

TOWN OF FOREST HEIGHTS COUNCIL WORK SESSION MEETING

Monday October 3, 2022
Municipal Building
Zoom Dial-In 1-301-715-8592
Meeting ID Meeting ID: Meeting ID: 845 182 1852

Agenda

- I. Call to Order
- II. Roll Call
- III. Moment of Silence
- IV. Pledge of Allegiance to the Flag of the United States of America
- V. Approval of Consent Agenda
 - a. Minutes September 21, 2022
- VI. Approval of Agenda
- VII. Public Period (limit 2 minutes)
- VIII. Presentation (limit 5 minutes)
 - a. Ms. Mann from Greater Oxon Hill Community Development Corporation and Mark Piccirilli, Firstpic.org on the Boys & Girls Club Facility for Forest Heights
- IX. Reports
 - a. Treasurer
 - b. Public Works Lead
 - c. Ombudsman
 - d. Police Chief
 - e. Program Manager
 - f. Town Administrator
- X. Councilmember/Mayor Report
 - a. Ward 1
 - b. Ward 11
 - c. Ward 111
- XI. Legislation
 - a. **Resolution 57-22** A Resolution of The Town of Forest Heights, a Political Subdivision of The State of Maryland, Authorizing Participation in The Employees' Pension System and Law Enforcement Officers Pension System of The Maryland State Retirement and Pension System ("MSRPS")
 - b. **Resolution 58-22** A Resolution for "Pick-Up" in The Maryland State Retirement and Pension System Employee's Pension System and Law Enforcement Officers Pension System
 - c. **Resolution 59-22** A Resolution to Approve a Proposal and Contract with Choice Concrete Construction, Inc. for Street and Curb replacement to Improve Water Flow at the Upper Elevation of Iroquois Way Near Woodland Drive
- XII. New Business
- XIII. Adjournment

Town of Forest Heights
Town Meeting 8:00 PM
Minutes Wednesday, September 21, 2022

Minutes Call to Order: 8:00 PM

Roll Call: CM Barnes; CM Hines, CM Kennedy, II, CP Lilly, and Mayor Washington, not present CM Atkinson; quorum established.

Moment of Silence:

Pledge of Allegiance:

Approval of Consent Agenda: Mayor Washington to approve the agenda; seconded by CM Kennedy; all in favor; motion passed.

Approval of Agenda: Motion by Mayor Washington to approve the agenda; seconded by CM Hines; all in favor; motion passed.

Public Period: None

Legislation:

Ordinance 05-22 An Ordinance of the Mayor and Council of the Town of Forest Heights, Maryland amending Article 2 (Administration) of the Town Ordinance Code, by Amending Sections 2.4 (Full Time Employees), to clarify and provide that department heads shall serve as "at will" employees without certain Merit protections afforded subordinate employees including disciplinary hearings; and proscribe certain forms of nepotism, and generally relating to Town Employees and Administration. Motive by Mayor Washington to waive the full reading; seconded by CM Barnes, II; all in favor; motion by Mayor Washington to adopt Ordinance 05-22; seconded by CP Lilly; discussion. None; Vote 6 Yea; 0 Nay; motion passed

New Business:

CP Lilly asked Town Attorney Best if he had an opportunity to examine the MOU that was submitted at the previous meeting to be partners with the state roadway to trim the grass on 210 highways. Mr. Best said that he had not received it. The Town Administrator stated that he would make certain that he received the papers first thing in the morning.

CM Barnes, stated a few months ago, there was a discussion about taking or buying the property on Talbert Drive, the medical building. He said the Town Attorney explained that we could not take the property, but there was a means for the town to obtain ownership. He wants to know if we need to vote on it to proceed with this property.

Town Attorney Best What the councilman is referring to is the urban renewal authority. The town already has the ability to take and reasonably compensate owners of real property to use the property for a public purpose. But to remove blight. It's a little different story. You must have a special power. Urban Renewal Authority. It's an appendix to your charter and you cannot amend your charter yourself. It's a special type of authority that must come directly from the General Assembly. So, what we need to do is to find a representative or a delegate or a senator willing to sponsor an urban renewal bill to amend your charter in that special way for the next legislative session. So, I don't know whether you want to work with Green Will or find a sponsor. Your senator might be better than a delegate, because you know that senator is going to have more clout and can get it done quicker.

