



TOWN OF CHEVERLY, MARYLAND  
MAYOR AND TOWN COUNCIL

TOWN MEETING  
Thursday, March 14, 2019  
8:00PM

**AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes
  - a. December 13, 2018
  - b. January 10, 2019
  - c. February 14, 2019
5. Interim Town Administrator Report
6. Acting Chief of Police Report
7. Committee Reports
  - a. Cheverly Day Committee
  - b. Green Infrastructure Committee
  - c. Planning Board Report
  - d. Recreation Council
8. Citizen Input
9. Board of Election Supervisors Compensation
10. Proclamation: Designating April 24, 2019 as Arbor Day
11. Ordinance 19-01: Amending the Town Code Re: Purchasing Procedure - Public Hearing - Adoption
12. Ordinance 19-02: Revising Procurement Procedures: Public Hearing - Adoption
13. Ordinance 19-03: Revising the Town Code Re: Personnel (Holidays): Public Hearing - Adoption
14. Ordinance 19-04: Ethics Commission Quorum – First reading
15. Council Announcements
16. Adjournment

Next Meetings of the Mayor and Town Council

March 28, 2019	Worksession	7:30pm
April 11, 2019	Town Meeting	8pm

b. Minutes – January 10, 2019

TOWN OF CHEVERLY, MARYLAND  
MAYOR AND TOWN COUNCIL

TOWN MEETING  
Thursday, January 10, 2019  
8:00PM

MINUTES

CALL TO ORDER

IN ATTENDANCE

Councilmember Riazzi, Councilmember Garcia, Councilmember Stewart, Interim Town Administrator Deutsch, Mayor Callahan, Councilmember MacKenzie, Councilmember Eldridge

PLEDGE OF ALLIGANCE

AGENDA APPROVAL

Approved

The Mayor stated that PEPCO was expected to be at tonight's meeting, but that staff was notified late in the day that the PEPCO staff members who were planning to come to the meeting were sick, so the discussion of L.E.D. street lights needs to be postponed.

TOWN ADMINISTRATOR'S REPORT

Mr. Deutsch noted that WSSC was expected to attend the meeting to discuss a sewer pipe rehabilitation project. That project is in the early design phase, so the WSSC presentation is more likely to be in the late Spring. Mr. Deutsch updated Mayor and Council on the Ward 2 Council vacancy and he said that two letters have been received: Micah Watson and Mr. Alex Espinoza. The cutoff date for applications is January 16.

Tax differential: Mr. Deutsch said preliminary data from the County showed that the value of the tax reduction for the County tax would diminish in FY20. It is a slight decline, but staff will file additional information seeking to have the County to reconsider its initial decision.

Variance hearing: Mr. Deutsch said CM Riazzi attended a County variance hearing regarding a 10-foot-high electric fence in an industrial area on Lydell Road. Mayor Callahan mentioned that the property has been an eyesore for years and was pleased the variance was denied.

Mayor Callahan asked Interim Town Administrator about WSSC work at Woodworth Park. Mr. Deutsch reported that the Public Works Director had reviewed the matter and there was no impact on the park from the maintenance activity of WSSC.

Mayor Callahan also addressed the decline in the value of the tax differential over the years, from a peak of about 20 cents to the current 13 cents. He thanked staff for following up on the tax differential item.

#### ACTING CHIEF OF POLICE REPORT

Acting Chief Towers reviewed the December 2018 report (copy attached). He reported on the successful Shop with a Cop program and noted that there would be Coffee with the Chief every third Wednesday of each month from 7am to 9am, to which all residents are invited. CM Eldridge noted a concern about packages being stolen from door steps. Acting Chief Towers suggested having packages delivered to an alternate address where someone is more likely to be home or seeking to have packages delivered in a way they are not as visible. CM Stewart expressed support for the CPD Social Media efforts.

#### COMMITTEE REPORTS

##### Green Infrastructure Committee:

Mayor Callahan said he briefly attended the Green Infrastructure Committee Meeting earlier in the week: The Green Infrastructure Committee is very interested in the L.E.D. street light potential, and the Air Quality Monitoring project. Mayor Callahan said the Green Infrastructure Committee does a lot of work for the Town, specifically mentioning Gabe Horchler adding stone to improve the trail entrance.

##### Cheverly Day Committee:

Megan Daly, Chairman of the Cheverly Day Committee announced that Cheverly Day is May 18<sup>th</sup>. There will be games and food trucks. They are always looking for volunteers. The next meeting is January 22 at 7pm at the American Legion. Check them out on their website or Facebook page and see the agenda and see when and where their meetings will be held.

##### Planning Board:

CM Eldridge thanked Interim Town Administrator David Deutsch for attending Board meetings. He discussed a potential application request from an applicant on Tuxedo Road in the Industrial Park who is exploring different ways of modifying Table of Allowed Uses in that district to include construction related storage and warehousing. The board wants the application denied because that potential request goes against the Cheverly Tuxedo Plan. However, the Board and the applicant agreed to work together on some potential interim scenarios to preserve the long-term vision for the corridor.

CM Eldridge discussed the applicant for the Cheverly West Development which is just to the north of Tuxedo Road. The applicant is interested in changing his site plan so that instead of all single-family houses, he will have some townhouses as well. The Board is supportive of increased density in this area especially because of its proximity to the Metro and it is in keeping with the Cheverly Tuxedo Plan. The Board is developing a letter for the Mayor and Council's consideration.

CM Eldridge discussed that Park and Planning just initiated a 6-month project under the Transportation and Land Use Connections Program. This is a Grant program that is funded by the Metropolitan Washington Council of Governments. The purpose of the Grant is to look at better trail connections between the Addison Road development the and the Cheverly Metro Station and then connecting Cheverly to the Anacostia river trail south of US 50 primarily focused on people walking and biking to the metro. Sometime in March or April there will be a public meeting here in Town. The Mayor pointed out that this is also advantageous to people in, specifically Old 4<sup>th</sup> Ward given the terrain, and outside of Town.

#### CITIZEN INPUT

Lucas Winston of Carlyle Street again offered an apology to and asked for forgiveness from Acting Chief Towers for committing gross error in prejudice, prejudgment, racial profiling, and mistaken identity. He cannot ask for an apology, if he cannot. The Mayor commented on and thanked Mr. Wilson for his apology.

Veta Richardson of Ward 6 discussed neighbors helping neighbors during the Federal shutdown because this is a caring community and would like to volunteer herself in any efforts the Town makes available. She is connected with CM MacKenzie who asked her to volunteer to help coordinate things.

Brahm Persaud, resident, stated a complaint against staff upon receiving a fine of \$500 in the mail. He wanted an investigation.

#### RESOLUTION R-1-19: APPOINTMENT OF MEMBERS OF THE BOARD OF ELECTION SUPERVISORS

Appointment of Members of the Board of Election Supervisors will be added the to January 24, 2019 Worksession agenda.

#### RESOLUTION R-2-19: APPOINTMENT OF ELECTION JUDGES

Appointment of Election Judges will be added to the January 24, 2019 Worksession Agenda.

#### RESOLUTION R-3-19: APPOINTMENT OF ELECTION CLERKS

Election Clerks Barbara Bibbs and Melanie Friesen appointed  
Motion to Appoint Election Clerks by Councilmember Eldridge and Seconded by Garcia 4-0

INTRODUCTION OF ORDINANCE 19-01: AMENDING THE TOWN CODE RE:  
PURCHASING PROCEDURES AND INTRODUCTION OF ORDINANCE 19-02:  
REVISING PROCUREMENT PROCEDURES

Mr. Deutsch stated that the two Ordinances are companion pieces. These changes are for introduction only, no actions required. The proposal is to update the bid limit. The recommendation, based on statewide research, is a bid limit of \$10,000. Mr. Deutsch pointed out that CM Eldridge had raised a question about the potential for allowing for the extension of certain contracts. We surveyed several municipalities and find that most of those extension opportunities range between 20 and 30%, we recommended 25%. We would appreciate including your support on that aspect as well as the other aspects of the Ordinances 19-01 and 19-02. The Ordinance spells out the ability for staff to use multi-jurisdictional bid systems. CM Eldridge asked if we could run into problems participating in cooperative purchase agreements for fuel if it is over \$10,000. Mr. Deutsch replied that this is a thoroughly publicly vetted process for competitive bids, and we would receive documentation that we could supply to Mayor and Council.

