



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
UNIVERSITY PARK ELEMENTARY SCHOOL
4315 UNDERWOOD STREET
7:30 P.M.**

**December 7, 2009
REGULAR SESSION**

1. CALL TO ORDER: Mayor Tabori

Present: Mr. Lucas, Ms. Toscano, Mr. Carey, Ms. Mallino, Ms. McPherson, Ms. O'Connor
Excused: None
Absent: Ward 7 Vacant

2. PLEDGE OF ALLEGIANCE was led by Mr. Carey

3. APPROVAL OF THE AGENDA

Moved by: Ms. McPherson
Yea: 6

Seconded by: Mr. Carey
Nay: 0 **Abstain:** 0

4. APPROVAL OF MINUTES: *November 16, 2009 Meeting*

Ms. Mallino provided changes to pages 2 and 3.

Moved by: Ms. Toscano
Yea: 6

Seconded by: Ms. McPherson
Nay: 0 **Abstain:** 0

5. PUBLIC COMMENT

Ms. Joanne Flesher, a resident of Van Buren Street, complimented Town Hall for completing the survey of the Town's street trees. She said that a neighbor at the corner of Van Buren Street and Wells Parkway has planted a gum tree in the Town right-of-way, close to the storm drain. She was concerned that as the tree matures, seedpods will wash into the drain and clog it, and wash down the street all the way to the playing field by University Park Elementary School. Mayor Tabori said he would look at the tree, which should not have been placed on Town property.

6. DEPARTMENT REPORTS

A. MAYOR'S REPORT- Mayor John Rogard Tabori

Washington Suburban Sanitary Commission (WSSC)'s contractor, Shummer Inc., has started the water line replacement work on Clagett Road. Mayor Tabori has reminded the contractor that work must stop by 4 p.m. each evening. The equipment is being stored on the paved leaf pad area by the tennis courts.

Mayor Tabori is following up with the State Highway Administration (SHA). SHA has money for work at Route 410 and Queens Chapel Road as well as U.S. Route 1. All of U.S. Route 1 will be milled and overlaid from Route 410 to Albion Road (opposite Town Hall).

The Historic District determination has been postponed pending the outcome of the Ward 7 special election. Mayor Tabori expressed concerns about some inaccurate statements that have been advanced as part of the purported history of the area, concerning when Ward 7 was incorporated into the municipal jurisdiction of the Town of University Park.

One Town bus will be made available to Town residents who wish to testify concerning the Belcrest Plaza development. The meeting is at 10 a.m. on Thursday in Upper Marlboro.

Ms. Mallino asked about permits for sewer work. Mayor Tabori said he would cover the topic later in the meeting.

B. REPORT ON POLICE DEPARTMENT ACTIVITIES- Chief Michael Wynnyk

Chief Wynnyk distributed a handout of the October Crime Statistics report, which is included in these minutes as **Attachment 6B**.

He said the Department is waiting to hear on the status of grant applications, including grants for enforcement and for new 700 MHz police radios. The Town tree lighting was successful.

Chief Wynnyk said the UPPD will participate with the Hyattsville Police Department in the "Shop with a Cop" program for underprivileged children. Three children from University Park Elementary School will participate. Lt. Bacon has announced his retirement effective January 29, 2010.

Mayor Tabori said he is awaiting notice of the \$13,000 grant from the State of Maryland.

7. CONTINUING BUSINESS

A. BELCREST PLAZA

Mayor Tabori commended M-NCPPC planner Ms. Susan LaReuse for leading the planning board review process for the Belcrest Plaza proposal. Mayor Tabori further expressed his

appreciation for the Belcrest development team, which has come to better understand the concerns of University Park and Hyattsville, particularly in the area of storm water management.

The Council and Mayor Tabori discussed the five main issues concerning University Park about the development proposal. These concerns include the Storm Water Management Concept Plan; the deficiencies of the traffic study; the impact of the 31-story tower on University Park's viewshed and the flight path at College Park airport; the impact of a five-fold increase in density on local recreation facilities, schools, public transportation systems, and traffic; and the impacts of a full activation of Toledo Road.

Mayor Tabori said that his analysis of the traffic data shows a 300% increase in traffic on U.S. Route 1. Adelphi Road would see a 75% increase southbound and a 35% increase northbound during the morning rush hour; with the numbers reversing in the afternoon commute. Mr. Carey and Mayor Tabori discussed how to sharpen the concerns about activating Toledo Road and what that would mean for the economic health of University Town Center and the Mall at Prince George's.

Motion: To approve a formal vote to recommend disapproval of DSP-09006 and state the reasons for disapproval in a letter to be submitted to the Planning Board no later than December 10, 2009.