CM Kennedy, II, mention, there is a meeting tomorrow for the Harvest Festival, Trick or Treat, and Halloween. But, as of now, we don't have a specific site for the haunted home. Even if we did, it would take little over a month to create one from start. So maybe some people who know how to utilize tools may come and help develop it.

Meeting Adjourned 8:34pm

The Town of Forest Heights
Cash Report
September 2022

	TD Bank (GF - Checking)	TD Bank (ARPA)	TD Bank (Speed Camera)	TD Bank (Rainy Day - Money Mkt)	Totals
Beginning Balances	\$434,887.11	\$161,743.13	\$2,026,905.00	\$166,132.40	\$2,788,667.64
Unrestricted Funds:					
Checks Cashd/Other	(\$44,073.37)	(\$30,000.00)	\$0.00	\$0.00	(\$74,073.37)
Interest/Investment Income	\$1,876.82	\$0.00	\$0.00	\$0.00	\$1,876.82
Pending Transfers	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
ARPA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Internal Transfers In/Out	\$500,000.00	\$0.00	(\$500,000.00)	\$0.00	\$0.00
Transfers In - Other Agencies	\$99,940.96	\$1,264,047.98	\$0.00	\$0.00	\$1,363,988.94
Transfers In	\$4,508.42	\$0.00	\$0.00	\$0.00	\$4,508.42
Transfers Out	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Deposits	\$3,369.83	\$0.00	\$0.00	\$0.00	\$3,369.83
Subtotal - Unrestricted Deposit Fund Activity	\$565,642.66	\$1,234,047.98	(\$500,000.00)	\$0.00	\$1,299,690.64
Restricted Funds:					
ACH - Galso	\$0.00	\$0.00	\$71,951.00	\$0.00	\$71,951.00
ACH - Optotraffic	\$0.00	\$0.00	\$123.15	\$0.00	\$123.15
ACH - Municipal Collections	\$0.00	\$0.00	\$88,885.85	\$0.00	\$88,885.85
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Subtotal - Restricted Fund Activity	\$0.00	\$0.00	\$160,960.00	\$0.00	\$160,960.00
Total Cash Available Before Disbursements	\$1,000,529.77	\$1,395,791.11	\$1,686,865.00	\$166,132.40	\$4,249,318.28
Other Disbursements:					
Payroll - Net Salary	(\$112,705.35)	\$0.00	\$0.00	\$0.00	(\$112,705.35)
Payroll - Taxes	(\$46,964.97)	\$0.00	\$0.00	\$0.00	(\$46,964.97)
Payroll - Fees	(\$637.30)	\$0.00	\$0.00	\$0.00	(\$637.30)
Non-payroll Electronic Disbursements	(\$506,325.67)	\$0.00	\$0.00	\$0.00	(\$506,325.67)
Service Charge	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Cash Disbursed	(\$666,633.29)	\$0.00	\$0.00	\$0.00	(\$666,633.29)
Ending Balance @ 09/30/2022	\$333,896.48	\$1,395,791.11	\$1,686,865.00	\$166,132.40	\$3,582,684.99

NOTES

General Fund

- Real Estate Tax Revenue - \$ 49,533.81
- Income Taxes - \$ 9,428.24
- Highway User Revenue - \$ 28,403.91
- Speed Camera Revenue - \$ 174,797.30

The Town of Forest Heights

Department of Public Works

Melvin Watkins, Lead

September, 2022

Town Appearance:

- Maintenance and upkeep of the Community Park next to Henry's
- Daily Trash pickup throughout the town
- Monthly inspection of the Tot Lot
- Patching of potholes on Seneca
- Reporting of Street light outages
- Cleaning storm drains and curbs of leaves and grass
- Cutting/removal of fallen trees
- Maintaining the Pet Waste Stations
- Monitoring of the Big-Belly Trash Compactors

Town Infrastructure:

- **Iroquois Way**
 - Meeting with residents to two discussed water repairs

Building Infrastructure:

- The Town Hall building and FHPD trailer is being cleaned and sanitized by DPW daily.

