

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Board of Town Commissioners

WORK SESSION

November 23, 2021 – 7:00 p.m.

AGENDA

This meeting will be conducted via Zoom Video Teleconference. As the Town Hall remains closed to the general public at this time, interested citizens may participate by video:

<https://uppermarlbormd-gov.zoom.us/j/85874649836?pwd=MTd0YndWTnhraDJCRmNudnN5bWxWQT09>

Video Meeting ID: 858 7464 9836, Passcode: 686630 or,

Audio Dial-in only: 301 715 8592 *Participants must sign-in with the Clerk*

Work Sessions are open to public observation, however,
public participation is at the discretion of the Board

7:00 PM - Roll Call

Pledge of Allegiance

President's Statement from the November 9, 2021, Closed Session

Business

- 1) Marlborough Towne HOA Agreement (Board Discussion)
- 2) Emergency Ordinance 2021-05: Pocket Park Purchase (Board Vote)
- 3) Road Engineering & Survey Firm RFP Proposals (Board Discussion)
- 4) Draft 2 Financial Policies (Board Discussion)
- 5) Town Hall Security Planning (Board Discussion)
- 6) Resolution 2021-26: To Authorize DOE 2021-03 (Board Discussion)
- 7) Ordinance 2021-06: Residential Speed (Board Introduction)
- 8) ARPA Funding Plan (Board Discussion)

Adjournment

*All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217
See back of Agenda for Public Comment Procedures*

CLOSED SESSION SUMMARY SHEET TO BE READ INTO RECORD

Date: November 9, 2021

Time: 6:30 PM

Location: Town Hall / Virtual

Closed Under Annotated Code:

Closed Under Annotated Code: Under General Provisions Article 3-305(b)(1): To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals.

The Board of Commissioners propose to go into Closed Session on Tuesday, November 9, 2021, preceding the November Regular Town Meeting to discuss personnel / appointees.

Those Who Voted To Go Into Closed Session: Motion made by Commissioner Duckett and Seconded by President Pennoyer

Unanimous Of Elected Officials In Attendance: President Linda Pennoyer; Commissioner Janice Duckett and Commissioner Sarah Franklin

Those In Attendance: President Linda Pennoyer; Commissioner Janice Duckett and Commissioner Sarah Franklin

Actions Taken: No Action Taken

Topics Discussed: Actions of appointees / employees: Board of Supervisor of Elections

Relevant Notes: None

RESIDENTIAL STREET SERVICE AND RIGHT OF ENTRY AGREEMENT Town
Services Agreement

between ~~the~~ The Town of Upper Marlboro (the “Town”)
and the Marlborough Towne ~~Home Owners~~ Homeowners -Association, Inc. (the “HOA”)

RECITALS

WHEREAS, the Board of Commissioners placed a motion in its journal of minutes and an unsigned document entitled “Memorandum of Understanding” on December 9, 1986 purporting to agree to provide certain municipal services to the HOA including the following: (1) trash collection, (2) snow removal along main thoroughfares and ingress and egress to parking areas, and (3) supplying electricity for street lights but not maintaining street lights; and

WHEREAS, a letter re: Marlborough Towne dated October 1, 1985 from the Upper Marlboro Town Attorney to the Veteran’s Administration stated that certain offsite improvements consisting of paved roads, and road drains would be installed by the Town at no cost to the purchasers, and upon completion and acceptance by the Town, the roads and maintenance would become the responsibility of the Town; and

WHEREAS, the HOA is a residential apartment development in the Town abutting Old Marlboro Pike (MD 725) as depicted by plats (No.’s 119-12 & 119-13) recorded in 1984 in the land records for Prince George’s County, and is governed under its bylaws and declaration, and is incorporated under the laws of Maryland as a nonstock corporation known as Marlborough Towne Homeowners Association, Inc., which is currently registered and in good standing with the State of Maryland; and