INTRODUCTION OF ORDINANCE 19-03: REVISING THE TOWN CODE RE:  
PERSONNEL (HOLIDAYS)

We are recommending that the Mayor and Council revise the Personnel rules contained in the Code in relation to holidays enjoyed by Town employees. The language needs to be updated. The Mayor and Council ought to determine how its employees and when its employees receive days off and not have it triggered by the Office of Personnel Management at the Federal level. CM Riazzi wanted to know how we handle snow closures. Mr. Deutsch recommends that the decision should be made with consideration no further than the County. The Mayor is pleased to have Mr. Deutsch who has been Town Administrator of 3 or 4 different Towns looking at some of the language. The Mayor pointed out that this is a way for the Town to retain the authority to do what it should or should not do for its employees.

RATIFICATION OF INTERIM TOWN ADMINISTRATOR AGREEMENT, APPROVAL OF  
EXTENSION ADDENDUM TO INTERIM TOWN ADMINISTRATOR AGREEMENT AND  
EXECUTIVE SEARCH CONSULTANT CONTRACT

The Mayor recommends the ratification of the Interim Town Administrator Agreement for David Deutsch. The original contract was until December 31, 2018. The new contract will take him until February 28, 2019. Simultaneously, the Town recommends contracting Interim Town Administrator Deutsch's firm, The Mercer Group, to conduct the search for our new Town

Administrator. The firm specializes in looking for public officials and has done many searches for different municipalities. Mr. Deutsch answered CM Eldridge's question regarding a timeline. Mr. Deutsch thinks the search will take approximately 120 days until the Mayor and Council will have candidates to interview. A brochure will be created and advertised nationally. Mr. Deutsch mentioned that his company offers a 2-year guarantee. Mr. Deutsch responded to CM Mackenzie's question regarding the inclusion of the Town resident's role in this process. Mr. Deutsch is open the decisions made by the Mayor and Council. CM Riazzi asked if the new Town Administrator would lead the search for the Public Works Director. The Mayor recommends waiting until the Worksession for discussion.

Motion to ratify the Interim Town Administrator Agreement by CM Riazzi, seconded by CM MacKenzie 5-0

Motion to ratify Approval of Extension Addendum to Interim Town Administrator Agreement by CM Eldridge, seconded by CM Garcia 5-0

Motion to ratify Executive Search Consultant Contract by CM Riazzi, seconded by Stewart 5-0

#### AIR QUALITY MONITORING PROPOSAL

The Mayor recommends the Air Quality Monitoring Proposal. He has been working with Dr. Sacoby Wilson from the University of Maryland. Dr. Sacoby is providing a "turn-key" operation for the Town and will be doing back end monitoring. A couple of months ago the Town had a Public Meeting about this Proposal. This Proposal was in the Newsletter and will be posted on the website. The initial investment will be \$15,000. The Town would be in the forefront. Mayor Callahan will be having a discussion with Dr. Wilson and will ask more about the sensors and if residents can buy and tie in their own sensors to what the University of Maryland is doing.

#### COUNCIL ANNOUNCEMENTS

Councilmember MacKenzie reported there is no Community Market. Councilmember MacKenzie wanted to clarify that the next Town Meeting will be February 14, 2019 not February 8, 2019. Mr. Deutsch confirmed that it was an error in the Agenda. CM MacKenzie asked that if you have needs or would like to help during the furlough of Federal employees contact Ms. Richardson or the Cheverly United Methodist. CM MacKenzie invites everyone to come out to "Furloughed Feds and Contractors Coffee Hour" hosted by CPRC on Sunday 10-11am, Monday and Wednesday 9-11am and have some donated snacks.

Councilmember Riazzi invited everyone to the American Legion's 1<sup>st</sup> Annual Meet 'n Greet Saturday, January 26, 2019 from 1pm to 4pm. The Town will have a table and sign up for Cheverly's News and Announcements. CM Riazzi announced the Maryland is one of two States

that have active legislation for undocumented families to designate guardians if they were detained. If you need assistance look up "Stand By Guardian" or call her.

Councilmember Eldridge announces to Fairmont Heights High School graduates and everyone that there is a workshop on January 23, 2019 at the Cedar Heights Community Center to explore an adaptive reuse of the historic high school. CM Eldridge would like to thank Public Works for repairing the potholes on Monroe Street so quickly. CM Eldridge would like to congratulate Delegate Julian Ivey, County Councilmember Jolene Ivey and Senator Augustine on their Swearing In.

Councilmember Stewart encourages everyone to reflect on the past year and think about the coming year. She encourages everyone to continue with the spirit that is here in Cheverly and take care of yourself and check on your friends and family.

ADJOURNMENT

Next Meetings of the Mayor and Town Council

January 24, 2019	Worksession	7:30pm
February 14, 2019	Town Meeting	8pm



## MOTIONS

Motion to Appoint Election Clerks by Councilmember Eldridge and Seconded by Garcia 4-0

Motion to ratify the Interim Town Administrator Agreement by CM Riazzi, seconded by CM MacKenzie 5-0

Motion to ratify Approval of Extension Addendum to Interim Town Administrator Agreement by CM Eldridge, seconded by CM Garcia 5-0

Motion to ratify Executive Search Consultant Contract by CM Riazzi, seconded by Stewart 5-0

**c. Minutes – February 14, 2019**

TOWN OF CHEVERLY, MARYLAND  
MAYOR AND TOWN COUNCIL

TOWN MEETING  
Thursday, February 14, 2019  
8:00PM

MINUTES

CALL TO ORDER

IN ATTENDANCE

Councilmember Garcia, Councilmember Stewart, Interim Town Administrator Deutsch, Mayor Callahan, Councilmember Hallman, Councilmember MacKenzie, Councilmember Eldridge

Pledge of Allegiance

Approval of Agenda

Approved

Approval of Minutes

December 13, 2018 – Tabled

January 10, 2019 - Tabled

Mayor Callahan announced an unofficial reward to 3203 Tremont Avenue for decorating their home for Valentine's Day. Mayor Callahan also announced that due to the absence of the Town Attorney, there would be no Closed Meeting tonight.

Mayor Callahan reported that a resident made a complaint to Open Meeting Compliance Board (OMCB) regarding opening and closing statements made by the Town during a Town Meeting. The OMCB decided that it was a violation. Mayor Callahan and Council offered the following Statement regarding the OMCB Opinion:

On Monday February 11, 2019, Maryland's Open Meetings Compliance Board issued an opinion finding the Town violated two provisions of the Open Meetings Act when it had closed session discussions arising out of an organization's use of the community center. The violations relate to the Town's articulation of its closing statement at the Town's March 22, 2018, meeting, the absence of a closing statement for the November 1, 2018 meeting, and the proper methodology for including summaries of closed sessions in its meeting minutes.

Mayor Callahan and Council take their obligations under the Open Meetings Act seriously and steps are being taken to prevent these technical violations from occurring. Those steps include but are not limited to: updating the closing statement forms, increasing the number of elected officials receiving training related to the Open Meetings Act, having the Town Clerk trained in the Acts requirement, having the Town Clerk attend meetings, and updating the Town's closed session summary template to be included in the Town's minutes.

### Ward 2 Vacancy

Mayor Callahan responded to questions regarding his ability to have a vote for a replacement Councilmember according to the Town Attorney Skip Cornbrooks. Mr. Cornbrooks wrote an opinion letter addressed to Mayor and Council regarding his statement that Mayor Callahan is required to vote.

CM Eldridge wanted clarification regarding whether Mayor Callahan's vote is a tiebreaker.

Mayor Callahan responded with reference to the Attorney's opinion letter and pointed out two different parts of the Town Charter referring to "...Mayor Callahan shall". Mayor Callahan stated, regarding Mayor and Council's procedures for filling a vacancy, that "as a body we need to come to a decision".

Mayor Callahan asks for agreement from the Councilmembers to hear three-minute statements from each Ward 4 candidate. CM Garcia asked to make a Motion to vote now, seconded by CM MacKenzie. CM Eldridge with agreement from Mayor Callahan wanted the candidates' speeches on camera for transparency.