Equipment Maintenance

- Leaf Vac was in for repairs for roof.
- Ordered Pallet of Perma Patch

Getting Estimates

- Garage Roof Replacement
- Remodeling hallway in P.D.
- Rain Garden around back
- Putting Water in Garden
- Tree removes at Gathering Space
- Contractors for concrete repair for the driveway and the walkway at the community gathering space.

TOWN OF FOREST HEIGHTS
AUTOMATED SPEED ENFORCEMENT OMBUDSMAN
SEPTEMBER 2022
Ombudsman Report
Ronald B Govan

For the month of September, the Town of Forest Heights had

- 7 Late fees requested.
- 5 Late fee requests granted.
- 2 Late fee requests denied
- 7 Cancel citation.
- 4 Flag Release

John E O'Connor
Program Manager
Monthly Report, September 2022

Mayor and Council,

The following is a list of action items that have been undertaken by the Program Manager in conjunction with the Staff of the Town of Forest Heights.

1. American Rescue Plan Future Planning and Operations. Establishing new plan. Assisting economically impacted residents and advertising, Draft Plan Submitted to Town Administrator
2. Council Updated at work session for Side-walk retro fit program.
 - a. Update: Sidewalk work to begin on Shoshone Area
3. Mayor and Council for approved Speed Hump Ordinance. This outlines all requirements to be set, citizen requests, input, and conformance with the Manual for Uniformed Traffic Control Devices. Work has begun to facilitate the speed hump updating.
 - a. Update: Speed Humps Cataloged in Town and Removal to Begin of Speed Bumps
4. BoardDocs is being implemented and training will be scheduled late September. We are on schedule.
 - a. Update: Boarddocs system established attended training with Town Clerk. We are on time with implementation
5. QuickBooks online is underway. This will facilitate an online platform to assist with audits in the future and provide an ease of day-to-day operations for the Finance Department.
 - a. QuickBooks has been deployed and Payroll implementation will be forthcoming working with Financial Consultant
6. Town Staff has fully implemented and deploy Bill.Com. Bill.com is fully integrated except for QuickBooks which should happen in the next 90 Days. The processes have been successful in keeping bills paid on time and accounted for.
 - a. Update: Project Complete
7. Continue Working with the Finance Department to establish and Automated Speed Enforcement Enterprise fund policy regarding fund limits and percentages. This will allow for the fund to be appropriately utilized and ensure the long-term sustainment of funding through the various programs and annexations processes that the Town is seeing.
 - a. Update: Project paused for audits
8. Attended Staff meetings and coordinated with the Town Administrator to facilitate forward momentum and government readiness for services.
9. Completed several CIP sheets for future projects that will help facilitate grant funding.
10. Worked with Police Department for Automated Enforcement Options and Vendors for a smooth transition.
 - a. Update: Vendor selected will assist with implementation
11. Shoshone to be updated with Signs and paint, as well as Sealed
12. Worked with Clerk for passive recreation spaces within the Town

13. Iroquis Dr, Project implemented and will take place asap. CIP Sheet completed and underway with Department of Public Works and Transportation.

a. Signs and Poles ordered through Grainger

Townhouse Construction Project Proposed for Talbert Drive

Mayor Washington and I were contacted in April by a developer (Women at Work, LLC) who is interested in constructing a townhouse project on six vacant lots along Talbert Drive. Although only in the conceptual phase, the developers' vision for *Forest Heights Cove* is to assemble property owned by several entities in the vicinity of Talbert Drive to construct approximately 15-20 townhomes. The project would include several surplus lots along Talbert Drive that Prince Georges' County would deed to the Town of Forest Heights.

I have recently submitted a proposed "Plan" to the County Land Acquisition and Real Property Office describing how the Town might develop the project in partnership with the developer, which is required to reserve and convey the lots to the Town.

The process of the County deeding these properties to the Town is underway within the Land Acquisition Office and expected to stretch into early 2023.

Please contact the Town Administrator for more information.

Acting Public Works Department Manager

Please be reminded that Lead Crewman Melvin Watkins has been temporarily assigned as Acting Public Works Department Manager as of June 17th.

The Town is currently advertising for and interviewing candidates to fill the vacant Public Works Director position.

Feel free to reach out to Mr. Watkins with any concerns related to this department. He can be reached at 240.640.3518.

Please let me know if you have questions or wish to discuss specifics.