WHEREAS, the main avenue into the HOA is known as Marlborough Drive (SHA Route No. 0055), which is a municipal street, but the remaining roadways within the community named (i) Marlborough Place, (ii) Marlborough Terrace, (iii) Marlborough Grove, (iv) Marlborough Lane, and (v) Marlborough Circle are private roadways owned by the HOA; and

WHEREAS, the HOA meets the definition of a private community as found in Section 5-301 of the LG Article of Md. Ann. Code, and the above-mentioned private ways further meet the definition of a roadway under said section; and

WHEREAS, pursuant to Section 5-301 of the LG Article “Residential Street Service” means: (1) removing snow, ice, or other obstructions from roadways; (2) lighting roadways and maintaining the lighting equipment; (3) collecting leaves, recyclable materials, or garbage along roadways; or (4) maintaining roadways. and

WHEREAS, Section 5-302 authorizes a municipal governing body to provide residential street services by making an agreement with a private community pursuant to Section 5-302 of the LG Article of Md. Ann. Code; and

WHEREAS, Section 5-302 further provides that instead of providing a residential street service, the Town may provide a reimbursement to the private community of an amount not to exceed the cost that the municipality would incur to provide a residential street service; and

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WHEREAS, the Town is willing to enter the HOA property including the private streets of the HOA for the purposes recited herein, subject to the terms and conditions of this Agreement and further subject to any applicable ordinances or regulations of the Town.

NOW THEREFORE, in consideration of the mutual covenants, conditions and agreements contained herein, the sufficiency of which are hereby duly acknowledged, the parties hereto agree as follows:

Section 1 Overview and Term:

This agreement between the Town of Upper Marlboro and the Marlborough Towne Homeowners Association, Inc. (HOA) outlines the duties and responsibilities of the Town of Upper Marlboro to the HOA and the Town residents living within the HOA. This agreement supersedes and replaces the initial Memorandum of Understanding adopted on December 9th, 1986. The term of this Agreement shall be for a term of 10 years beginning on the date of execution and shall automatically renew for equal ten-year periods thereafter. This Agreement may be terminated by either the Town or the HOA upon 90 days written notice served upon an officer of the HOA or its resident agent, or the mayor in the case of the HOA

Section 2 Refuse Collection:

The Town of Upper Marlboro shall provide weekly collection of residential refuse, residential recycling, yard waste, and bulk trash. HOA residents shall place their refuse out for collection in accordance with Town ordinances along the curb in front of their property by 7 a.m. on the respective day listed below:

- Residential Refuse: Collected every Monday
- Bulk Trash: Collected every Monday
- Yard Waste: Collected every Monday
- Residential Recycling: Collected every Thursday

The Town shall issue each residential property within the HOA a Town-owned recycling container. This container shall not be removed from the residential properties. The property owners are responsible for providing their own 36 to 64-gallon trash cans unless the Town begins issuing out these as well.

Section 3: Police Department

The Town of Upper Marlboro Police Department, with the assistance of the Prince George's County Police Department, and any other mutual-aid agencies, shall provide patrol and emergency response to the HOA and its members or residents. The HOA agrees to allow the Town's police to enter and patrol its private streets, parking areas, common areas and driveways.

Parking Enforcement: The Town of Upper Marlboro Police shall enforce parking restrictions along all public roadways within the HOA, that are Town and State violations. The HOA may use a vendor to regulate HOA parking violations within the HOA. The HOA agrees to allow and permit the public to use the HOA's private streets for travel purposes. Nothing in this Agreement shall be interpreted to include parking enforcement along private streets or roadways or in the private parking spaces regulated pursuant to the HOA's recorded declaration, as amended, and bylaws;

however, the Town's police department may otherwise enforce the Maryland Vehicle Law and Town traffic ordinances along all public or private streets or roadways provided the public continues to freely enjoy the right of ingress and egress or general use of said travel ways similar to other public streets that are under the jurisdiction of the Town.

