

TOWN OF FOREST HEIGHTS, MARYLAND  
TOWN MEETING  
VIRTUAL MEETING | WEDNESDAY, SEPTEMBER 15, 2021 | 8:00PM  
AGENDA

Call to Order 8:00PM

**Roll Call Council:**

1. Acting Mayor, Calvin Washington -- Ward I	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
2. Robert Barnes, Councilman -- Ward I	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
3. Clifton Atkinson, Councilman – Ward II	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
4. Theresa Brownson, Councilwoman – Ward II	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
5. Taunya Hines, Councilwoman – Ward III	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
6. Paula Noble, Councilwoman – Ward III	<input type="checkbox"/> Present	<input type="checkbox"/> Absent

**I. Moment of Silence**

**II. Pledge of Allegiance to the Flag of the United States of America**

**III. Approval of Agenda**

a. Minutes from September 7, 2021, will be presented at the October 4, 2021, meeting

**IV. Public Period (limit 2 minutes)**

**V. Legislation:**

a. **RESOLUTION 44-21:** A RESOLUTION TO APPROVE A PROPOSAL BY A CONSULTANT TO MANAGE THE TOWN'S ALLOCATIONS OF AMERICAN RESCUE PLAN FUNDS

b. **RESOLUTION 45-21:** A RESOLUTION TO APPROVE PHASE I OF A PROPOSAL AND CONTRACT FROM FES GROUP, LLC TO PROVIDE STEEP SLOPE STABILIZATION AND REPAIRS, AND MAKE ROADWAY IMPROVEMENTS ALONG OR NEAR CREE DRIVE

**VI. Closed Session**

**VII. New Business**

**VIII. Adjournment**

<https://us02web.zoom.us/j/563484463>

Meeting ID: 563484463

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**RESOLUTION 44-21  
THE TOWN OF FOREST HEIGHTS**

**A RESOLUTION TO APPROVE A PROPOSAL BY A CONSULTANT TO MANAGE  
THE TOWN'S ALLOCATIONS OF AMERICAN RESCUE PLAN FUNDS**

**Introduced By: Acting Mayor Washington**

WHEREAS, under the funding administered by the State of Maryland pursuant to the American Rescue Plan's Coronavirus State and Local Fiscal Recovery Funds program, every level of government will receive funding, regardless of size; and

WHEREAS, funds can be utilized by state, county, and municipal governments to respond to and prepare for COVID-19 activities, as well as the replacement of revenues lost as a result of COVID-19 including payroll and covered benefits expenses for public health, healthcare, human services, public safety and similar employees and under the Coronavirus Capital Projects Fund carry out capital projects enabling work, education, and health monitoring, including telehealth options, in response to COVID-19; and

WHEREAS, on or about July 15, 2021, the Town received confirmation by email from Hagerty Consulting, an agent of the State of Maryland's Department of Budget and Management, of its request made in compliance with the American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Funds (CLFRF) disbursement; and

WHEREAS, said email further stated that the Town's final allocation is \$2,526,205.34, of which 50%, or \$1,263,102.67, is disbursed to Forest Heights in this first tranche, and pursuant to the U.S. Treasury, the remainder of the funds will be distributed in no less than 12 months by the Md. Department of Housing and Community Development, who is responsible for disbursing the funds; and

WHEREAS, unlike eight (8) other cities in Md., the Town of Forest Heights is a non-entitlement municipality under CDBG and funding is to be distributed based on a population with estimates for Prince George's County non-entitlement units or municipalities to be approximately \$160,941,034 with Forest Heights' share originally estimated at \$2,142,984 according to the Congressional Research Service, but the amount awarded may not exceed an amount equal to 75 percent of the most recent budget as of January 27, 2020; and

WHEREAS, State, territorial, metropolitan city, county, Tribal governments, and non-entitlement units ("NEU's"), such as the Town, that receive funding from the State and Local Fiscal Recovery Funds Programs are required to meet compliance and reporting responsibilities; and

WHEREAS, the Town will be required to enter into an award agreement for upload with the NEU's first report to Treasury due October 31, 2021 and will need to register in SAM.gov as soon as possible after receiving the award; and

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WHEREAS, NEU's are further required to submit an annual Project and Expenditure Report with key information provided on Projects, Expenditures, Project Status, Project Demographic Description, Subawards, Civil Rights Compliance, and Programmatic Information, and further provide added documentation and information such as a signed award terms and conditions agreement, signed assurances of compliance with Title VI, and provision of various budget documentation; and

WHEREAS, the Town Charter, §33-19(25) authorizes the Council to have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State to pass ordinances for the specific purposes of accepting gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made; and

WHEREAS, on June 23, 2021, the Council passed Emergency Ordinance 02-21 approving the FY 22 Budget and finds that said ordinance will necessitate amendment to appropriate the Town's allocation of Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 ("ARPA"), also called the COVID-19 Stimulus Package or American Rescue Plan, Pub L. No. 117-2; and

WHEREAS, on or about July 21, 2021, the Town Council passed a Resolution 31-21 to approve a consulting services agreement with Greenwill Consulting Group, LLC as the Town lobbyist for a term of one year and a fee of \$25,000; and

WHEREAS, the Greenwell Consulting Group has tendered a 4-page proposal dated August 2021 entitled "American Rescue Plan Act Proposal" (the "Proposal"), which is attached hereto and incorporated by reference herein as Exhibit A; and

WHEREAS, said Proposal is to assist the Town in developing a Covid-19 recovery plan and includes a scope of work to provide the Town with all of the professional services necessary for the Town and its departments to be eligible for and comply with all of the requirement of the ARPA at a cost to the Town of \$120,000 and a contract timeline of two years; and

WHEREAS, Section 33-63(e) of the Town Charter states that all contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying, shall not be on a bid basis, but shall be negotiated by the Council.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves the above-referenced Proposal incorporated herein by reference as Exhibit A; and

BE IT FURTHER RESOLVED that the Acting Mayor is authorized to pursue said funding and to further negotiate on behalf of the Council a supplementary or separate contract with Greenwill Consulting Group, LLC to provide said professional services relating to the American Rescue Plan Act funding; and

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BE IT FURTHER RESOLVED that the Acting Mayor is authorized to sign this Resolution on behalf of the Council and any related documentation including an award agreement for said funding providing such agreement is approved by the Council by a simple motion entered the journal at a future public meeting; and

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

PASSED this \_\_\_ day of September 2021.