The Town of Forest Heights POLICE DEPARTMENT

Anthony Rease, Chief of Police

Incident Type	Total
911 DISCONNECT	16
ACCIDENT	6
ANIMAL COMPLAINT	2
ASSAULT	1
ASSIST FIRE EMS	1
BREAK IN REPORT	1
CHECK WELFARE	2
CHECK WELFARE COMBINED	5
CHECK WELFARE MENTAL	1
CROSSING GUARD ASSIGNMENT	1
CW18	3
DISORDERLY	10
DOMESTIC	4
DOMESTIC STANDBY	1
FAMILY DISPUTE	1
FOUND	1
FRAUD	1
HIT AND RUN	3
HOLD UP ALARM	1
LOST PROPERTY	6
LOUD MUSIC COMPLAINT	5
MISC POLICE INCIDENT	5
PARKING ENFORCMENT	2
PAST SUSPICIOUS PERSON	1
PREMISE CHECK	238
PROPERTY DAMAGE	3
RESIDENTIAL ALARM	2
STOLEN VEH	1
SUBJECT STOP	20
SUSPICIOUS AUTO	7
SUSPICIOUS OCC AUTO	10
SUSPICIOUS PERSON	6
THEFT FROM AUTO	2
THEFT FROM AUTO J O	1
THEFT J O	2
TRAFFIC COMPLAINT	10

UNKNOWN TROUBLE 15
 VANDALISM 1
 VEHICLE ACCIDENT COMBINED 4
 WARRANT SERVICE 1
 Total Calls --> 403

On September 18th FHPD responded to Indian Head Hwy/ Salisbury Dr for a fatal pedestrian accident. Forest Heights Police Department Command Staff is working with the State Highway Administration to provide adequate lighting at the Indian Head Hwy/ Salisbury Dr crosswalk.

FHPD is conducting speed data in the town to determine where traffic calming devices should be placed.

Code Enforcement is currently updating the vacant property list to bring property owners in compliance.

STATISTICAL REPORT

Arrest:

OnView-17

Warrants-5

DUI-3

Recovered Firearms-5

Administrative Office: 301-839-4040 | Non-Emergency: (301) 352-1200 | Emergency Dial: 911

5508 Arapahoe Drive Forest Heights, Maryland 20745 Follow us [f](#) [@](#) [t](#) @ForestHeightsPD

Town Council Report For 10.3.22 Work Session (Town Administrator)

National View Project Status

Petra Development has received approval (with conditions) of their *Conceptual Site Plan* for National View from the Maryland National Capital Parks & Planning Commission. The Conceptual Plan depicts where the applicant plans to place the buildings, entrances and exits to the site, and other development on the property.

The Conceptual Plan was formally accepted by the M-NCPPC on or about March 22ND and approved at a hearing early last summer.

One of the next major steps forward in connection with this approval is that the Town is now expected to annex certain development related property into our corporate limits as a stipulation associated with the signed Pre-Annexation Agreement.

Town staff has engaged the firm Charles P. Johnson and Associates which is currently in the process of completing a metes & bounds survey needed to begin the annexation process.

If you have any questions, please contact the Town Administrator, or visit the Town website and click on the "Our Community" link for updates.

New Part Time Town Financial Consultant

With the resignation in August of our Town Treasurer, Mayor Washington has hired a part time Financial Consultant to step in to fill these shoes until a new Treasurer is brought on board. Her name is Ms. Shelly Dorsey.

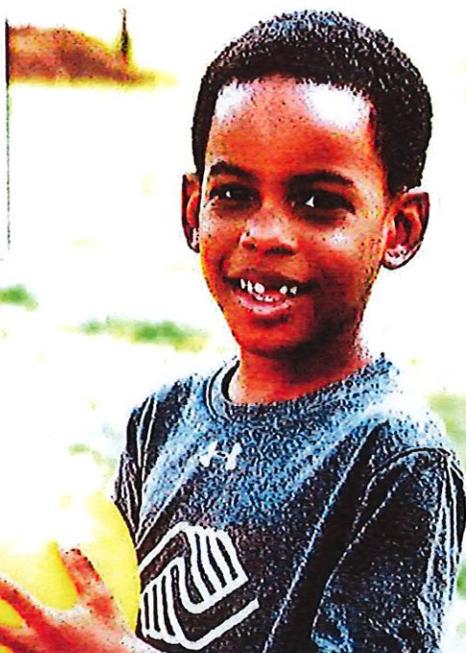
Ms. Dorsey comes to us with significant experience working in the municipal government arena with expertise in areas such as Budget Management, Performance Management, Operations Management and Systems Management. She has also served in the capacities of Finance Director, Budget Coordinator and Town Treasurer in other organizations.

