



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
UNIVERSITY PARK ELEMENTARY SCHOOL
4315 UNDERWOOD STREET**

**7:30 PM
October 20, 2014
MINUTES**

AT THE CLOSE OF THIS TOWN MEETING, THE MAYOR AND COUNCIL MEMBERS MOVED TO TOWN HALL TO CALL AN EXECUTIVE SESSION TO CONSULT WITH COUNSEL TO OBTAIN LEGAL ADVICE.

1. CALL TO ORDER: *Mayor Carey* at 7:35 p.m.

Present: Mr. Thompson Mr. Hess, Ms. Verrill, Ms. Sorensen, Mr. Cron, Mr. Alvarez
Absent: None
Excused: Mr. Gekas

2. PLEDGE OF ALLEGIANCE was led by Mr. Alvarez.

3. APPROVAL OF THE AGENDA as modified.

Moved by: Mr. Cron
Yea: 6

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

4. PRESENTATION

Mr. Mark Regulinski, Project Manager for the Cafritz Property at Riverdale Park project gave a power point presentation on the proposed project and its plan for storm water management including a drain with outfall into Wells Run in University Park. Mr. Regulinski displayed the questions from town residents which had been forwarded in advance by Mayor Carey and answered them accordingly. Mr. Regulinski explained that the recent work in University Park was done in error, “we mistakenly got a little ahead of ourselves and started construction there not realizing there was a street opening permit”. He noted that an application for the permit has been submitted.

Public Questions and Comments on Storm Water Management

Q. The Cafritz team signed a covenant with University Park on January 12, 2012, #6B regarding the Storm Drainage Problem, which states that the residents would be informed of work being done 30 days prior. It was proposed that the community not tolerate one drop of water from the Cafritz development coming into the already taxed creek. Cafritz is private property; they should deal with their storm drainage problem and not dump it into University Park’s town creek.

A. Mr. Regulinski said that the work was a mistake that should not have happened. The Cafritz attorney (Mr. Lawrence Taub) also responded to the concern by stating, “What we are dealing with now is storm drain which is different and a different issue and it’s coming from the state highway administration requirements and this is a different issue, I don’t think we are in

violation.” Mr. Regulinski said that there is a problem in the town creek and Cafritz is trying to take what is already an existing problem and mitigate it.

Q. What is the economic reimbursement Cafritz is going to do to reimburse us for all the wash out? Is there going to be some money?

A. Not authorized to handle negotiations here.

C. Pointed out that the project is not going to make things better since things have already gotten worse ever since the trees were removed.

Q. What is a street opening? What will be done to University Park, physically, to accommodate this water?

A. The street opening permit is required to cut the street, remove a portion of the asphalt and install a second storm water pipe and close the street back up and repave.

Q. How big is the pipe?

A. 42 inches.

Q. If the options are still being reviewed, why was somebody cutting the concrete?

A. The misunderstanding was that the permits from both state highway and the county address this work. They did not know that cutting of the road required another approval from the Town.

Q. How can UP be assured that there will not be many more mistakes that would negatively affect the neighborhood?

A. Does not know how to say that no mistake will ever happen again, but confident that both employees and citizens of the Town are being very diligent about watching this project.

Q. Why isn't all of the water being diverted to the other side of the project into the ponds? What is the logic of shipping the water off to the Cafritz site and bring it down to Wells Run rather than into the retaining ponds?

A. All of the measures will be required to get to the point of not impacting the flooding of Wells Run.

Q. What is the frequency on the cistern' capacity and for what duration?

A. Ten one hundred for twenty-four hours.

Q. So if you have a cistern that has a capacity for your run-off that will meet a hundred year storm requirement, water will come out of the 42” pipe, but simultaneously there will be a hundred year storm rainfall occurring in University Park and filling Wells Run from the water that runs off University Park. At the point where this discharge pipe is discharging, is also the point where the stream is the fullest.

A. They occur at slightly different times, but in general, that is correct.

C. The current crown of Rt. 1 means that University Park does not currently get storm water from the Calvert tract, so Cafritz is not solving any problems for University Park. Offended that Cafritz did not talk to University Park residents regarding storm water plans. Would like to see documentation on the decision making process.

Q. Who told the contractors to cut into the University Park street?

A. The state and county were paid to review the design and the permits that were required to do the work.

Q. Give in numbers the gallons of water that would mean for University Park, before and after?

A. The pre-development run off with a hundred year storm is about 31 cubic feet per second and for the developed condition, it is about 30 cubic feet per second.

Q. Would like to see the architecture of the plan.

A. Does not have a drawing on hand. The pipe runs down roughly the center of Rt. 1 and when it gets just to the north of Wells Run Parkway it turns to the west and it goes up Wells Run Parkway about 35 feet and then it goes into Wells Run on the University Park side of Rt. 1.

