

**RESOLUTION 70-13**  
**THE TOWN OF FOREST HEIGHTS**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE TOWN OF FOREST HEIGHTS TO OBTAIN ENGINEERING SERVICES FOR DESIGN OF RECONSTRUCTION OF NORTH HURON DRIVE; AND GENERALLY RELATED TO PROFESSIONAL SERVICES AND TOWN FINANCES

Introduced By: Mayor Jacqueline Goodall

**WHEREAS**, the Town has undertaken various activities in the past designed to improve water drainage of streets, roads, alleys and by-ways in the Town, which began with the preparation of the Drainage Assessment and Inspection Report and the Pedestrian Facilities Assessment and Transition Plan prepared by Pennoni Associates Inc. on January 22, 2011; and, this is an undertaking generally referred to by the Town as the "Forest Heights Permeable Green Streets Project;" and

**WHEREAS**, the Town pursuant to Resolution 43-12 has expressed its intent to obtain one or more Revolving Fund Loans through the Maryland Water Quality Financing Administration's ("MWQFA") revolving loan program and other funding sources in order to finance, reimburse or refinance all or a portion of the costs of one or more components of the Project; and

**WHEREAS**, the Mayor and Council have the power pursuant to Section 33-75 of the Town Charter to establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on Town property or along any public way or part thereof, or grade lay out, construct, pave, repave, repair, extend, or otherwise alter sidewalks on Town property along any public way or part thereof; and

**WHEREAS**, the Mayor and Council further have the power pursuant to Section 33-83 of the Town Charter to do whatever may be necessary to protect Town property and to keep all Town property in good condition; and

**WHEREAS**, the Charter, Section 33-63 further permits the Council to forego the competitive bidding process in order to negotiate professional services contracts such as engineering services; and

**WHEREAS**, that the Town Council most recently authorized the Mayor to enter into an Engineering Services Proposal for Green Stormwater Infrastructure, Roadway and ADA Improvements dated July 8, 2013 to obtain engineering services from Pennoni Associates Inc., regarding roadway widening along Sachem Drive and Blackhawk Drive and to evaluate placement of drainage and sidewalks along Onondaga Drive and Cree Drive for a fee not to exceed one-hundred eighty-eight thousand dollars (\$188,000.00); and

**WHEREAS**, the Council has provided within the Fiscal Year 2014 Budget of the Town a capital improvements project line item numbered 8012 and further entitled "Sust. Design Serv. - Consult Eng." originally in the amount of \$50,000 that was approved as part of the FY '14 Budget; and

**WHEREAS**, the Council finds that it is in the best interest of the Town to authorize the requisite expenditure by entry into another agreement with Pennoni Associates Inc. to provide certain engineering services as stated herein and in the proposal attached hereto, and to increase said line item numbered 8012 to \$374,000.00 by transferring funds from line item numbered 8000; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Council authorizes the Mayor to enter into a professional services contract, attached hereto as Exhibit A (Engineering Services Proposal for Design of Reconstruction of North Huron Drive dated September 19, 2013) and incorporated by referenced herein (the "Contract"), and thereby obtain additional engineering services from Pennoni Associates Inc., to include design improvements along North Huron Drive to incorporate Complete Street and Green Street elements, and enhance ADA compliance as further described herein above and in said Contract at a fee not to exceed three-hundred seventy-four thousand dollars (\$374,000.00), whereas this amount includes approximately \$223,000 for Pennoni Associates and \$151,000 for A.D. Marble & Co.; and

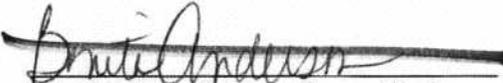
**BE IT FURTHER RESOLVED**, that the Town Council approves and concurs with the subcontractor agreement between Pennoni Associates Inc. and A.D. Marble & Co., Inc. attached hereto as Exhibit B (Forest Heights North Huron Reconstruction - Letter of Commitment dated September 16, 2013) a fee estimated at one-hundred fifty thousand four hundred nineteen dollars and ninety-nine cents (\$150,419.99) of which said subcontractor estimates 80% of total design costs will be reimbursable through PGDER's Municipal Storm Drainage program; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon passage.

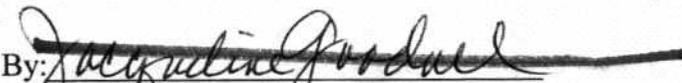
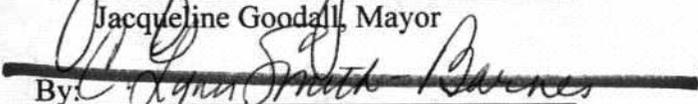
PASSED this 7<sup>th</sup> day of October 2013.

**APPROVED:** By Resolution of the Town Council of The Town of Forest Heights, Maryland

ATTEST:

  
Bonita C. Anderson, Town Clerk

THE MAYOR AND COUNCIL OF THE  
TOWN OF FOREST HEIGHTS, MARYLAND

By:   
Jacqueline Goodall, Mayor  
By:   
C. Lynn Smith-Barnes, Council President

ROLL CALL VOTE

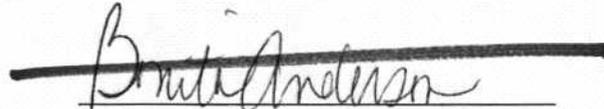
YEA/NAY/ABSTAIN/ABSENT

GOODALL  
KENNEDY II  
STONER  
BARNES  
MUHAMMAD  
SMITH-BARNES  
MANN

YEA  
YEA  
YEA  
YEA  
YEA  
YEA  
YEA

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 7<sup>th</sup> day of October 2013 with 7 Aye votes and 0 Nay, constituting a majority of at least four (4) affirmative votes, the aforesaid Resolution 70-13 passed [or, if applicable, at least five (5) affirmative votes, the aforesaid Resolution 70-13 passed to comply with Art. 23A, §2(b)(2) of Md. Ann. Code].

  
Bonita Anderson, Town Clerk

[Exhibit A- Pennoni Associates, Inc., Engineering Services Proposal for Design of Reconstruction of North Huron Drive dated September 19, 2013]

[Exhibit B- A.D. Marble & Co., Inc., Forest Heights North Huron Reconstruction – Letter of Commitment dated September 16, 2013]