Ms. Dorsey will be responsible for overseeing a number of Town fiscal functions, including but not limited to: Short & long-range financial strategies and planning, finance department management, analyzing and preparing town financial reports and presentations, comprehensive town Budget development/preparation, internal fiscal controls, town financial auditing activities, cash and debt management and formulation and enforcement of fiscal policy and procedure.

Ms. Dorsey reports directly to the Town Administrator.



BOYS & GIRLS CLUBS
OF MARYLAND



Boys & Girls Clubs of Maryland

Boys & Girls Clubs of Maryland (BGCMD) consists of nine independent Boys & Girls Clubs organizations statewide each governed by a local board of directors. Local Clubs across Maryland, as well as Clubs on U.S. Military Installations in Maryland play a critical role in meeting the unique needs of families in their communities. We know we are stronger when we work together to connect our communities and BGCMD is poised to strengthen Clubs across Maryland. We are committed to collaboration that will ultimately strengthen our shared brands, secure large-scale financial support, and identify ways to serve more young people in Maryland.

MISSION

BGCMD is a relentless champion for children across the entire state, doing whatever it takes to enable all young people, especially those who need us most, reach their full potential as productive, caring, responsible citizens.

WE PROVIDE

SAFER CHILDHOODS
LIFE-ENHANCING PROGRAMS
CARING MENTORS

OUR REACH

70+ Boys & Girls Clubs across Maryland

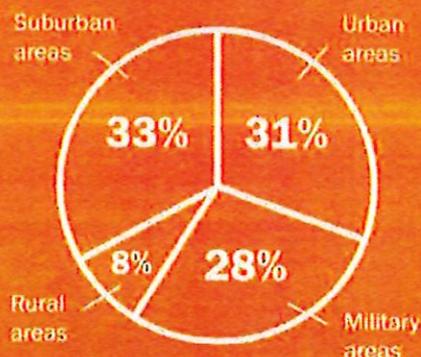
480 Adult Staff

336 Volunteers

25,511 Youth Served



CLUB LOCATIONS



**TOWN OF FOREST HEIGHTS
RESOLUTION 57-22**

**A RESOLUTION OF THE TOWN OF FOREST HEIGHTS, A POLITICAL
SUBDIVISION OF THE STATE OF MARYLAND, AUTHORIZING
PARTICIPATION IN THE EMPLOYEES' PENSION SYSTEM AND LAW
ENFORCEMENT OFFICERS PENSION SYSTEM OF THE MARYLAND
STATE RETIREMENT AND PENSION SYSTEM ("MSRPS")**

Introduced by: Mayor Calvin Washington

WHEREAS, the Town of Forest Heights is a municipality of the State of Maryland, and is eligible to participate in the Employees' Pension System – Reformed Contributory Pension Benefit ("EPS" and "LEOPS") in accordance with the Annotated Code of Maryland, State Personnel and Pensions Article ("SPP"), § 31-102;

WHEREAS, the Town of Forest Heights provides for compensation and benefits to its employees in exchange for their service to the citizens; and

WHEREAS, the Mayor and Council of the Town of Forest Heights, has determined it would be in the best interests of the town and its citizens, and the eligible employees of the Town of Forest Heights, to participate in the EPS or LEOPS;

WHEREAS, in accordance with SPP § 31-109(a)(1), a Resolution of the Mayor and Council of the Town of Forest Heights is required to approve and effectuate participation of eligible employees in the EPS or LEOPS;

WHEREAS, the Town of Forest Heights desires to participate in the EPS and LEOPS effective on July 1, 2023; and