Moved by: Mr. Lucas

Seconded by: Ms. Toscano

Roll Call Vote:

Mallino	Yea
Lucas	Yea
McPherson	Yea
Carey	Yea
Toscano	Yea
O'Connor	Yea
Ward 7	vacant

Yea: 6

Nay: 0

Abstain: 0

B. ORDINANCE 09-O-12 Second Reading

Ms. Linda Perlman, the bond counsel for the Town of University Park, provided her review of Ordinance No. 09-O-12 for the Council and the Mayor. Settlement would be by the end of the year, assuming there is no referendum. There is no penalty for pre-payment. SunTrust Bank will be placing the bond.

Mayor Tabori thanked the Council for their questions, assistance, and patience during the two year process of entering the Town of University Park into the State Retirement and Pension System of Maryland. Mayor Tabori said that since the Town has voted to join the pension plan, Chief Wynnyk has received many more calls of interest from police officers asking

about vacancies in the University Park Police Department.

Motion: To approve the adoption of Ordinance 09-O-12: to approve general obligation financing for funding past service cost of entering the State Retirement and Pension System of Maryland.

Moved by: Mr. Lucas

Seconded by: Ms. Toscano

Roll Call Vote:	Mallino	Yea
	Lucas	Yea
	McPherson	Yea
	Carey	Yea
	Toscano	Yea
	O'Connor	Yea
	Ward 7	vacant

Yea: 6

Nay: 0

Abstain: 0

**C. ZONING VARIANCE APPEAL V-79-09
(Bradley/Korzeniewicz, 4004 Underwood Street) Ward 7**

Ms. Bradley addressed the Council and the Mayor to explain her zoning request. The swinging gate is four feet high; the top posts of the gate is five feet high.

Motion: To approve zoning variance appeal V-79-09 to validate and obtain a permit for an 8 foot high non-conforming arbor gate on Lot 7, Block 37 at 4004 Underwood. A variance of 3 feet side lot line setback is requested, which may be modified to a 4 foot setback.

Moved by: Ms. O'Connor

Seconded by: Mr. Carey

Yea: 6

Nay: 0

Abstain: 0

Mayor Tabori said the zoning hearing will be held on January 6, 2010. He will write a letter on behalf of the Town in support of the zoning request.

8. NEW BUSINESS

**A. APPLICATION TO REPLACE 5' FENCE
(Bradley/Korzeniewicz, 4004 Underwood Street) Ward 7**

Ms. Bradley addressed the Council and the Mayor to explain her permit application.

Town Attorney Ms. Ferguson said that her review of the applicable legislation on fences meets the 'similar' criteria of the law, so a Town variance is not required in this instance.

Motion: To approve the replacement of a 5' foot non conforming wood fence on Lot 7, Block 37 at 4004 Underwood. An updated, revalidated County permit must be obtained before the Town can issue the permit.

Moved by: Ms. O'Connor
Yea: 6

Seconded by: Mr. Carey
Nay: 0 **Abstain:** 0

**B. INSTALLATION OF 4 FOOT FENCE
(McConnochie, 6525 40th Avenue) Ward 2**

Motion: To approve the installation of a 4 foot wood picket fence on Lot 15, Block 20, Section 5A at 6525 40th Avenue.

Moved by: Mr. Lucas
Yea: 6

Seconded by: Ms. Mallino
Nay: 0 **Abstain:** 0

**C. PARKING WAIVER FOR RENTAL PROPERTY
(Berhane, 6703 41st Avenue) Ward 6**

Motion: To approve the application for an on-street, six-month parking waiver for up to three vehicles at 6703 41st Avenue.

Moved by: Ms. O'Connor
Yea: 6

Seconded by: Ms. McPherson
Nay: 0 **Abstain:** 0

D. ENERGY GRANT APPLICATION

Mr. Lucas asked questions about the regulations tied to the grant application. He is concerned at how extensive the grant application information is, and how rapidly the Town must respond. Mr. Wilson acknowledged Mr. Lucas' concerns about the speed of the proposal versus the proposal's complexity.

Ms. Mallino said she saw a number of red flags in the grant paperwork. Mr. Wilson asked what her concerns were. Ms. Mallino said that her concerns included storage space for bulk purchases and distributions of composters; the Town has little control over expediting permits; it is not clear how benefits accrue, and to whom, under the solar co-op shares provision in the grant; the Town must work with Pepco on the matter of street lighting; the Town has not previously pre-approved contractors or made recommendations on realtors, which could open the Town to liability; and whether or not there is sufficient space for the grant administration work that would be required of Town staff.

Motion: To approve the application for an Energy Efficiency and Conservation Grant, to the US Department of Energy by the December 14 deadline.