**\*Mayor Callahan and Council voted to hear the speech now.**

**2-2 – Mayor broke the tie** in favor of hearing the candidate's speech, if they wanted to.

Candidate Micah Watson read his speech. (see attachment)

**\*Candidate Watson withdrew his nomination. All in favor 5-0**

Candidate Dana Hallman read her speech. (see attachment)

Mayor had a discussion with the Council regarding the candidates and read a letter from CM Riazi (see attachment).

**\*Mayor Callahan and Council voted.**

**All in favor of Ms. Hallman to fill the Ward 2 Vacancy.**

**4-0**

Mayor Callahan swore in CM Haliman and CM Hallman took her seat at the dais.

Interim Town Administrator Report

Kilmer Park Master Plan

Interim Town Administrator David Deutsch asked Mayor Callahan and Council to allocate up to \$5,000 to retain a consultant to produce a Master Plan for the park. Mr. Deutsch said the consultant proposal has the support of the Green Infrastructure Committee and the Planning Board.

**\*Motion**

**CM Eldridge moved to allocate up to \$5,000 to retain a consultant to produce a Master Plan for the park.**

**CM MacKenzie seconded**

**All in favor 5-0**

Interim Town Administrator David Deutsch was asked by CM Eldridge if the Town could consider having Public Works Director Juan Torres serve as a consultant after his retirement if no one is hired to replace him. Mr. Deutsch will review it.

CM Hallman asked about appointing an Ethics Committee member for Ward 2. Interim Town Administrator David Deutsch suggested she talk with the current Ward 2 Ethics Committee member. Mayor Callahan and Council agree to expand the Ethics Committee to 1 more member and will draft an Ordinance.

Interim Town Administrator David Deutsch will search for a new Public Works Director locally and a new Town Administrator nationally and is open to community suggestion.

Budget Update

Interim Town Administrator David Deutsch is working on the Capital and Operating Budget with staff and a few Capital Improvement Items with Mayor Callahan and Council. Mayor and Council can expect to have a schedule in a couple of weeks.

Other items

Interim Town Administrator David Deutsch reported that PEPCO has not responded to scheduling and the FY19 Audit is nearing completion.

Tax Differential

Interim Town Administrator David Deutsch reported that the Tax Differential will end up being better in FY20 than it is currently in FY19. Mr. Deutsch thanked County Councilmember Jolene Ivey's office for their assistance.

Town Administrator Vacancy

Interim Town Administrator David Deutsch provided a brochure for applicants and is on track to have Town Administrator candidates by April 5.

#### Director of Public Works Vacancy

Interim Town Administrator will begin the search to fill the Director of Public Work position next week.

#### Acting Chief of Police Report

Acting Chief Towers reviewed the January 2019 report (copy attached). Mr. Towers introduced Police Officer Morgan Soares, who completed the Police Academy and field training. Mayor Callahan swore her in. Mr. Towers said to not be alarmed with the up tick of crime notifications coming from the Police Department as they are implementing Social Media. He reported that the Police Department has narrowed down two vendors for the "Texting" service. The service would provide multiple languages. Mr. Towers responded to CM Makenzie's question regarding "use of force" stating that there was no use of force publicized. Mr. Towers responded "yes" to CM Eldridge's question regarding openings in the Police Department to which Mayor Callahan added that due to less Cheverly police officers available, the Town will see Prince George's County police at times. Mr. Towers responded to Mayor Callahan's "I heard shots" complaint from residents announcing that in the future the Cheverly Police Department will report each incident to narrow down where the shots are coming from.

#### Committee Reports

##### Cheverly Day Committee

Megan Daly, Cheverly Day Committee Chairman, reported they are still in the process of planning. Ms. Daly reported that all of the money spent for Cheverly Day is fundraised money and people can still donate stuffed animals. The Cheverly Day Committee theme this year is "Community". T-shirts are being made, there will be a Parade to the Town Center, a moon bounce, 3 on 3 basketball, bubble soccer, etc. Sponsorship available, see the website for forms. The Cheverlyday.com website is being updated. The Cheverly Day committee looks forward to seeing you on Cheverly Day. Mayor Callahan stated that the Town does not give money to the Cheverly Day Committee, but pays for the fireworks and staff. He said that there will be future discussion on money from the Town for the Cheverly Day Committee. CM Stewart stated that PEPSI expressed interest in collaborating with the Cheverly Day Committee.

##### Green Infrastructure Committee

Sheila Salo reminded everyone that "The Great Bird Count" begins tomorrow and ends March 18<sup>th</sup>, 2019. There will be 2 Nature hikes this weekend, bring binoculars. You can report birds online at <http://gbbc.birdcount.org/get-started>. Ms. Salo reported that the Green Infrastructure Committee will begin planning new plantings with an emphasis on native plants and that they will begin by preparing the flower beds right out-front tomorrow morning for spring planting. Ms. Salo announced that everyone can find information about the Green Infrastructure Committee online at [www.greencheverly.org](http://www.greencheverly.org). and that they meet every first Monday of the month in the Community Center beginning at 7:30pm. Ms. Salo also invited candidates and potential candidates to attend their meetings. Ms. Salo stated that the Green Infrastructure Committee recommends that you take a walk in any of the nature areas of Cheverly or request a custom tour.

### Planning Board Report

CM Eldridge reported that the Planning Board is preparing a letter for the Council's approval to send to the County regarding Cheverly West outside of town and that the Developer is interested to talk to residents.

CM Eldridge reported that the Planning Board recommends retaining a consultant to determine what needs to happen regarding the Kilmer Park Food Forest Project.

CM Eldridge has reached out to Fred Schaffer with the Park and Planning Commission and will later give an update on the non-motorized access study at the next meeting. CM Eldridge also reported that the non-motorized access provides connections to the Cheverly Metro from the Old 4<sup>th</sup> Ward to Addison Road.

CM Eldridge reported that there are proposals regarding the Bilo property, an industrial site off of Columbia Park Rd. CM Eldridge also reported that the Planning Board is working with a traffic engineer on traffic issues along the Columbia Park bridge; and is reaching out to the owners of the Recycling Center on 64<sup>th</sup> and Columbia Park Road to determine what the future will be.

CM Eldridge on behalf of the Planning Board was pleased to announce the appointments of Megan Mattaliano Kiel and Joyce Tsepas. (See attached Memo and resumes.)

#### **\*Motion**

**CM MacKenzie Motioned to Appoint Megan Mattaliano Kiel and Joyce Tsepas to the Planning Board.**

**CM Hallman seconded the Motion**

**All in favor 5-0**

### Recreation Council

Barbara Pejokovich, President of the Recreation Council announced that the Recreation Council's next meeting is February 26, 2019 at 7pm and that the meetings are always open to anyone interested to come.

Ms. Pejokovich announced the Flea Market will be Saturday, April 6, 2019 and a table is \$15; and Saturday, April 20, 2019 will be the Easter Egg Hunt which needs lots of volunteers.

Ms. Pejokovich announced that the Recreation Council Scholarship's application will be in the Newsletter. Ms. Pejokovich announced that the scholarship is in the amount of \$500 and to qualify for the scholarship, a senior in high school must help with at least one big Recreation Council sponsored party.

**\*Motion**

**CM MacKenzie motioned to excuse CM Riaz!**

**CM Garcia seconded the motion to excuse CM Riaz!**

**All in Favor 5-0**

Citizen Input

Lucas Winston from Ward 2 stated that Air Quality monitoring is a waste of \$25,000 and that he is upset about not having information about the Town investigation.

Susan Pruden thanked the Town for its participation in the Legion's 1<sup>st</sup> Annual Meet 'n Greet. It is set for every 4<sup>th</sup> Saturday in January by the Legion.

Ms. Pruden suggests that the Town collect old paint cans and will enlist the Green Infrastructure to request for a Grant.

Fred Price, Jr. of Ward 4 asked Mayor Callahan for a rain barrel class.

Mr. Price stated that during this Black History month he is proud that Alexander Williams, former Cheverly resident was State's Attorney, and that Rushurn Baker of Cheverly and Wayne Curry were Prince George's County Executives.