WHEREAS, State law provides that the Town of Forest Heights shall purchase 100% of the service credit for employment prior to July 1, 2023 for employees eligible for participation in the Employees' Pension System and Law Enforcement Officers Pension System of the MSRPS who elect to participate before the effective date.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Forest Heights, hereby authorizes, approves, and agrees to implement participation in the Employees' Pension System of the MSRPS effective on July 1, 2023, at 12:00 a.m., pursuant to SPP § 31-109(a); and

BE IT FURTHER RESOLVED, by the _Mayor and Council of the Town of Forest Heights, that in accordance with SPP §§ 23-204(a)(1)(vi) and 23-204(a)(3), eligible employees hired on or before June 30, 2023 and who remain employed by the town on July 1, 2023, shall have a one-time irrevocable election to join and participate in EPS or LEOPS effective July 1, 2023, by submitting a written application to the State Retirement Agency prior to the effective date of participation on July 1, 2023; and

INTRODUCED by the Mayor and Council of the Town of Forest Heights, at a Meeting on October ___, 2022 at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Council of the Town of Forest Heights, at a Meeting on October ___, 2022.

PASSED this ___ day of October ___ 2022.

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

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY	_____
KENNEDY II	_____
ATKINSON	_____
BARNES	_____
HINES	_____
WASHINGTON	_____
NOBLE	_____

ATTEST:

THE TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ of October 2022 with ___ Aye votes and ___ Nay vote the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

**Town of Forest Heights
Resolution 58-22**

**A RESOLUTION FOR “PICK-UP” IN THE MARYLAND STATE
RETIREMENT AND PENSION SYSTEM EMPLOYEE’S PENSION SYSTEM
AND LAW ENFORCEMENT OFFICERS PENSION SYSTEM**

Introduced by: Mayor Calvin Washington

WHEREAS, the eligible employees of the Town of Forest Heights will be eligible to participate in the Maryland Employees’ Pension System (“EPS”) and the Maryland State Law Enforcement Officers Pension System (LEOPS), which is part of the Maryland State Retirement and Pension System, effective on July 1, 2023;

WHEREAS, the Mayor and Council has the authority to adopt this resolution on behalf of Town of Forest Heights;

WHEREAS, the State Retirement Agency has adopted procedures for reporting picked-up contributions in order to provide consistency in the administration of state law; and

WHEREAS, employers may pick-up all of the mandatory employee contributions for employees participating in the EPS and LEOPS;

NOW, THEREFORE, BE IT RESOLVED, that effective as of July 1, 2023, the Mayor and Council of the Town of Forest Heights has determined to pick up all of the mandatory contributions by the employees who are members of the EPS and LEOPS through a payroll reduction. No contributions prior to the Mayor and Council of the Town of Forest Heights action and prior to approval of the Board of Trustees of the Maryland State Retirement and Pension System shall be picked up;

AND BE IT FURTHER RESLOVED, that said picked-up contributions paid by payroll reduction, even though designated as employee contributions for state law purposes, are being paid by the Town of Forest Heights in lieu of said contributions by the employee;

AND BE IT FURTHER RESOLVED, that the pick-up treatment does not apply to contributions earned prior to the later of the date the resolution is signed or effective; the Board of Trustees must approve the implementation of the pick-up before it becomes effective; and

AND BE IT FURTHER RESOLVED, that said employee members of the EPS and LEOPS shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the Town of Forest Heights to the EPS or LEOPS. This pick-up applies to mandatory contributions that the employee is required to make to EPS and LEOPS

PASSED this ____ day of October 2022.

TOWN OF FOREST HEIGHTS
RESOLUTION 58-22

**Town of Forest Heights
Resolution 58-22**

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

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY	_____
KENNEDY II	_____
ATKINSON	_____
BARNES	_____
HINES	_____
WASHINGTON	_____
NOBLE	_____

ATTEST:

THE TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights,
Maryland, that on the ___ of October 2022 with ___ Aye votes and ___ Nay vote the
aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 59- 22**

A RESOLUTION TO APPROVE A PROPOSAL AND CONTRACT WITH CHOICE CONCRETE CONSTRUCTION, INC. FOR STREET AND CURB REPLACEMENT TO IMPROVE WATER FLOW AT THE UPPER ELEVATION OF IROQUOIS WAY NEAR WOODLAND DRIVE

Introduced by: 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 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 (the "Report"); and, this was an undertaking generally referred to by the Town as the "Forest Heights Permeable Green Streets Project;" and

