon explained that the County has taken the lead delineating floodplains in partnership with FEMA. She explained other ways residents can request a floodplain study, including through DPIE and DoE. Mr. Griffiths also explained that one of the issues with being designated a floodplain is there is a threshold minimum of 50 acres, and it is unlikely that something in Berwyn Heights would meet that threshold. Mr. Griffiths and Ms. Hawkins-Nixon explained that anyone can purchase flood insurance through the National Flood Insurance regardless of floodplain status.

The Mayor opened the floor to resident questions.

Ryan Wagner from the Berwyn Heights Volunteer Fire Department stated that they had 13 inches of water on their property from the August 10th storm. He asked what they need to do to get that looked at. Mr. Griffiths stated that a team member was supposed

to come and look at the property and will follow up to ensure it happens.

Resident Jimmy Diamond on Berwyn Road stated that he had \$31,000 worth of damage from the 4ft and 6 inches of water on August 10th. In 2014, he had more than \$21,000 in damages. He asked what made this flood so different that everyone is now involved and what was done between 2014 and now? He asked why this wasn't worked on 8 years ago.

Mayor Kulpa-Eddy asked what kind of timeline it would take to address these issues.

Mr. Griffiths responded there is no easy answer to that.

Paul Kavanagh shared that he is new to the area and asked what "PGC311" is. Mr. Griffiths explained that it is service request intake platform, giving you a variety of ways to report issues. Ms. Hawkins-Nixon continued that it is essentially the County's call center, adding that there is a mobile app as well.

Mayor Kulpa-Eddy stated that she believes the next steps are to narrow down the focus and suggested having a Town Hall devoted to just this subject.

d. Four Cities Meeting Agenda Items

Mayor Kulpa-Eddy reported that the Four Cities Coalition will be meeting on October 27th and be hosted by New Carrollton. She asked if Council had any agenda items. CM Papanikolas stated he'd like stormwater management. Mayor Kulpa-Eddy said there has been a discussion of a Route 1 stormwater study. CM Hemby asked if the Coalition had sent the letter to the County on stormwater. She understood that Greenbelt was to take the lead on that letter, but Mayor Kulpa-Eddy did not recall signing such a letter. CM Hemby would like to have that revisited. Mayor Kulpa-Eddy also would like to have a discussion on wayward shopping carts.

e. Resident Comments

There were no additional resident comments.

f. Home Retrofit program and application (amended agenda item)

Mayor Kulpa-Eddy reviewed the history of the Home Retrofit program. She asked if the results of the stormwater survey conducted as background had been shared publicly. CM Hemby stated that it had been shared with the Green Team. The request was made to put the results on the consent agenda for November Town Meeting and that they be discussed at the next worksession. Mayor Kulpa-Eddy identified several areas that needed to be addressed on the application. First, she asked if the program would be limited to the three specifically identified areas in Town or if it would be opened up to the whole community. MPT Brittan-Powell stated that it was never only three areas of Town and that the money was never restricted to just this program. CM Hemby asked where the money for the storm gates is coming from, and she understood that the Town Manager had spending authority of up to \$10,000. MPT Brittan-Powell stated that he understood the flood gates would be eligible to come from this fund. CM Hemby asked what the delay was in purchasing the storm gates. CM Menjivar stated he doesn't see why the Town doesn't just order the gates and believes that the Council is taking a lot of time and there is a lot of confusion about what is happening. CM Hemby stated that she sees a lot of tug-o-war about adding in items when it is delaying the purchase of the flood gates. MPT Brittan-Powell stated that flood gates are separate from the Home Retrofit Program. Mayor Kulpa-Eddy stated that the Town would need an application even to give out flood gates. There was discussion regarding the confusion between flood doors and flood gates. CM Hemby stated that the Town should have some flood gates on hand. There was a discussion regarding how many and who would want them. CM Papanikolas asked about the criteria to be eligible for the program. CM Menjivar

asked about who would determine who is eligible. CM Hemby suggested that this responsibility could fall under the grants manager. There was discussion about the requirements to show that a home had been flooded in the past, including pictures and receipts for construction. There was discussion on flood insurance and getting that information out to residents. MPT Brittan-Powell asked if the Town wanted to make having flood insurance a requirement. There was discussion about Code Compliance adding such a requirement to the rental license application.

Mayor Kulpa-Eddy asked if the Council wanted this to be a new Town service or if it was a reimbursement grant. MPT Brittan-Powell stated that WSSC may handle the backflow preventors. There was a brief discussion about what items would be included in items eligible for reimbursement. MPT Brittan-Powell stated that his concern is that a properly trained person be the one to do the installation, otherwise the specialty items to prevent flooding will be ineffective. CM Papanikolas stated that the advantage of a reimbursement grant is that the responsibility is on the homeowner to ensure that the project is completed to specifications, or the reimbursement doesn't occur, suggesting that an inspector could be hired to inspect projects before reimbursement is disbursed. There was discussion about how a "hold harmless" agreement would affect the Town's responsibility. There was discussion about if estimates would qualify for the Town to disburse funds, so those who may be reluctant to take on a project due to financial constraints could begin.