Air Quality Monitoring Project

Mayor Callahan proposed to make a Motion for \$25,000 for an Air Quality Monitoring Project. (report attached) CM Eldridge supports the importance of having information because of violations from industry. He added that with this information, Cheverly will be better equipped to respond to the State and the Environmental Protection Agency regarding what is happening around us to improve the air quality. Mayor Callahan reported that Dr. Sacoby Wilson came to the Green Infrastructure Committee meeting and that he is engaged in community involvement. CM Eldridge reported that the County is looking at this as well and will be expanding in the region and stated that the Town will be the pilot.

**\*Motion**

**CM Eldridge made a motion for up to \$30,000 for Air Quality Monitoring**

**CM Garcia seconded the Motion**

Mayor Callahan thanks Dr. Wilson of the University of Maryland and stated that Dr. Wilson's team will give a clear picture of the fight with the Concrete Plant and with data, the Town can have a better fight. There will be 60 days of deploying sensors to approximate locations.



Awarding Contract for 4 Wheel Drive Dump Truck with Plow and Spreader

Interim Town Administrator David Deutsch recommended accepting the bid to replace the truck. (Memo attached) The Town only received one bid, the existing truck is at the end of its usable life and the Town will not be able to drive down the costs. Mr. Deutsch responded to CM Eldridge's question about supporting local businesses with a report that several local businesses were supplied with the bid information. Mr. Deutsch stated that the Town will always support local businesses.

**\*Motion**

**CM MacKenzie Motioned to accept the bid to replace the truck**

**CM Stewart seconded the Motion**

**All in favor 5-0**

Stormwater Filtration Project -- Cheverly Avenue Bump-Outs

Mayor Callahan is thrilled that this could happen.

Interim Town Administrator David Deutsch with support from the Public Works Director Juan Torres, asks for a Motion from Mayor Callahan and Council for their signatures on a letter in support of the Low Impact Development (LID) Center to begin a "design concept". LID needs the letter of support to obtain a grant from the Chesapeake Bay Trust. (see the Memo).

**\*Motion**

**CM Eldridge made a Motion sign on a letter in support to obtain a grant from the Chesapeake Bay Trust**

**CM Stewart seconded the Motion**

Ordinance 19-01: Amending the Town Code Re: Purchasing Procedures: Second Reader

Mayor Callahan stated that it is recommended by the Interim Town Administrator David Deutsch that Mayor Callahan and Council do 3 readers of Ordinances.

(See the Ordinance and brief memo from the Town Attorney)

The Interim Town Administrator David Deutsch stated that Ordinance 19-01 sets the stage to detailed actions in Ordinance 19-02. Mr. Deutsch reported that the Town Attorney Skip Cornbrooks suggest this for the Town Code purposes. Mr. Deutsch stated that if the Town Administrator needs to extend the contract, it would not to exceed twenty-five percent.

Ordinance 19-02: Revising Procurement Procedures: Second Reader

(See the Ordinance and a brief memo from the Town attorney)

Ordinance 19-03: Revising the Town Code Re: Personnel (Holidays): Second Reader

Interim Town Administrator David Deutsch pointed out the oddity of the language in the Code for Personnel (Holidays) which caused confusion amongst employees. Mr. Deutsch reported that this Ordinance will decouple local holidays from Federal holidays. Mr. Deutsch also recommended that the Town of Cheverly Mayor and Council should not be bound to OPM. The Town's Personnel section of the Code has been around for 25 years. No holidays will be added. January 20, Inauguration Day will be deleted.

CM Eldridge stated that this Ordinance gives Mayor Callahan and Council the decision.

#### Amending Interim Administrator Contract

(See the attachment)

Mayor Callahan introduced the contract. Mayor Callahan described that although the amended contract adds one day to search for the replacement Director of Public Works, the Interim Town Administrator always steps up and is available every day. Mayor Callahan stated that this is a codification of how Mr. Deutsch works.

CM Eldridge asked for the contract to be amended to add "or until a permanent Town Administrator is hired".

#### **\*Motion**

**CM Eldridge made a Motion to amend the Interim Town Administrator's contract.**

**CM Hallman seconded the Motion**

**All in favor 5-0**

#### Council Announcements

CM MacKenzie:

- congratulated new CM Hallman.
- thanked Acting Police Chief Towers for the "Text" System and the added communication from the Police Department.
- announced the CPRC's "Fit Together" class with Greenleaf Fitness is free Monday, February 18, 2019.
- wanted to know the status on a Coffee machine
- reported that Ms. Nancy at the New Carrollton Library misses CPRC and would like people to visit her while she reads

CM Garcia:

- congratulated CM Hallman
  - noted that the Mayor and Council now consists of 5 women and 1 man and that it is historical
- thanked the Firemen and Police Officers for responding to the fire on Columbia Park Road
- stated Ross is the new owner of the apartments with NaKisha as manager  
[nlong@rossmgtservices.com](mailto:nlong@rossmgtservices.com)

CM Hallman:

- expressed gratitude to Council and residents of Ward 2 and looks forward to working with all

CM Stewart:

- read a statement of farewell and announced her resignation for health reasons as of February 28<sup>th</sup>, 2019.

Mayor Callahan and Council all expressed gratitude to CM Stewart's service.

CM Eldridge

- thanked the Prudens and the Legion because he did not know about all of the people that have moved to Cheverly
- expressed the wonderful service the Legion provides

Mayor Callahan discussed filling the Ward 4 Vacancy and the need to change the Charter. Mayor Callahan announced the Ward 4 Vacancy Announcement will be in the newsletter and will be discussed at the April Worksession.

Adjournment

**\*Motion**

**CM Eldridge Motioned to Adjourn the meeting**

**CM MacKenzie seconded the Motion.**

**All in favor 5-0**

Next Meetings of Mayor Callahan and Town Council

February 28, 2019      Worksession    7:30pm

March 14, 2019      Town Meeting    8pm

**MOTIONS**

**Motion to allocate up to \$5,000 to retain a consultant to produce a Master Plan for the park by CM Eldridge and seconded by MacKenzie 5-0**

**Motion to appoint Megan Mattallano Klel and Joyce Tsepas to the Planning Board by CM MacKenzie and seconded by CM Hallman 5-0**

**Motion to excuse CM Rlazi by CM MacKenzie and seconded by CM Garcia. 5-0**

**Motion to allocate up to \$30,000 for Air Quality Monitoring seconded by CM Garcia 5-0**

**Motion to accept the bid to replace the truck by CM MacKenzie and seconded by CM Stewart 5-0**

**Motion to sign on a letter in support to obtain a grant from the Chesapeake Bay Trust by CM Eldridge and seconded by CM Stewart 5-0**

**Motion to amend the Interim Town Administrator's contract by CM Eldridge and seconded by CM Hallman 5-0**

**Motion to Adjourn the meeting by CM Eldridge and seconded by CM MacKenzie 5-0**

**9. MEMO – Board of Election Supervisors Compensation**



**MEMO**

Date: March 11, 2019  
To: Mayor and Town Council  
From: David J. Deutsch  
Interim Town Administrator  
Subject: Board of Election Supervisor's Compensation

The Board of Election Supervisors has reviewed data from several area municipalities, and makes the following recommendations:

	Current	Proposed
Chair, Board of Election Supervisors	\$150	\$300
Members of the Board	\$150	\$250
Election Judges	\$100	\$150

The Board recommendations are reasonable and have virtually no budget impact. I therefore recommend you adopt the Board's proposals.

Please see the handwritten note from the Board Chair related to campaign finance. This is not an action item.

**10. Proclamation: Designating April 24, 2019 as Arbor Day**

**PROCLAMATION**  
**Designating April 24, 2019 as ARBOR DAY**

**WHEREAS**, this holiday, called Arbor Day, was first proposed by J. Sterling Morton to the Nebraska Board of Agriculture in 1872 and was observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and the world, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS**, trees in our town increase property values, enhance the economic vitality of business areas and beautify our community, and

**WHEREAS**, the urban forest of Cheverly is part of the watershed area of Beaver Dam Creek and ultimately the Chesapeake Bay, and

**WHEREAS**, the General Assembly of the State of Maryland has declared that urban forest and trees are an important and necessary part of the community environment, and that the retention, enhancement and management of these forests and trees by local governments is the best interest of the citizens of the State of Maryland.