WHEREAS, the Report provides information on the Town's storm drainage infrastructure, and Appendix F (Drainage Phase Plan) of the Report is a town-wide Drainage Inlet Map with colorized phases (phase 1-14) recommending phases of repair of the stormwater infrastructure systems; and

WHEREAS, on October 7, 2013, the Mayor and Council pursuant to Resolution 70-13 approved an engineering proposal by Pennoni Associates, Inc., for design of the reconstruction of North Huron Drive, which included an allowance to subcontract with A.D. Marble & Company ("A.D. Marble") whereby Pennoni would incorporate final drainage, SWM, E&S and landscape designs developed by A.D. Marble to prepare a comprehensive set of final design plans, and to further allow Pennoni to incorporate construction specifications, estimates and permits/approvals obtained by A.D. Marble into the final construction and bidding documents; and

WHEREAS, the North Huron Drive Sidewalks – Phase I Project (Contract No. FHRFB 2-17) included reconstruction of more than 2,300 linear feet of pervious concrete sidewalk, reconstruction/upgrades to driveway aprons, construction of ADA compliant concrete ramps, tree and fence removal and installation, and pavement markings to allow for pedestrian flow and access to the area schools; and

WHEREAS, on or about August 19, 2020 Resolution 49-20 approved and accepted a proposal and contract with Choice Concrete Construction, Inc. to perform certain street and sidewalk repairs on Seneca Drive and Terrell Avenue, which are considered Phase 2 of the Report's recommended phases; and

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 59- 22**

WHEREAS, the Report on page 9 shows a photograph (Figure 2) of flooding on Woodland Dr. and Iroquois Way, and the area addressed by the subject proposal is located in Phase 3; and

WHEREAS, the Mayor and staff reports that for years because of the topography of Forest Heights, rainstorm events have caused water to rush severely from Blackhawk Dr. and Woodland Dr. collecting at a central point at the top of Iroquois Way, and that this stormwater, following through the natural topographic flow, continues onto Iroquois Way in route to Oxon Cove encroaching upon driveways, front yards and threatens infiltrating the homes of several residents; and

WHEREAS, the Mayor and staff further reports that one major contributing factor is that there is little to no curbing to catch and divert the water due to historic repaving of the street, layer upon layer, reducing the curb height and rendering it ineffective; therefore, in response to the problem, the administration has asked Choice Concrete to provide a proposal to address the matter and their solution described in its proposal, attached hereto as Exhibit A, involves constructing a new curb and gutter and altering the angle of the street to divert stormwater away from the affected properties; 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, the Council finds that some of the rationale for waiving Town competitive procurement requirements are as follows: (i) the bidding process would add at least 30 days to the procurement process and the winter months and colder weather may not allow the project to start until next year; however, Choice Concrete is prepared to mobilize as soon as possible to schedule the project, (ii) the Town has a history of numerous successful repaving and stormwater related projects completed by Choice Concrete, (iii) when the Town had requested bids for similar projects, Choice Concrete has a history of submitting the lowest cost bid with quality service as recently demonstrated with the completed Cree Drive project, (iv) such a stormwater mitigation project should be considered a public safety issue or, at the least a potential "infrastructure hazard" that could expose the Town to legal liability since street maintenance is considered under Maryland law to be a proprietary interest without the typical governmental immunities, (v) the Town is currently in the process of completing a Draft Capital Improvement Plan (CIP) which will prioritize Town Capital and Infrastructure projects and identify funding sources tied to the Budget, and funding has been identified for this project; and

WHEREAS, the Council further finds that time is of the essence and only one named supplier can meet needs within the expedited timeframe; and

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 59- 22**

WHEREAS, the Staff recommends that in order to complete the project that the milling and curb replacement be provided by Choice Concrete Construction, Inc., a business in good standing with the State and, as stated, having performed numerous contracts with the Town; and

WHEREAS, the Town wishes to enter into an agreement with Choice Concrete Construction, Inc. to perform the above-described repairs in the amount of \$53,189.00.

