



Town of Garrett Park  
PO Box 84  
4600 Waverly Avenue  
Garrett Park, Maryland 20896

Regular Meeting of Town Council  
Garrett Park Town Hall  
10814 Kenilworth Avenue  
Garrett Park, Maryland 20896

Town Council Meeting: 12 October 2015

## Minutes

**Call to Order:** Mayor Benjamin called the meeting to order at 7:31 PM. Present were Council Members Chantry, Flynn, Schulp, Wegner and Welch. Several town residents and Margaret Soltan of the Bugle also attended.

**Approval of Agenda:** The agenda was approved as presented.

**Presentations by Residents:** Elizabeth King, Cluster Coordinator for the Walter Johnson Cluster of PTAs, presented an overview of options for addressing the overcrowding at Walter Johnson High School. She requested that the Mayor or a Council member attend an upcoming Capital Improvement Program meeting to speak in support of the option recommended by the Walter Johnson Cluster Coordinators. Mayor Benjamin thanked Ms. King for the information and suggested that the Council would review the provided materials and provide a response to her request.

Barbara Jackson expressed her concern about the advance information available for the agenda item on the increase in the cost of the street rehab project, to be discussed later in the meeting.

**Approval of Minutes:** The minutes of the September 14, 2015 Council meeting were approved as presented.

### **Action:**

- Recognition of Harry Gordon for service to the Town. Mayor Benjamin thanked Harry for his many years of service to the Town and read a Resolution approved and signed by the Mayor, the Town Manager and the Council members. The resolution is attached to these minutes.

- Council concurrence that Proposed Ordinance 2015-3 qualifies as an emergency, as designated by the Mayor. There was extensive discussion about the process associated with this and the next action by the council members and the audience. During the discussion, Council Members Chantry and Schulp raised concerns about when the

Council was notified of the cost increase of the road rehabilitation project and suggested that a process for reviewing the accuracy of RFPs for projects be developed. Council Member Schulp volunteered to work with the Town Manager to develop such a review process. Council Member Wegner moved the concurrence of the Council that the Proposed Ordinance 2015-3 be designated as an emergency ordinance. Council Member Flynn seconded the motion. The motion was passed with Council Members Chantry, Flynn, Wegner, and Welch voting yes and Councilmember Schulp abstaining.

- Council approval of the proposed Emergency Ordinance 2015-3, Amendment of Fiscal Year 2016 Capital Budget, to accommodate the increased costs of the road rehabilitation project. Mayor Benjamin explained that the Town's engineering firm, Chester Engineers, made a mistake in its calculation of the mill and overlay portion of the project resulting in an understatement of the cost of the project in the RFP. The error was found after work was awarded to Laney and one day before work was to begin and the increased cost negotiated with the contractor. The Mayor proposed an emergency ordinance to amend the FY 2016 Capital Budget by \$85,000 to cover the expected project cost increase and to provide a 12% contingency amount. Mayor Benjamin pointed out that the areas to be rehabilitated did not change. The town would have incurred the higher cost if the RFP number had been correct. The Mayor further noted that the Capital Budget included enough money to cover the additional cost that no increase in either the Capital Budget or the total Budget was necessary. There was extensive discussion about the process among the Council members and the audience. Council Member Wegner moved approval of Emergency Ordinance 2015-3 for the amendment of the FY 2016 Capital Budget to increase the streets and roads line item by \$85,000 by transferring funds from specific other line items in the Capital Budget to cover the increased cost of the road rehabilitation project. Council Member Welch seconded the motion and it passed unanimously. The ordinance is attached to these minutes.

- Council consideration of recommendations by the Arboretum Committee regarding the removal of tulip poplar trees on Keswick Street. Two resolutions by the Arboretum Committee making recommendations on this issue were presented to the Council and are attached to these minutes. Mayor Benjamin provided the background on the recommendations of the Arboretum Committee related to concerns about the health of the tulip poplar trees within the town-owned right of way on Keswick Street and the concern that they could fall and might be a risk to life, limb and property. He noted the Committee had tried to balance the desire to maintain the tree cover, beauty, environmental and esthetic effect of the trees against any possible danger to persons or property as well as acknowledge the requests by the preponderance of residents on the street that the trees be removed. The Mayor further explained that the Town had made every effort to determine the condition of the trees and whether they may be in danger of falling. All of the research and the opinions of six different arborists revealed that there was no way to determine when or whether a tree might fall. After discussion of the issues including additional information from the Chair of the Arboretum Committee and the Town Manager, the Council took the following actions: Council Member Chantry moved to accept the recommendation of the Arboretum Committee to remove and replace rapidly the tulip poplars within the Town right of way in the 10800 block of Keswick

Street. Council Member Wegner seconded the motion and it was approved unanimously. Council Member Chantry then moved to accept the recommendation of the Arboretum Committee to retain, monitor, and maintain the tulip poplars within the Town right of way in the 10700 block of Keswick Street. The motion was seconded by Council Member Wegner. The motion was approved with Council Members Chantry, Wegner and Schulp voting in favor and Council Members Flynn and Welch voted against.

After the vote on the removal of the trees, Council Member Chantry raised the issue of putting a cap on the amount of money the town should spend on the removal. After much discussion Council Member Chantry moved that an upper limit not to exceed \$70,000 be put on the cost of removal, trimming, grinding and seeding on the Keswick Street trees. The motion was seconded by Council Member Schulp. The motion was not approved with Council Members Flynn, Wegner and Welch voting against and Council Members Chantry and Schulp voting in favor.

**Town Manager's Report:** The Town Manager provided a budget report which included the Town's financial position through the first quarter of FY 2016.

The Manager's Report is attached to these minutes.

**Adjournment:** Mayor Benjamin adjourned the meeting at 9:41 PM



Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Gene Swearingen', written in black ink.

Gene Swearingen, Clerk-Treasurer