**NOW, THEREFORE, BE IT PROCLAIMED** by the Mayor and Council of the Town of Cheverly that April 24, 2019 will be celebrated as ARBOR DAY in the Town of Cheverly, and we urge all citizens to support efforts to protect our trees and woodlands, and

**FURTHER**, we urge all citizens to plant trees to gladden the heart and promote the well being of this future generation.

Date:

Attest: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember



**MEMO - Ordinances**



## MEMO

Date: January 4, 2019  
To: Mayor and Town Council  
From: David J. Deutsch  
Interim Town Administrator  
Subject: Introduction of Ordinances

The agenda for the January 10, 2019 Town Meeting contains three Ordinances for Introduction. The first two Ordinances (19-01 and 19-02) are companion pieces that reflect the procedural advice of the Town Attorney. The substantive aspect of 19-01 contains the updated bid limit of \$10,000. The proposed Ordinance also has an allowance for contract extensions of up to 25%, provided Mayor and Council are properly notified and sufficient funds exist.

Ordinance 19-03 addresses holidays for Town Employees by stripping out the reference to the Federal Government. The list of holidays contained in the Code was out of date, so we added the Friday after Thanksgiving to reflect Town Policy. The deletion of Inauguration Day is also recommended. Although it is only a quadrennial occurrence, there does not seem to be a need for the Town to close its operations for the event. The inclusion of Inauguration Day may have been another Federal connection that is unnecessary.

**11. Ordinance 19-01: Amending the Town Code Re: Purchasing Procedure - Public Hearing -  
Adoption**

**TOWN OF CHEVERLY  
ORDINANCE No.: 2019-01**

**An Ordinance whereby the Mayor and Council of the Town of  
Cheverly establish Chapter 28 of the Town Code for the purpose  
of setting forth procurement procedures.**

**WHEREAS**, pursuant to § C-23 of the Town’s Charter, the Mayor and Council are vested  
with the authority to pass ordinances and take such measures as they may deem necessary for the  
good government and improvement of the Town; and

**WHEREAS**, the Mayor and Council have reviewed the Town Code’s existing  
procurement provisions and found them to be incomplete and outdated; and

**WHEREAS**, the Mayor and Council have determined that adding a new Chapter to the  
Town of Cheverly Code regarding procurement will modernize the Town’s procurement  
procedures and is necessary for the good government and improvement of the Town.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of  
Cheverly in regular session assembled, that Chapter 28 of the Town of Cheverly Code is hereby  
adopted as follows:

**CHAPTER 28**

**PROCUREMENT PROCEDURES**

**ARTICLE I**

**PROCUREMENT GENERALLY**

- 28-1. Purposes.
- 28-2. Scope.
- 28-3. Procurement, generally.
- 28-4. Competitive bidding.
- 28-5. Competitive bidding – Exceptions to requirements.
- 28-6. Open market procedures.
- 28-7. Multi-term contracts.
- 28-8. Emergency procurements.
- 28-9. Contract performance and payment bonds.
- 28-10. Contract extensions.

1 28-11 to 28-14. Reserved.  
2

3 **ARTICLE II. PROCUREMENTS INVOLVING FEDERAL FUNDS**  
4

- 5 28-15. Procurements involving federal funds – generally.  
6 28-16. Solicitation protests.  
7 28-17. Contract award protest procedure.  
8

9 **ARTICLE I**  
10 **PROCUREMENT GENERALLY**  
11

12 **Sec. 28-1. Purposes.**  
13

14 The purposes of this chapter are to provide for an efficient, cost-effective and equitable system of  
15 public purchasing by the Town; to obtain the maximum purchasing value of public funds in  
16 procurement; to provide for a procurement system of quality and integrity; and to permit the  
17 continued development of procurement policies and practices.  
18

19 **Sec. 28-2. Scope.**  
20

- 21 A. Except as otherwise provided in the Charter or elsewhere in this chapter, Chapter 28 applies to  
22 every expenditure of public funds by the Town for public purchasing irrespective of its source.  
23 If there is a conflict with another provision in the Town Code, this Chapter controls.  
24  
25 B. When a procurement of disposition involves federal assistance or state funds or is subject to  
26 federal or state regulations for any reason, the procurement or disposition shall be conducted  
27 in accordance with any applicable mandatory federal and/or state laws or regulations.  
28  
29 C. Nothing in this chapter shall be construed as prohibiting or limiting the Town Council's right  
30 to make appointments under the Town's Charter or to authorize any procurement it deems to  
31 be in the best interest of the Town, or the Town's right to employ its own personnel for the  
32 construction or reconstruction of public improvements or for any other purpose without  
33 competitive solicitation.  
34

35 **Sec. 28-3. Procurement, generally.**  
36

- 37 A. The Town Administrator is authorized to purchase or contract for all, materials, supplies,  
38 equipment, services, and construction required by the Town in accordance with purchasing  
39 procedures prescribed by the Town Charter, this Chapter and such procedures and policies as  
40 he shall adopt for the internal management and operation of Town procurement, and such other  
41 rules and regulations which are from time to time prescribed by the Town Council.  
42  
43 B. In addition to any powers and duties prescribed by this chapter, the Town Administrator shall:  
44

- 1 (1) Act to procure for the Town the highest quality in supplies and contractual services at  
2 the lowest expense to the Town;
- 3
- 4 (2) Endeavor to obtain as full and open competition as possible on all purchases and sales;
- 5
- 6 (3) Prescribe and maintain such forms as he shall find reasonably necessary to the  
7 operation of this chapter;
- 8
- 9 (4) Take advantage of the possibilities of buying "in bulk", so as to take full advantage of  
10 discounts;
- 11
- 12 (5) Act so as to procure for the Town all federal and state exemptions to which it is entitled;
- 13
- 14 (6) Have the authority to declare vendors who default on their quotations, irresponsible  
15 bidders, and to disqualify them from receiving any business from the Town for a stated  
16 period of time; and
- 17
- 18 (7) Sign all contracts.
- 19

20 C. The Town Administrator is authorized to adopt procedures and policies consistent with the  
21 Town Charter and this chapter governing procurement of all materials, supplies, services,  
22 equipment and construction required by the Town.

23

24 D. The Town Administrator is authorized to delegate the responsibilities outlined in this section  
25 with respect to the administration of procurement and making a written determination with  
26 respect to the award thereof to any Town department head or other Town employee if such  
27 delegation is deemed appropriate for an effective procurement.

28

29 **Sec. 28-4. Competitive bidding.**

30

31 A. Any purchase of materials, supplies, equipment, services or construction, when the estimated  
32 or known cost thereof exceeds ten thousand dollars (\$10,000.00) shall be authorized by the  
33 Town Council and such purchases shall be made after a competitive bidding process, unless a  
34 competitive bidding process is not required by the Town Charter.

35

36 B. Public notice of all required bidding shall be given in one issue of a newspaper having general  
37 circulation within the Town. Notice shall also be given by posting information relating thereto  
38 on the Town's website. Where required by law, public notice shall also be given by posting  
39 the request for proposals on eMaryland Marketplace. Such public notice shall be published not  
40 less than ten (10) days prior to the opening of bids. Copies of the notice shall be mailed to  
41 those prospective vendors and contractors who have requested that their names be replaced on  
42 the list of potential bidders maintained by the Town for the type of item or service that is the  
43 subject of the bid or RFP. The notice required herein shall include a general description of the

1 item or service sought to be purchased, shall state where bid specifications may be obtained,  
2 and the time and place for opening bids.

3  
4 C. Bid security if required by the invitation to bid or the request for proposals shall accompany  
5 each bid. In no event shall the amount of the bid security exceed five percent (5%) of the total  
6 amount of the bid or proposal.

7  
8 D. The closing date and time for receiving bids shall be during normal business hours of the Town.  
9 Bids shall be identified as bids on the envelope. Bids shall be publicly opened in a room  
10 suitable for accommodating persons who may wish to be present immediately following the  
11 closing of the time for the receiving of bids and shall be publicly read. All bids received shall  
12 be tabulated and, upon request, a copy of the tabulation shall be furnished to each vendor.

13  
14 E. The Town Administrator or the Town Council shall have the right to reject any or all bids,  
15 parts of all bids, or all bids for any one or more supplies or contractual services included in the  
16 proposed contract, when such action would be in the best interests of the Town.