NOW, THEREFORE BE IT RESOLVED that the Town Council hereby accepts the aforementioned Proposal entitled "Proposal No. 22-602: Iroquois Way – Street and Curb replacement to help with water flow," dated of Aug. 24, 2022, and further approves and authorizes the Town to proceed with the said contract quoted at \$53,189.00 (plus a 10% contingency amount not exceeding a total project amount of \$58,507.90) with certain terms and conditions enumerated therein, prepared by Choice Concrete Construction, Inc., a Maryland company that is in good standing with the State, which is attached hereto and incorporated by reference herein as Exhibit A.

AND, BE IT FURTHER RESOLVED that the Town Council hereby authorizes the finalized written contract with Choice Concrete Construction, Inc. to be paid pursuant to FY23 Budget Line Item(s): *8200 (American Rescue Plan Act Expenditures)* 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 prior to the Mayor signing the approved proposal or contract and notwithstanding anything in said contract to the contrary, the authorized representative of said company or firm shall provide proof of insurance indemnifying the Town, to the satisfaction of the Town Administrator, and that the Contractor shall agree by signing a release and waiver that it will provide and maintain at all times during the term of this agreement, or any other contract it has with the Town, such insurance coverage (Commercial General Liability, Business Automobile Liability, and Workers' Compensation) to adequately protect the Town or as otherwise required by law and that the Contractor shall cover any claim that may arise while engaged in work under any agreement with the Town.

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 Town Administrator and Town Treasurer shall ensure that the Annual Budget Ordinance, as amended, and any duly authorized amendatory budget resolutions, and the detailed line-item budget/quarterly financial reports are properly introduced, enumerated and amended to accommodate, validate and reflect the intent of this Resolution.

AND, BE IT FURTHER RESOLVED that the Mayor, on behalf of the Town, is hereby authorized to enter into the subject Proposal/Contract and execute any other necessary

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 59- 22**

documents needed to carry out the intent of this Resolution prior to the commencement of any work; and

AND, BE IT FURTHER RESOLVED, that the Mayor shall ensure that the Acting or Interim Public Works Supervisor obtains and reviews for sufficiency any necessary traffic control or barricading plans in order to protect the travelling public during the course of construction described in the above approved proposal/contract;

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

PASSED this ___ day of October 2022.

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

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY

KENNEDY II

NOBLE

BARNES

HINES

WASHINGTON

ATKINSON

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 59- 22**

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of October 2022 with _____Aye votes and _____ Nay (2/3rds supermajority) votes the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

[Exhibit A - Choice Concrete Construction, Inc., Proposal/Contract (dated Aug. 24, 2022)]

Town of Forest Heights Road Repair

FY22 - FY26

Project Title Town of Forest Heights Road Repair	ARP Project Number: TOFH-FY22-DPW-2023	Classification: Infrastructure
Project Description: The Department of Public Works is responsible for the maintenance of numerous miles of local roadway in Forest Heights. This includes the maintenance of right-of-way that is damaged or caused by normal wear and tear or age. Asphalt patching and similar projects are completed as a temporary measure to preserve the integrity of town streets and require immediate attention. This curb and gutter replacement project is needed to improve and correct stormwater flow at the upper end of Iroquois Way near Woodland Drive. Currently during heavy rain events, because of the topography stormwater rushes off of the upper part of Iroquois Way onto nearby resident's properties and into their homes. This project will redirect the stormwater by way of newly constructed curbs and gutters and an improved street slope, away from the resident's property towards the nearest stormwater inlet as intended.		Compliance With ARPA Funding Guidelines: Infrastructure
Discussion of Impact: Implementation is based on needs assessments which are performed by the engineers and inspectors in areas of community development / cultural resources such as schools, local businesses, parks, hospitals, libraries, adjacent urban communities, and industrial parks that exhibit pedestrian concentrations and public safety		

Appropriation Phase	Total Project	Approved	Budget	5-Year Plan					Balance to Complete
			FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	
Iroquois Way	\$58,507.90	\$58,507.90	0						\$58,507.90
TOTAL COSTS	\$58,507.90	\$58,507.90	0						\$58,507.90

ARPA Infrastructure	\$58,507.90								
Capital Funding Source(s)	NA								
TOTAL PROJECT FUNDS	\$58,507.90								

Operating Impacts	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027
TOTAL ANNUAL RECURRING COSTS	NA	NA	NA	NA	NA	NA