Section 4: Code Enforcement

Any HOA regulations cannot supersede or supplant the Town of Upper Marlboro's and Prince George's County's property standards and regulations, but in some ways, said HOA regulations or covenants may complement, fill in gaps uncovered by the local codes, or may be stricter than local ordinances. The Town of Upper Marlboro cannot enforce any HOA regulations or covenants as they are private contractual provisions enforceable under the civil law as a contractual matter by the parties to the recorded declaration.

Rental Properties: All rental properties shall be properly permitted or licensed by the County and/or Town. The HOA agrees to alert the Town to any rental properties to its knowledge may be operating illegally within the community.

Section 5: Roadway & Right of Way Maintenance

The Town of Upper Marlboro shall maintain the entirety of Marlborough Drive (SHA Route No. 0055), including snow removal and maintenance of the roadway's sidewalks and curbs. The Town shall not maintain any walkways that extend beyond the sidewalk located with the Town public right-of-way.

Street Signs- The Town of Upper Marlboro shall install and maintain all street name signs, and all traffic regulatory signs and traffic control devices within the HOA along streets under the Town's jurisdiction. The HOA shall install and maintain all other signage.

Streetlights- The Town of Upper Marlboro shall own, maintain, and provide electricity for the streetlights within the HOA that are located in the public rights-of-way or along private streets or parking areas.

Section 6: Right of Entry

The HOA shall permit Town employees and contractors to enter HOA property as needed in order to fulfill their duties as described in this agreement. This right of entry does not apply to private residential property located within the HOA.

The Board of Directors of the HOA does hereby grant and give freely and without coercion, the nonexclusive, right of access and entry to said HOA property in the Town to the Town's officials, agencies, agents, employees, contractors, and subcontractors, for the purpose of removing and clearing any or all residential refuse, bulk trash and yard waste (hereinafter collectively referred to as "refuse"), and snow or ice from the common areas and property of the Town pursuant to the Town's existing refuse collection and snow removal contracts and any applicable ordinances.

Section 7: Recreation

If the Town should be asked to maintain any recreational property or amenities within/on HOA properties, a separate agreement shall be put in place.

Trail Development: The Town of Upper Marlboro will work using best efforts with the HOA Board and Maryland National Capital Park and Planning Commission to apply for grants, to design, and install and maintain a connector trail between Marlborough Circle and the School House Pond trail.

Section 8: Additional Assistance

Grants: The Town of Upper Marlboro may assist the HOA with the application and management of grants with the consent of the Board of Town Commissioners, as long as the grants benefit the overall quality of life of Town residents.

The HOA Board may request the presence of Town Department heads at their HOA Board meetings to discuss matters related to that respective Department by coordinating with the Mayor and/or Town Administrator.

The HOA and the Town may enter into a future agreement and any necessary recorded instruments in which the Town may assume responsibility and ownership of the travel lanes of Marlborough Lane, Marlborough Grove, Marlborough Terrace, and Marlborough Circle.

The Town will allow the HOA Board to review any proposed design and other changes to signs, streetlights, or any other infrastructure to be installed by the Town.

Emergency Assistance: The Town of Upper Marlboro will make its best effort to support the HOA in the event of an emergency (e.g., natural disasters, weather events, civil disturbances, etc.)

Section 9: Indemnification and Insurance

The HOA shall assume and bear and indemnify the Town against all loss or damage which the Town or its employees, officials or property (but not its contractor(s)) may suffer on account of any accident caused by or in any way growing out of the construction, maintenance and operation of the private street or ways, whether negligence of employees or officials of the Town contributes to accident or not, but not including gross negligence, and the Town shall assume and bear and indemnify the HOA against any injury to the private street caused by operation of its vehicles.