17  
18 F. For the purchases or contracts for which the taking of competitive bids is required, the Town  
19 Administrator shall furnish the Town Council a tabulation of all bids, the Town  
20 Administrator's recommendation as to award of the bid and such other information as the  
21 Town Council may need or shall require. The Town Council shall award the purchase and  
22 authorize the Town Administrator to enter into a contract with that bidder offering the best bid.

23  
24 G. In determining the best bid, the Town Administrator, and the Town Council shall give  
25 consideration to those items included in the bid documents.

26  
27 H. When the Town Administrator recommends award to other than the lowest bidder, he shall  
28 have caused to be prepared for the Town Council a full and complete statement of the reasons  
29 for placing the order elsewhere.

30  
31 **Sec. 28-5. Competitive Bidding – Exceptions to requirements.**

32  
33 Subject to the approval of the purchase by the Town Council, the requirements for the taking of  
34 competitive bids shall not be required if:

35  
36 (1) The Town Council, by resolution, waives the requirement for the taking of competitive  
37 bids and authorizes a negotiated purchase or contract upon its determination that it is  
38 in the best interests of the Town or that an emergency exists;

39  
40 (2) A competitive bid procedure is not required by the Town Charter because the purchase  
41 is for professional services; or  
42

1 (3) It is advantageous for the Town to piggyback on an existing contract entered into by  
2 another governmental entity provided that:

- 3
- 4 a. The existing other governmental contract was competitively procured  
5 within the last eighteen (18) months;
- 6
- 7 b. The Town Administrator obtains three informal quotes and the expense  
8 to the Town of the proposed piggyback contract is lower than the  
9 informal quotes;
- 10
- 11 c. The proposed piggyback contract is for identical goods or services as  
12 are in the existing other governmental contract; and
- 13
- 14 d. The Town Administrator obtains copies of the solicitation document,  
15 scoring sheets and/or bid tabulation, evidence of contract award and the  
16 executed contract relating to the existing other governmental contract or  
17 explains in writing to the Mayor and Council why the piggyback  
18 contract is recommended in the absence of some or all of the  
19 documentation listed in this subparagraph d.
- 20

21 **Sec. 28-6. Open market procedures.**

22

23 All Purchases of materials, equipment, supplies, services and construction, the estimated or known  
24 value of which is such that the approval of the Town Council is not required may be made in the  
25 open market upon the authorization of the Town Administrator, without newspaper advertisement,  
26 all open market purchases shall, whenever possible, be made from the supplier offering the best  
27 quotation and opportunity shall be given to at least three (3) suppliers, when possible, to furnish  
28 the Town with produce or service and price information and to be considered in the making of  
29 purchases.

30

31 **Sec. 28-7. Multi-term contracts.**

32

33 A contract for goods, insurance, construction, equipment or services may be entered into for any  
34 period of time deemed to be in the best interest of the Town provided the term of the contract and  
35 conditions of renewal or extension, if any, are included in the solicitation and funds are available  
36 for the first fiscal period at the time of contracting. Contracts, the term of which spans more than  
37 one fiscal year, shall be subject to the appropriation of funds therefore in subsequent fiscal years.  
38 When funds are not appropriated or otherwise made available to support continuation of  
39 performance in a subsequent fiscal period, the contract shall be canceled with no penalty to the  
40 Town.

41

42 **Sec. 28-8. Emergency procurements.**

43



- 1 A. The Town Administrator may authorize emergency procurements of supplies, materials,  
2 equipment, services, insurance, or construction in an amount not to exceed fifty thousand  
3 dollars (\$50,000.00).  
4  
5 B. Emergency procurements shall be made with such competition as is practical under the  
6 circumstances.  
7  
8 C. As soon as practicable, a record of each emergency procurement shall be made containing the  
9 following:  
10  
11 (1) A written explanation of the circumstances of the emergency;  
12  
13 (2) A tabulation of bids or quotes received, if any; and  
14  
15 (3) The contractor's name, the amount and type of contract, a listing of the items  
16 procured under the contract.  
17  
18

19 **Sec. 28-9. Contract performance and payment bonds.**  
20

- 21 A. When a construction contract is awarded, the following bonds or other security, in a form  
22 satisfactory to the Town, shall be delivered to the Town and shall become binding on the parties  
23 upon the execution of the contract.  
24  
25 (1) A Performance Bond payable to the Town, executed by a surety company  
26 authorized to do business in this state, or the equivalent in cash or other security,  
27 conditioned upon the faithful performance of the contract, including all warranties  
28 and guarantees, the bond or other security shall be in an amount equal to one  
29 hundred percent (100%) of the price specified in the contract; and  
30  
31 (2) A Payment Bond, executed by a surety company authorized to do business in this  
32 state, or the equivalent in cash, letter of credit, or other security satisfactory to the  
33 Town, for the protection of all persons supplying labor and materials, including  
34 lessors of equipment to the extent of the fair rental value thereof, to the contractor  
35 or its subcontractors for the performance of the work provided for in the contract.  
36  
37 (a) For a contract exceeding one hundred thousand dollars (\$100,000.00) the bond  
38 or other security shall be in an amount equal to one hundred percent (100%) of  
39 the price specified in the contract.  
40  
41 (b) For a contract exceeding twenty-five thousand dollars (\$25,000.00) but not  
42 exceeding one hundred thousand dollars (\$100,000.00) the bond or other

1 security shall be in an amount equal to fifty percent (50%) of the price specified  
2 in the contract.

3  
4 (c) No payment bond is required for a contract not exceeding twenty-five thousand  
5 dollars (\$25,000.00) unless required by the request for proposals or invitation  
6 for bids. Such a bond shall be in an amount not to exceed fifty percent (50%)  
7 of the contract price.  
8

9 B. Any contractor, prior to receiving a progress or final payment under a contract covered  
10 hereunder, shall certify in writing that such contractor has made payment from the proceeds of  
11 prior payments, and that such contractor will make timely payments from the proceeds of the  
12 progress or final payment then due such contractor, to such contractor's subcontractors and  
13 suppliers in accordance with such contractor's contractual arrangement with them.  
14

15 C. The Town Administrator may waive or reduce, in writing, the requirement for performance  
16 bonds for construction contracts under twenty-five thousand dollars (\$25,000.00).  
17

18 D. Contract specifications may require security in an amount determined by the Town  
19 Administrator to adequately cover reasonable maintenance, repair, or replacement costs during  
20 the contract warranty or guarantee period.  
21

22 **Sec. 28-10. Contract Extensions.**  
23

24 Nothing herein shall prevent the Town Administrator from extending a contract for an amount not  
25 to exceed twenty-five percent (25%) of the original amount of the contract provided that:  
26

- 27 (1) Funding is available;  
28  
29 (2) The Town Administrator causes the reasons for the extension to be set forth in  
30 writing for the Mayor and Council; and  
31  
32 (3) The Mayor and Council approve the contract extension.  
33

34 **Sec. 28-11 through 28-14. Reserved.**  
35

36 **ARTICLE II. PROCUREMENTS INVOLVING FEDERAL FUNDS.**  
37

38 **Sec. 28-15. Procurements involving federal funds – generally.**  
39

40 A. Protests may be filed by an actual or prospective bidder, offeror or contractor who is aggrieved  
41 in connection with a solicitation or award of a formal contract the payment for which involves  
42 federal funds. The term "solicitation" as used herein shall refer to requests for proposals and  
43 requests for bids issued by the Town of Cheverly for goods and/or services to be provided to  
44 the Town, the payment for which involves the use of federal funds. In the event that a

1 mandatory pre-bid meeting is part of a solicitation, anyone who does not attend the mandatory  
2 pre-bid meeting will not be considered to be a prospective bidder, offeror or contractor.  
3

- 4 B. All protests must be filed in strict conformance with the provisions of this article. Protests not  
5 conforming to the requirements set forth herein will not be considered. Failure of a protestor  
6 to respond in a timely manner to requests for information shall result in the dismissal of the  
7 protest. In no event shall a protest be submitted or accepted by the Town subsequent to the  
8 execution of a binding contract with the successful bidder. The Town Administrator shall  
9 notify all affected bidders or offerors of the filing of the protest.