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

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
ATKINSON	_____
BROWNSON	_____
NOBLE	_____
BARNES	_____
HINES	_____
WASHINGTON	_____

ATTEST:

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

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

By: \_\_\_\_\_  
Calvin Washington, Acting Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the \_\_\_ day of September 2021 with \_\_\_ Aye votes and \_\_\_\_\_ Nay votes the aforesaid Resolution \_\_\_-21 passed.

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION 45-21**

**A RESOLUTION TO APPROVE PHASE I OF A PROPOSAL AND CONTRACT FROM  
FES GROUP, LLC TO PROVIDE STEEP SLOPE STABILIZATION AND REPAIRS,  
AND MAKE ROADWAY IMPROVEMENTS ALONG OR NEAR CREE DRIVE**

Introduced by: Acting Mayor Calvin Washington

**WHEREAS**, the Charter, Section 33-73 (Public ways, control) states that the Town of Forest Heights (the "Town") shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George's County and that subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

**WHEREAS**, the Charter, Section 33-66(g) (Purchases and contracts) states that the Mayor and Council by a two-thirds vote may waive the competitive bidding requirements of said section for good cause shown for sole source procurements of unique products and services provided written findings are made as to the basis of such waiver shall be placed in the journal of the Council's proceedings; and

**WHEREAS**, a Drainage Assessment and Inspection Report prepared by Pennoni and Associates dated January 2011 (the "Report") provides information on the Town's storm drainage infrastructure, and Appendix F (Tab F) of the Report is a town-wide Drainage Inlet Map with colorized phases (phase 1-14) recommending in phases repair of the systems; and

**WHEREAS**, the Town wishes to install certain improvements to protect certain vulnerable areas of steep slopes situated near Cree Drive that are causing erosion into the roadway; and

**WHEREAS**, the Town obtained from FES Group, LLC ("FES") a Fee Proposal for the Engineering, Design, and Construction of Slope Erosion Repair and Stabilization of Cree Drive Drainage Improvements and Road Repair (FES Project No. 21-016) dated August 2, 2021; and

**WHEREAS**, said Proposal (Phase I) is for drainage improvements, repair and stabilization of steep failing earth slope and drainage ditch at Cree Drive Drainage Improvements in Forest Heights at a project cost of \$1,711,700.00, which is attached hereto as Exhibit 1; and

**WHEREAS**, said Proposal recommends that the project be performed in two (2) phases to minimize the impact on the existing residences and movement of traffic along Cree Drive consisting of steep slope stabilization repair and roadway improvements for Phase I per Section 6 of the Proposal; and

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION 45-21**

**WHEREAS**, the Mayor and Council find that FES Group, LLC's services are unique and the best bid in terms of the quality of goods and work, successful past performance on Town projects in March of 2021, time of delivery or completion, and responsibility of bidders being considered, and the fact that this bid was put out on two (2) occasions and FES was the only respondent both times, and FES will adequately address the particular needs of the Town in supplying this public works project in an incremental yet cost effective manner.

**NOW THEREFORE BE IT RESOLVED** that the Town Council hereby accepts the aforementioned Proposal (Phase I) and approves and authorizes a Contract (FES Project No. FES21-015) in the amount of \$1,711,700.00 with certain terms and conditions enumerated therein, for the design, construction and stabilization of a slope failure and pipe installation Cree prepared by FES Group, LLC, a Maryland company that is in good standing with the State, which both documents are attached hereto and incorporated by reference herein as Exhibit 1 and Exhibit 2.

**AND, BE IT FURTHER RESOLVED** that the Town Council hereby authorizes the finalized written contract with FES Group, LLC to be paid pursuant to FY22 Budget Line Item \_\_\_\_\_ with any proofs of insurance and indemnifications deemed necessary by the Town Administrator to protect the Town and carry out the performance of the project described herein.

**AND, BE IT FURTHER RESOLVED** that the Town Council by a two-thirds vote hereby waives the competitive bidding requirements of Section 33-66 of the Town Charter for good cause shown for sole source procurements of unique products and services.

**AND BE IT FURTHER RESOLVED** that the Acting Mayor, on behalf of the Town is hereby authorized to enter into the Contract and execute any Contract Documents as enumerated in Article 9 of the referenced Contract, attached as Exhibit 2, and any other necessary documents needed to carry out the intent of this Resolution prior to the commencement of any work; and

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

PASSED this \_\_\_ day of September 2021.

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

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

BROWNSON

\_\_\_\_\_

ATKINSON

\_\_\_\_\_

BARNES

\_\_\_\_\_

HINES

\_\_\_\_\_

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION 45-21**

WASHINGTON \_\_\_\_\_

NOBLE \_\_\_\_\_

ATTEST:

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

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

By: \_\_\_\_\_  
Calvin Washington, Acting Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the \_\_\_ of September 2021 with \_\_\_ Aye votes and \_\_\_ Nay vote (i.e., a 2/3rds majority of quorum) the aforesaid Resolution \_\_\_-21 passed.

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

[Exhibits 1 & 2 FES Proposal and Contract]