The HOA shall not indemnify any contractor(s) or independent contractor(s) engaged by the Town to perform the residential street services detailed in this Agreement (hereinafter collectively referred to as the "Town's Contractor"). The HOA shall retain its rights to pursue legal action against the Town's Contractor including, but not limited to, causes of actions pertaining to negligence, gross negligence, and willful misconduct. The Town shall ensure that the Town's Contractor shall carry and maintain, throughout the life of this Agreement general liability insurance of the following amounts: (i) Personal injury liability insurance with a limit of \$1,000,000 for each occurrence and \$2,000,000 aggregate, where insurance aggregate apply; (ii) property damage liability insurance with limits of \$1,000,000 for each occurrence and \$1,000,000 aggregate, where aggregate applies.

The HOA further agrees to carry and maintain, throughout the life of this Agreement and for a period of three (3) years thereafter, adequate general liability and regular liability insurance of at least \$500,000 coverage for its common areas, including the private streets, and shall further add the Town as an Additional Insured on its applicable insurance policies and provide proof thereof to the Town.

Nothing contained in this Section is intended to be a waiver or estoppel of the municipality or its insurer to rely upon the limitations, defenses, and immunities contained within the Local Government Tort Claims Act (Sec. 5-301 et seq. of C&J Proceed. Art., Md. Ann. Code).

Section 10: Applicable Law

This Agreement shall be interpreted in accordance with the laws of the State of Maryland. Any suit to enforce the terms hereof or for damages or other relief for the breach or threatened breach hereof shall be brought exclusively in the courts of the State of Maryland for Prince George's County and the HOA expressly consents to the jurisdiction thereof and waives any right it may otherwise have to bring such action in or transfer or remove such action to the courts of any other jurisdiction.

Section 11: Severability: Entire Agreement

If any section, subsection, paragraph, sentence, clause, or word contained in this agreement shall be declared invalid for any reason, such decision shall not affect the remaining portion of this agreement, which shall remain in full force and effect and to this end the provisions of the agreement are hereby declared to be severable. This Agreement contains the entire understanding of the HOA and the Town, and any additions or modifications hereto may only be made in writing and duly executed.

IN WITNESS WHEREOF, on the date hereinabove set forth, the authorized signatories below have executed this Agreement on behalf of parties named herein in two duplicate originals, any one of which shall be adequate proof of this Agreement without locating or accounting for the other.

WITNESS: MARLBOROUGH TOWNE HOMEOWNERS ASSOCIATION, INC.

By: _____
Name: _____ Print Name: _____
_____ President

THE TOWN OF UPPER MARLBORO

By: _____
Name: _____ Linda Pennoyer, Mayor



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator
Date: Friday November 19th, 2021
Re: Emergency Ordinance 2021-05 Purchase of Main Street Lot- Memo

Commissioners,

I am pleased to present to you Emergency Ordinance 2021-05 which authorizes the purchase of the Parcel 89 along Main Street, a 0.4 acre vacant lot for the future creation of a Downtown Upper Marlboro Urban Pocket Park. As you are aware, the property was appraised at \$20,000, and that is the amount the current owner (Brandywine Corporex Plaza II Limited Partnership) agreed to sell it at (plus closing costs). This purchase is being offset by \$20,000 of the State Bond Bill issued to the Town in 2019 for both the purchase of the pocket park lot and to resurface the Church Street parking lot. The current annual loss of Town tax revenue from the property converting from private-owned to public-owned is \$199.80 per year.

This is the first piece of property that Town has acquired since 2010 when the Old Crain Highway lot was donated to the Town (opposite side of Old Crain Hwy from Town Hall). Many thanks to Town Attorney Kevin Best and Byron L. Huffman, the land-use attorney retained for this project who worked to make this happen and drafted/coordinated the below exhibits.