10  
11 **Sect. 28-16. Solicitation protests.**  
12

- 13 A. Protests regarding solicitation or specification documents must be received by the Town in  
14 writing no later than fifteen (15) calendar days prior to the closing date of the solicitation. The  
15 protestor is responsible for obtaining proof of timely delivery. The envelope must be labeled  
16 "Attention: Bid Protest", along with the name of the solicitation. The protest must be mailed  
17 or hand-delivered to the Town Administrator, Town of Cheverly, 6401 Forest Road Cheverly,  
18 Maryland 20785, with a copy to the person identified in the legal notice for the request for  
19 proposals or bids as being the person to contact for further information concerning the request  
20 for proposal or bids. The Town Administrator shall refer the matter to the Director of Public  
21 Works or such other Town employee as he may deem appropriate to address the Town's  
22 response.  
23
- 24 B. Protests must be fully supported with adequate technical data, test results or other pertinent  
25 information to support the protest. At a minimum, the information shall include the name,  
26 address, and telephone number of the protester; identification number of the project as to which  
27 the protest is being filed; a statement of the reasons for the protest with supporting documents  
28 substantiating the allegations; and a description of the desired relief from the Town.  
29
- 30 C. The Town's response to protests will be issued at least seven (7) calendar days prior to the  
31 closing date for the receipt of proposals.  
32
- 33 D. The bidder who filed the protests may appeal the decision of the Town Administrator. An  
34 appeal of the director's or designee's decision by a bidder or an adversely-affected  
35 subcontractor must be in writing and be received no later than five (5) calendar days prior to  
36 the closing date for receipt of proposals. The protestor is responsible for obtaining proof of  
37 timely delivery. The notice of the appeal must specifically state that an appeal is being made  
38 and identify the decision(s) being appealed. The envelope must be labeled "Attention: Bid  
39 Protests", along with the name of the solicitation. The protest appeal must be mailed to the  
40 Town Administrator, Town of Cheverly, 6401 Forest Road Cheverly, Maryland 20785. The  
41 Town Administrator will render a final decision on the appeal within thirty (30) calendar days  
42 after receipt of appeal. No further appeals are authorized.  
43

1 **Sec. 28-17. Contract award protest procedure.**  
2

- 3 A. Protests of contract awards must be received by the Town in writing no later than seven (7)  
4 calendar days after the Town mails formal notice to all bidders of the contract award. The  
5 envelope must be labeled "Attention: Contract Award Protest, Along with the name of the  
6 solicitation". The contract award protest shall be mailed to the Town Administrator, Town of  
7 Cheverly, 6401 Forest Road Cheverly, Maryland 20785, with a copy to the person identified  
8 in the legal notice for the request for proposals or bids as being the person to contact for further  
9 information concerning the request for proposals or bids. The Town Administrator shall refer  
10 the matter to the Director of Public Works or such other Town employee as he may deem  
11 appropriate to address the Town's response.  
12
- 13 B. Contract award protests must be fully supported with adequate technical data, test results, or  
14 other pertinent information to support the protest. At a minimum, the information submitted  
15 must include name, address and telephone number of the protester; identification of the project  
16 for which the protest is being filed; a statement of reasons for the protest; any supporting  
17 exhibits; evidence or documents to substantiate the protest; and a statement of the ruling  
18 desired from the Town.  
19
- 20 C. The Town's response to protests will be postmarked by certified mail no later than thirty (30)  
21 calendar days after the receipt of the written protest.  
22
- 23 D. The decision of the Director of Public Works or other designee shall be final except in instances  
24 of violations of state and federal law or regulations. If there is an allegation that such a  
25 violation exists, the bidder may appeal the decision of the director or designee to the Town  
26 Administrator. An appeal of a decision of the director or designee must be in writing and  
27 received by certified mail no later than seven (7) calendar days after the receipt of the decision.  
28 The notice of appeal must specifically state that an appeal is being made and identify which  
29 decision(s) is being appealed. The envelope must be labeled "Attention: Contract Award  
30 Protest", along with the name of the solicitation. The protest appeal must be mailed to Town  
31 Administrator, Town of Cheverly, 6401 Forest Road Cheverly, Maryland 20785.  
32

33 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect 30 days from  
34 the date of its adoption;

35 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall  
36 forthwith be published twice in a newspaper having general circulation in the Town and otherwise  
37 be made available to the public.

38 **INTRODUCED** by the Town Council of the Town of Cheverly, Maryland, at a regular  
39 public meeting on \_\_\_\_\_, 2019.

1           **ADOPTED** by the Town Council of the Town of Cheverly, Maryland, at a regular public  
2 meeting on \_\_\_\_\_, 2019.

3

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

4

5

6

7   [-] indicate deletions

8   \_\_\_\_\_/BOLD/CAPS indicate additions

9   Asterisks \* \* \* Indicate matter retained in existing law but omitted herein

10

**12. Ordinance 19-02: Revising Procurement Procedures: Public Hearing - Adoption**

TOWN OF CHEVERLY

ORDINANCE No.: 2019-02

An Ordinance whereby the Mayor and Council of the Town of Cheverly amend Chapter 24 of the Town Code for the purpose of clarifying the Town's procurement procedures consistent with the establishment of Chapter 28 of the Town Code in Ordinance No.: 2019-01.

WHEREAS, pursuant to § C-23 of the Town's Charter, the Mayor and Council are vested with the authority to pass ordinances and take such measures as they may deem necessary for the good government and improvement of the Town; and

WHEREAS, the Mayor and Council have reviewed the Town Code's existing procurement provisions and found them to be incomplete and outdated; and

WHEREAS, the Mayor and Council have determined that adding a new Chapter to the Town of Cheverly Code regarding procurement will modernize the Town's procurement procedures and is necessary for the good government and improvement of the Town; and

WHEREAS, Chapter 24 of the Town Code must be amended in order to be consistent with Chapter 28.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Cheverly in regular session assembled, Chapter 24 of the Town of Cheverly Code is hereby amended as follows:

Sec. 24-1. – Large Public works projects; public contracts.

~~–(a) Definitions:~~

~~–(1) Public works projects~~ (a) Large public works projects shall include all projects, including all public improvements to properties, such as construction of roads, curbs, gutters, sidewalks, catch basins and storm drains in excess of five thousand dollars (\$5,000).

~~–(2) Public contracts shall include all agreements or orders by the town for buying or otherwise obtaining supplies, services, construction, or construction-related services. Services provided by attorneys, accountants, physicians, consultants, professionals who are independent contractors, and insurance companies, including the local government insurance trust and other governmental agencies are not supplies or services covered by such public contracts.~~

1 ~~(b) All public works projects with a total cost of five thousand dollars (\$5,000) or more and all~~  
2 ~~public contracts with a total cost of five thousand dollars (\$5,000) or more shall be fully described~~  
3 ~~as noted below and, where not carried out by employees of the town, shall be carried out under~~  
4 ~~public contract or by agreement with another agency charged with that special service. The mayor~~  
5 ~~and town council or their designated representative shall invite at least three (3) sealed bids from~~  
6 ~~responsible bidders for such public works projects or public contracts. The bids shall be opened~~  
7 ~~only after reasonable public notice at a meeting open to the public and presided over by the town~~  
8 ~~administrator or his or her designee and at least one other town employee or official. The mayor~~  
9 ~~and town council shall award the contract to the lowest responsible bidder or to a bidder that is not~~  
10 ~~the lowest bidder when the mayor and town council find that the financial interest of the town~~  
11 ~~would reasonably be served by such award, with the mayor and town council reserving the right~~  
12 ~~to reject any and all bids. All such public works projects and public contracts which cover~~  
13 ~~improvements, the cost of which is assessable against property owners abutting the improvements,~~  
14 ~~must be authorized by the mayor and town council at a public meeting. At that time there shall be~~  
15 ~~available the specifications and a set of detailed plans prepared by the town engineer or a qualified~~  
16 ~~firm or individual, showing the following:~~

- 17
- 18 (1) Right-of-way, name of road, dimensions, relative location of adjacent properties,  
19 location map, North point, scale and exiting coordinates.
- 20 (2) Catch basins, inlets, pipes, culverts, and other drainage structures, with their  
21 dimensions.
- 22 (3) Pavement plan, curb and gutter, sidewalks, driveways, and dimensions.
- 23 (4) Construction details and a typical cross section of the pavements.
- 24 (5) Grading plan, profile and cross sections
- 25 (6) Any additional data required by the mayor and town council.