Mayor Kulpa-Eddy asked if the program was open to all homeowners or only to those with low-to-moderate income and is it open to renters. CM Papanikolas stated that as it is ARPA funds that only those of low to moderate income be eligible, as ARPA funds for individuals is restricted by income level. MPT Brittan-Powell stated as a point of clarification that adding financial eligibility would be altering the program. MPT Brittan-Powell stated that renters aren't able to make permanent changes to a residence so that they would not be eligible. Mayor Kulpa-Eddy clarified that temporary measures, such as storm gates, could be open to renters. CM Hemby asked if this is penalizing residents who have the ability to pay out of pocket. MPT Brittan-Powell asked if stormwater management is an eligible expense, couldn't all residents be eligible. Mayor Kulpa-Eddy clarified that ARPA funds are eligible for stormwater management on public lands, not private property. CM Papanikolas stated again that ARPA funds for individuals are restricted by income levels, where stormwater management on public property has no such restrictions. Mayor Kulpa-Eddy asked if they wanted to put a cap on how much is reimbursed. There was discussion about the cap for the program. Mayor Kulpa-Eddy will reach out to College Park to see where they've placed the cap. MPT Brittan-Powell wants to ensure that we are reaching out to known affected property owners proactively. Mayor Kulpa-Eddy asked for how long applications would be accepted. CM Papanikolas suggested until ARPA ends or funds have been expended. Council discussed who would review applications until a grants manager has been hired. CM Hemby offered to be on the review committee, which will consist of two Councilmembers and the Town Treasurer. CM Papanikolas volunteered to be the second. CM Hemby would like to have verbiage included that describes what types of construction would be allowable.

g. Disaster Relief Fund and Application (amended agenda item)

Mayor Kulpa-Eddy reviewed that this is another piece of the program, helping residents when natural disasters occur. She continued that there are some inconsistencies between the application and the original proposal. She asked if Council wanted to review them tonight or if Council wanted to look at it independently and come back to it at the next worksession. She pointed out that under the section "philosophy behind the fund" it

states that applicants need to demonstrate financial need, but the application doesn't include showing evidence of financial need. There was discussion regarding the difference between financial need vs using financial need for prioritization of disbursements. MPT Brittan-Powell stated that this program was once labeled a disaster relief fund of last resort, to be considered after all other resources are utilized. There was discussion whether the fund really was for last resort, or to provide immediate relief while residents wait for longer term solutions. CM Hemby asked for clarification that this is the fund that would be used if a resident needed to have a few nights in a hotel because their home was uninhabitable. CM Menjivar expressed that he wanted to ensure that all residents were eligible regardless of whether they were homeowners or tenants. MPT Brittan-Powell wanted to clarify that each household would be considered, not the address, recognizing that multiple households may share a residence. Additionally, CM Papanikolas, CM Menjivar, and MPT Brittan-Powell all expressed a commitment that any information obtained during disaster relief efforts would not be used for enforcement. Mayor Kulpa-Eddy expressed concern about the Town supporting private fundraisers and would like to remove it, as the Town has no control over how that money is distributed. There was discussion about if residents would only be eligible to apply for disasters going forward or if it would be retroactive to the August flood. CM Papanikolas proposed that this be a fiscal year program and be retroactive to July 1, 2022. MPT Brittan-Powell asked about the dollar amount set aside for the fund. Mayor Kulpa-Eddy stated that it was \$80,000. MPT Brittan-Powell asked about addressing Questions 9 through 11 on the application, whether these would be required or continue to be optional. CM Papanikolas suggested that they would not be optional but used for prioritization. Council discussed eligibility and outreach. There was discussion about who would declare an emergency or release the funds.

h. Quality of life application process (amended agenda item)

Mayor Kulpa-Eddy shared that this Mayor's report is about the 2018 application process used for the original Quality-of-Life Commission. She would like to let it be added to the Council prioritization list further in the agenda. MPT Brittan-Powell stated that resident Meg Miller brought this forward several weeks ago and wants to know why it was not moved forward at that point.

2. Public Safety

Mayor Kulpa-Eddy reviewed that Monday, October 31st is Halloween with Trick or Treating between 6-9PM. She asked that residents turn off their porch lights if they are not planning to participate. She also shared about a County "Pedestrian and Bicyclist Behavioral Study Listening Session" on October 19th. She added that the Maryland Transportation Authority's video toll waiver grace period is set to expire and MDTA is urging customers to pay their unpaid video tolls by midnight on November 30, 2022. Lastly, PGCPs and Hazel Health are partnering to provide free healthcare services to middle and high school students, expanding to include elementary school students in November

3. Public Works

CM Menjivar had no updates for Public Works.

4. Administration

MPT Brittan-Powell was provided some information about what other municipalities have done to mitigate stormwater, from a small group of citizens who have been victims of stormwater and are also invested in green issues. He suggested looking at the Low Impact Development Center (LIDC).

5. Code Compliance

CM Hemby thanked residents for following the permit process and stated 7 new building permits have been issued in Town.

6. Parks, Recreation, Education, and Civic Affairs

CM Papanikolas had no updates for PRECA

a. Education Technology Grant

CM Papanikolas shared that he and Mayor Kulpa-Eddy have been updating the rolling education grant application. They have one request from the Berwyn Heights Elementary PTA, but that the grant needs to be advertised to other schools, primarily the other boundary schools for Berwyn Heights. As BHEAC does not seem to be active at this time, the Council will review applications and the application deadline is October 31st.

b. Council Project Accountability and Tracking

CM Papanikolas shared that the information on the document is old information, but the template is the point. He would like to update this template to help Council track projects internally. He would like a regularly updated spreadsheet to be added to the consent agenda for each Town Meeting, so residents are able to see what Council is working on. The actual projects will need to be updated, with the lead Councilmember and the name of the project. He will be changing “start date” to “prioritization” and will add an additional column to show the next action item for each project. CM Hemby asked if Council would be updating this at another meeting. CM Papanikolas would like Council to populate it with their own projects then bring it back to the next worksession. Council discussed who will be responsible to update the list.

7. Adjournment

CM Hemby moved to adjourn the meeting. CM Papanikolas seconded. After no discussion, the motion passed unanimously, and the meeting adjourned at 10:11PM.