TOWN OF NORTH BRENTWOOD

RESOLUTION NO. 2013 - 03

Introduced by: **Councilmember** Cuffie
Seconded by: **Councilmember** Baynes
Date of Introduction: June 17th, 2013

A Resolution to authorize the Mayor to enter into an agreement to engage the services of the Hyattsville Community Development Corporation to assist the Town with the Maryland Department of Natural Resources ("DNR's") Community Parks and Playgrounds Grant Application; and to ratify or approve said application agreement; and to negotiate a joint use agreement or license with the Maryland-National Capital Park and Planning Commission ("M-NCPPC") for said playground; and to authorize withdraws from certain Town funds for said Project expenses pending reimbursement from the State pursuant to said grant; and generally relating to the procurement of consulting or project management services, securing permissions to maintain or upgrade certain properties owned by M-NCPPC, authorizing the application for certain grant or monetary assistance programs to be provided by the State of Maryland subject to certain contributions to be made by the Town, and authorizing certain expenditures for a public project

WHEREAS, the Council has authority pursuant to Section 602(31) of the Town Charter to establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town; and

WHEREAS, the North Brentwood Neighborhood Playground is located in the Town of North Brentwood (the "Town") on land owned by M-NCPPC, and the Town wishes to further upgrade or improve said playground to minimize direct exposure to the sun's potentially damaging radiation by installing certain shade structures, and improving landscaping and accessibility; and

WHEREAS, in August of 2012, the Mayor requested the assistance of the Hyattsville Community Development Corporation (the "CDC") to complete and submit a Community Parks and Playgrounds Grant application, incorporating the CDC as proposed grant and project manager to provide the Town with certain project management services to implement a $91,000 Maryland Department of Natural Resources (the "DNR") Community Parks and Playgrounds Grant award; and to expend approximately $95,126 of FY 2014 budgeted funds to make improvements to optimize the use of these available funds for the North Brentwood Neighborhood Playground, (hereinafter, the Project); and

WHEREAS, pursuant to a recent DNR Notice of Funding, the Town and M-NCPPC understand that they need to complete a Use Agreement (i.e., a license or lease) for the Project, to be located at the 4000 block of Allison Street at Banner & 40th Street, before the FY14 State-budgeted Project can be submitted for the State's Clearinghouse Review, and then on to the Maryland Board of Public Works for final approval; and

WHEREAS, the Director of Parks and Recreation of M-NCPPC has provided a Letter of Support to the Town for said Project dated August 13, 2012, and his staff is preparing a joint use agreement to be entered into by the parties; and

WHEREAS, the Council has authority pursuant to Section 602(18) of the Town Charter to accept gifts and grants of Federal or State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, and

WHEREAS, the Council has further authority pursuant to Section 820 of the Town Charter to approve all purchases and contracts of the Town government that shall be made by the Mayor, with the approval of the Council; and

WHEREAS, the Town has authority pursuant to Section 1201 of the Town Charter to acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town; and

WHEREAS, the Town Council hereby declares said Project shall serve an important public purpose and finds it to be in the best interest of the Town to enter into an Agreement with said CDC to provide Project Management, Project Documentation and Reporting Compliance services in exchange for a management fee of $8,466.00 and other valuable consideration as described in the Agreement.

NOW THEREFORE, the Council of the Town of North Brentwood does hereby resolve, authorize, approve and ratify the following:

Section 1

Except as stated herein, the Mayor is hereby authorized to engage the services of the CDC and enter into an agreement for the purposes described hereinabove and consistent with the terms of the "Agreement" regarding management of the North Brentwood Neighborhood Playground Project (the "Project"), which is attached hereto as Exhibit A and incorporated by reference herein, contingent upon grant fund availability and at a cost not to exceed $8,466.00 unless otherwise permitted by said Agreement. Unless the Agreement expressly states that the Town is not obligated to provide consideration or to be liable for payment for services until final approval by the Maryland Board of Public Works is obtained, the Mayor shall not sign said Agreement on behalf of the Town until such time as notice or such other assurance has been provided of final approval of the approximately $95,126 Community Parks and Playground ("CP&P") Project Grant.

Section 2

Upon final approval by the Board of Public Works, the Mayor and/or Town Treasurer are hereby directed to ensure the preparation of an amending ordinance for the FY14 Town Budget (i.e., requiring a 2/3rds vote) for approval and for inclusion of a line item to be appropriately numbered and entitled "Community Parks and Playground Project" or words to that effect in order to allocate, appropriate and authorize the expenses authorized and enumerated in said

Community Parks and Playground ("CP&P") Project Grant of approximately $95,126 including the cost of Project Management to be provided by the CDC as described above.

Section 3

Upon final approval by the Board of Public Works of said POS/CP&P grant funding and pending reimbursement, the Mayor and/or Town Treasurer are thereby authorized to make withdrawals for Project expenses from the Town's Bank of America business checking account (Account No. _____) known as the "Reserve Fund" having a current balance of approximately $99,821.84 provided that the FY '14 Town Budget reflects the appropriation or allocation for said Project pursuant to Section 2 hereinabove.

Section 4

The Mayor is hereby authorized to serve as the Town's authorized representative pursuant to the Program Open Space ("POS") Grants Manual and is further authorized to complete, or supplement as appropriate, the Project Community Parks and Playground Agreement (i.e., grant application) required by DNR or any related documents necessary on behalf of the Town to carry out the intent and purposes of this Resolution. Said Community Parks and Playground Project Agreement dated on or about August 17, 2012 as executed by the Mayor and submitted to DNR's Program Open Space, which is attached hereto as Exhibit B and incorporated by reference herein, is hereby approved, reapproved or ratified by the Council.

Section 5

The Mayor and/or the Town Attorney are hereby authorized to negotiate a Joint Use Agreement as described above with M-NCPPC/Prince George's County Department of Parks and Recreation, and to submit said agreement for the Council's final approval.

AND BE IT FURTHER RESOLVED THAT THIS RESOLUTION IS HEREBY ADOPTED BY THE COUNCIL OF THE TOWN OF NORTH BRENTWOOD THIS 17th DAY OF JUNE, 2013 AND SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.

Aye: 3
Nay: 0
Absent: 0
Abstain: 0

ATTEST:

Petrella Robinson, Mayor

Date: 6/13/2013

Exhibit A
(Agreement with Hyattsville CDC (Project Management))

Exhibit B

(Community Parks and Playground Project Agreement (DNR/POS Funding))