26 (c) The specifications and detailed plans for public works projects are to be filed with the town  
27 administrator and be available for review during the regular hours that the town administrator's  
28 office is open, until the project is completed. After completion, of the project, the specifications  
29 and plans shall be made a permanent record of the Town of Cheverly. Inspection service shall be  
30 maintained by the town engineer or a duly appointed qualified representative of the mayor and  
31 town council, to assure compliance with the specifications and detailed plans on file in the town  
32 administrator's office and that minimum standards as contained hereafter are met. The cost of  
33 supervision and inspection shall be included in such contracts, in accordance with currently  
34 accepted engineering rates to cover the cost of supervision and/or inspection of all public works  
35 by the town engineer or a qualified firm or individual, and shall be added to and included in the  
36 cost of all such projects.

37

38 Sec. 24-2. – Procedures for sSmall public works projects.

39

40 Small public works projects shall include all projects, including all public improvements to  
41 properties, such as construction of roads, curbs, gutters, sidewalks, catch basins and storm drains  
42 Public works projects with a total cost of less than five thousand dollars (\$5,000). and public



1 ~~contracts with a total cost of less than five thousand dollars (\$5,000).~~ These small public works  
2 projects shall be handled in accordance with procedures issued by the town administrator with the  
3 approval of the mayor and town council.

4  
5 \* \* \*  
6

7 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect 30 days from  
8 the date of its adoption;

9 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall  
10 forthwith be published twice in a newspaper having general circulation in the Town and otherwise  
11 be made available to the public.

12 **INTRODUCED** by the Town Council of the Town of Cheverly, Maryland, at a regular  
13 public meeting on \_\_\_\_\_, 2019.

14 **ADOPTED** by the Town Council of the Town of Cheverly, Maryland, at a regular public  
15 meeting on \_\_\_\_\_, 2019.

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

16

17

18

19 [ ] indicate deletions

- 1       /BOLD/CAPS indicate additions
- 2 Asterisks \* \* \* Indicate matter retained in existing law but omitted herein
- 3

**13. Ordinance 19-03: Revising the Town Code Re: Personnel (Holidays): Public Hearing - Adoption**

**TOWN OF CHEVERLY  
ORDINANCE No.: 2019-03**

**An Ordinance whereby the Mayor and Council of the Town of Cheverly amend the Town Code to ensure the decision to close the Town Government is entirely within local control by eliminating reference to holidays observed by the United States Government.**

**WHEREAS**, pursuant to § C-23 of the Town's Charter, the Mayor and Council are vested with the authority to pass ordinances and take such measures as they may deem necessary for the good government and improvement of the Town; and

**WHEREAS**, the Mayor and Council have reviewed the Town Code's provisions regarding holidays; and

**WHEREAS**, the Mayor and Council have determined that the reference in the Code to federal holidays has caused confusion, most recently with respect to the National Day of Mourning for former President of the United States George H.W. Bush as well as the Christmas holiday and the New Year's holiday falling on Tuesdays causing the federal government to close on the Mondays preceding each holiday;

**WHEREAS**, the Mayor and Council have determined that the Town of Cheverly needs to be responsive to local considerations and the decision to close the Town Government should be entirely a local decision unaffected by decisions made by the United States Government.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Cheverly in regular session assembled, that Chapter 21, section 10, subparagraph (h) of the Town of Cheverly Code is hereby amended as follows:

\* \* \*

(h) *Holiday compensation and leave.*

1 (1) All employees shall be granted holiday leave with regular compensation for the following  
2 holidays: ~~Same holidays as are officially observed by the United States Government; as of January~~  
3 ~~1, 1985, these holidays are:~~

4 New Year's Day.

5 Martin Luther King, Jr.'s Birthday.

6 ~~Inauguration Day.~~

7 President's Day.

8 Memorial Day.

9 Independence Day.

10 Labor Day.

11 Columbus Day.

12 Veterans Day.

13 Thanksgiving Day.

14 The day after Thanksgiving.

15 Christmas Day.

16 \* \* \*

17 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect 30 days from  
18 the date of its adoption;

19 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall  
20 forthwith be published twice in a newspaper having general circulation in the Town and otherwise  
21 be made available to the public.

22 **INTRODUCED** by the Town Council of the Town of Cheverly, Maryland, at a regular  
23 public meeting on \_\_\_\_\_, 2019.

24 **ADOPTED** by the Town Council of the Town of Cheverly, Maryland, at a regular public  
25 meeting on \_\_\_\_\_, 2019.

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

- 1
- 2
- 3
- 4
- 5
- 6
- 7

[ ] indicate deletions  
 \_\_\_\_\_/**BOLD/CAPS** indicate additions  
 Asterisks \* \* \* Indicate matter retained in existing law but omitted herein



## MEMO

Date: March 14, 2019  
To: Mayor and Town Council  
From: David J. Deutsch  
Interim Town Administrator  
Subject: Ethics Commission Ordinance

The attached Ordinance is a proposed amendment to the ethics ordinance to increase the number of members of the Town Ethics Commission and increase the number of members required for the Town Ethics Commission to form a quorum..

14. Ordinance 19-04: Ethics Commission Quorum – First reading



TOWN OF CHEVERLY  
ORDINANCE No.: 2019 - \_

An Ordinance whereby the Mayor and Council of the Town of Cheverly amends its ethics ordinance to increase the number of members of the Town Ethics Commission and increase the number of members required for the Town Ethics Commission to form a quorum.

WHEREAS, Maryland Code, § 5801, *et seq.*, of the General Provisions Article requires municipal corporations to enact ethics laws; and

WHEREAS, the Mayor and Town Council find it necessary and in the public interest to amend Chapter 3 of the Town of Cheverly Code to increase the number of members of the Town's Ethics Commission from six (6) members to seven (7) members; and

WHEREAS, the Mayor and Town Council desire an uneven number of members of the Town's Ethics Commission for voting purposes; and

WHEREAS, the Mayor and Town Council find it necessary and in the public interest to increase the number of members required for the Town's Ethics Commission to form a quorum.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Cheverly in regular session assembled that Chapter 3 of the Town of Cheverly Code is hereby amended as follows:

\* \* \*

Sec. 3-2. - Establishment of ethics commission; responsibilities.

(a) There shall be a town ethics commission, which shall be composed of no more than ~~six~~(6) seven (7) members, one (1) nominated from each ward by that ward's councilmember and approved by the mayor and council and one (1) nominated at-large by the Mayor and approved by the mayor and council. The members of the ethics commission shall ordinarily be appointed

1 at the June regular meeting with their tenure beginning on July 1. The tenure of each member  
2 shall be three (3) years or until a successor is appointed, whichever is longer. The commission  
3 shall be advised by the advisor to the commission who shall ordinarily be the town attorney. The  
4 advisor to the commission shall assist the commission in fulfilling its duties and powers and shall  
5 act on behalf of the commission if it is unable to do so for any reason.

6 (b) Duties and powers.

7 (1) To devise, receive and maintain all forms generated by this chapter.

8 \* \* \*

9 (6) To act in an official capacity only when a quorum of at least ~~three (3)~~ four (4)  
10 members are present. If the commission is unable to assemble a quorum, the advisor to  
11 the commission shall act in their absence.

12 \* \* \*

13 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect 30 days from  
14 the date of its adoption;

15 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall  
16 forthwith be published twice in a newspaper having general circulation in the Town and  
17 otherwise be made available to the public.

18 **INTRODUCED** by the Town Council of the Town of Cheverly, Maryland, at a regular  
19 public meeting on \_\_\_\_\_, 2019.

20 **ADOPTED** by the Town Council of the Town of Cheverly, Maryland, at a regular public  
21 meeting on \_\_\_\_\_, 2019.

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_  
Mayor

---

Councilmember

---

Councilmember

---

Councilmember

---

Councilmember

---

Councilmember

---

Councilmember

1

2  indicate deletions

3       /BOLD/CAPS indicate additions

4 Asterisks \* \* \* Indicate matter retained in existing law but omitted herein