Q. Why can't piping and drainage be designed to keep the storm water on the Cafritz property? What will Cafritz do if University Park does not approve a permit?

A. If the University Park permit is not approved, then the water will revert to its natural course and run free, wherever the low point is and it will eventually find its way to Wells Run. The project cannot proceed without some way of handling the storm water.

C. Proposes that Cafritz fund University Park's environmental engineers to watch and evaluate all aspects of the Cafritz project.

Q. When will the pipe in road be repaired?

A. Does not know.

Q. Please explain what the State bond means?

A. The bond covers the cost of the work. If the work is partially completed and then abandoned, the State steps in and finishes the Rt. 1 improvements.

Q. If University Park experiences terrible flooding because of this project, where do the residents of University Park go?

A. The design didn't get approved until there was zero impact, this is a requirement.

C. University Park residents did not have an opportunity to speak about this storm water plan in a public forum. They were not aware of the plan until the road was cut into.

C. Design a natural lake on the property next to the store.

Q. Is there a plan that has no rain water go to University Park?

A. No.

Q. How is there no way to just make a pipe where you just make all the rain water go the other way?

A. The difficulty is the overall distance. The pipe has to tilt so the water can run down hill and at some point the pipe would be lower than Wells Run.

Q. With the current plans, do you agree that more water will flow into University Park?

A. A big storm, no; a smaller storm, yes.

Q. If there is flooding in University Park, will there be any type of reimbursement?
A. You are wandering into an area that is about litigation. The scheme has been designed not to do that.

C. Would like to see the full survey of the original property.

Q. Along with the storm water, the other thing that comes is sediment runoff and trash. How does your plan address this?

A. The sediment is controlled through making a park Whole Foods does a good job in maintaining an image, they do not want to have trash in their parking lot.

C. Why put the water where it didn't go before on Wells Run; put it on the side that goes down stream.

C. His understanding is that if there is water on your site, you cannot send it elsewhere, water cannot leave your property.

Mr. Regulinski continued his power point presentation on the updates of the Cafritz project, which included the gateway park design, tree planting and signs.

5. PUBLIC COMMENT

None other than that previously provided

6. PERMITS

A. PERMIT REQUEST TO REBUILD EXISTING RETAINING WALL (Patrice Gordon, 6810 40th Avenue) Ward 6

Motion: To approve the request for a Building Permit to rebuild existing retaining walls and to replace a tree that was removed by the Town located at Lot 19, Block 39 at 6810 40th Avenue.

Moved by: Mr. Cron
Yea: 6

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

7. NEW BUSINESS

A. LEGISLATIVE RESOLUTION 14-0-10 PROHIBIT PARKING ON VAN BUREN STREET (*Introduction*)

Motion: To approve the introduction of LR 14-O-10: to prohibit parking on the south side of Van Buren within 100 Feet of the intersection with U.S. Route 1.

Moved by: Mr. Hess
Yea: 6

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

B. TRANSFER FUNDS TO COVER COSTS TO COVER ENGINEERING COST RELATED TO A PROPOSED STORM DRAIN IN WELLS RUN (*Introduction*)

Motion: To introduce a budget transfer of \$10,000 from *Undesignated Reserves* to the *Engineering* line item to cover Engineering costs related to a technical evaluation of a proposed storm water drain entering Wells Run in University Park.

* Budget transfers require 5 votes.

Moved by: Mr. Alvarez
Yea: 5

Seconded by: Mr. Hess
Nay: 1 (Cron) **Abstain:** 0

8. APPROVAL OF MINUTES: *October 6, 2014* as amended.

Moved by: Mr. Alvarez
Yea: 5

Seconded by: Mr. Cron
Nay: 0 **Abstain:** 1 (Thompson)

9. DEPARTMENT AND COUNCIL REPORTS

(Postponed)

- A. MAYOR’S REPORT ~ *Mayor Len Carey*
- B. COUNCIL REPORTS
- C. REPORT FROM THE TOWN ATTORNEY ~ *Suellen Ferguson*
- D. REPORT FROM THE TOWN CLERK ~ *Tracey Toscano*
- E. REPORT OF THE TOWN TREASURER ~ *Dan Baden*
- F. REPORT ON POLICE DEPARTMENT ACTIVITIES ~ *Chief Wynnyk*
- G. REPORT ON THE DEPARTMENT OF PUBLIC WORKS ~ *Michael Beall*

10. EXECUTIVE SESSION TO CONSULT WITH COUNSEL TO OBTAIN LEGAL ADVICE

Motion: To adjourn to Executive Session to consult with Counsel on legal matters and will not reenter into general session.

Moved by: Mr. Hess
Yea: 6

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

11. ADJOURNMENT by consent at 10:00 p.m.

Submitted by: _____
Lenford C. Carey, Mayor