Moved by: Mr. Carey **Seconded by:** Ms. O'Connor

Roll Call Vote:	Mallino	Nay
	Lucas	Nay
	McPherson	Nay
	Carey	Yea
	Toscano	Nay
	O'Connor	Yea
	Ward 7	vacant

Yea: 2 **Nay:** 4 **Abstain:** 0

E. 2010 UNIVERSITY PARK COUNCIL MEETING SCHEDULE

Motion: To approve the 2010 University Park Council Meeting Schedule.

Moved by: Ms. McPherson **Seconded by:** Ms. Toscano
Yea: 6 **Nay:** 0 **Abstain:** 0

F. SPECIAL HOLIDAY COMPENSATION FOR TOWN EMPLOYEES

Motion: To approve for 2009 special holiday compensation in the amount of \$300.00 net of deductions for each current, active employee as of December 1 of that year.

Moved by: Ms. O'Connor **Seconded by:** Ms. McPherson
Yea: 6 **Nay:** 0 **Abstain:** 0

G. APPLICATION FOR A PERMIT FOR WSSC TO EXCAVATE, RELINE OR REPLACE SEWER MAINS AND CONNECTIONS ON ADELPHI ROAD, CLAGETT ROAD, TENNYSON ROAD AND UNDERWOOD STREET (WSSC, Mike Trail, Project Manager)

Mayor Tabori said that the work takes one day for relining, and an additional day if the line must be reconnected to the home. No flushing toilets or showers for half a day to a full day for the homes where the work is being done.

Motion: To approve the application by WSSC to excavate, reline, or replace sewer mains and connections at 6811-6903 Adelphi Road, 4304-4316 Clagett Road, 4100 Block

of Tennyson Road and 3900 and 3901 Underwood Street.

Moved by: Ms. O'Connor
Yea: 6

Seconded by: Ms. McPherson
Nay: 0 **Abstain:** 0

H. BUDGET ORDINANCE-09:14 To receive and disperse bond funds Introduction

Motion: To approve as emergency legislation the introduction of 09-14: To receive as income \$1,061,692 and to disperse to the State Retirement Agency said amounts to be recorded under debt service.

Moved by: Ms. Mallino

Seconded by: Ms. Toscano

Roll Call Vote:	Mallino	Yea
	Lucas	Yea
	McPherson	Yea
	Carey	Yea
	Toscano	Yea
	O'Connor	Yea
	Ward 7	vacant

Yea: 6

Nay: 0

Abstain: 0

9. ADJOURNMENT at 10 p.m.

Submitted by: _____

John Rogard Tabori
Mayor

APPENDIX 6B. REPORT ON POLICE DEPARTMENT ACTIVITIES

Police Information Crime Statistics (November 1st-30th) 2009

Ward 1

Ward 2

Ward 3

Ward 4

Ward 5

Assault – On November 16, 2009 5:30pm in the 6900 block of Baltimore Ave. an individual was attempting to cross Pineway at Baltimore Ave. when a turning vehicle almost struck him. The subject yelled at the driver and struck the rear quarter panel of the vehicle. The driver of the vehicle exited his car and an argument ensued. The driver of the vehicle struck the subject in the face with his fist and got back in his car and left the scene. The suspect was located and the victim was advised of the process for obtaining a warrant. Case Closed.

Ward 6

Theft- On October 31, 2009 between 10:00pm and midnight in the 3900 block of Underwood Street suspect/s broke the passenger side window of a 2003 Toyota SUV and stole a satellite radio holder and adapter wires. No suspect/s was located.

Theft- On October 31, 2009 between 10:00pm and midnight in the 3900 block of Underwood Street suspect/s broke the passenger side window of a 2005 Honda Civic and stole a Garmin, GPS unit and a cell phone adapter. No suspect/s was located.

Theft- On October 31, 2009 between 10:00pm and midnight in the 6800 block of Wells Parkway suspect/s broke the passenger side window of a 2001 Ford, Taurus and stole a Garmin, GPS unit. No suspect/s was located.

Protective Order Violation - On November 18, 2009 at 8:30pm in the 6700 block of 41st Ave. UPPD officers responded to a call for an unwanted guest. The resident advised that her husband had kicked in the front door of the home to gain entry and stole a computer. The husband was still on the scene. It was determined that a restraining order had been issued against the suspect and he was placed under arrest. Case Closed.

Ward 7

Theft- Between November 11, 2009 9:30pm and November 12, 2009 2:00pm in the 7000 block of Adelphi Rd. suspect/s stole a black Cannondale Mountain bicycle from the front rear yard of the residence. No suspect/s was located.

**Anyone with tips regarding crimes committed in University Park is encouraged to contact the UPPD. All information will be kept confidential.