Emergency Ordinance 2021-05 has the below exhibits included:

- Exhibit A- Property Survey
- Exhibit B- Property Appraisal
- Exhibit C- Agreement For Purchase and Sale Of Real Estate
- Exhibit D- Settlement Statement (HUD 1)

The reason this is an "Emergency" Ordinance is so that it goes into effect immediately after passage, allowing the Town to execute the purchase immediately, instead of having to wait the normal 40-day process of a normal Ordinance. While it is not in the Board's best practice to pass legislation at a Work session, it was stated to the public at the November Town meeting that the Board would most likely be approving this Emergency Ordinance at the November Worksession, and the topic has been discussed regularly over the past few months of public meetings. I am available to address any questions or concerns on this topic.

Please consult "breakout" packet for all documents for this agenda item.

Janice Duckett
Commissioner

Sarah Franklin
Commissioner/Treasurer

Linda Pennoyer
Commissioner/President



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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator
Date: Friday November 19th, 2021
Re: Proposal Responses to RFP UM 2021-03 Roadway Engineering Survey & Design Firm

Commissioners,

As you are aware, the Town advertised RFP UM 2021-03 Roadway Engineering Survey & Design Firm with a goal to select an engineering firm to conduct a survey of the conditions of all of the Town's roadways to create a road replacement schedule, and to provide construction designs and plans for the redesign, stormwater management upgrades, and repaving of certain roads as listed in the scope to begin construction in Spring 2022. These proposals were due today, Friday November 19th by 5pm. The Town has received three proposals from respected firms for the Board's consideration.

Firms that have submitted Proposals:

- Mead & Hunt of Columbia, MD
- CB3 Consulting Services, Inc of Largo, MD
- Kim Engineering of Beltsville, MD

The proposals are included in your packet for your review.

Next steps are for Director Bond and myself to review & compare the proposals, and provide a staff recommendation for the Board to consider at the December 2021 Board Work Session, with plans to select a firm at the January 2022 Town Meeting.

Please consult "breakout" packet for all documents for this agenda item.

Janice Duckett
Commissioner

Sarah Franklin
Commissioner/Treasurer

Linda Pennoyer
Commissioner/President

Financial Policies Draft 2 Responses:

Page 1 – for large purchase items the board must approve before rendering service. The board authorizes the budget (rev/exp) to be fully executed.

Page 1 – the dir. of finance makes sure the town stays on tract with its annual financial outlook. Keeping the financial health status according to the annual plan

Page 2 – if a donor provides fund with restrictions, the donor should outline in writing with donated funds. On the financial side, all documentation is stored with the deposit and within the financial software for references. Annual budget line item for donations/sponsorships included in approved budget

Page 3 – would like to purchase fire cabinets for documentation. And this year created a deposit folder on the Towns hard drive

Page 5 – I think its good to have the secondary person, so I added “and/or”

Page 6 – moving forward I will provide a check register with each batch. And try to detail that report as much as possible

Page 8 – I think when an event is being planned an estimate budget of expenses should be acknowledged to the Dir. of Finance and/or the committee’s representative from Town employees

Page 9 – This section is from the procurement ordinance 2011-02 and should be reviewed for increases

Page 9 – If capital improvement or any item below the large item procurement threshold is included in the budget, it should not require a second review from the Board. The staff should attempt to retrieve three quotes and select the best fit candidate for services. Large ticket items should be brought to the board for discussion and/or approval if the ordinance shall require it

Page 12 – each dept head has a credit card with a monthly spending limit of \$1500. Should they need to exceed that amount in any given month they should request approval and thereafter the credit limit will be increased to fulfill those transactions. This was implemented because of the high spending that occurred in recent years via credit cards, due to the nature of card transactions not being captured immediately

Page 12 – Acknowledgment of a purchase should not be required via in writing if the budget already provides the services. Large items should be written for purchasing on the card.

-William Morgan, Director of Finance & HR

FINANCIAL CONTROLS POLICIES AND PROCEDURES FOR LOCAL GOVERNMENT ORGANIZATIONS *DRAFT 2*

Purpose. The Town of Upper Marlboro is committed to protecting and using our assets and providing reasonable assurance that operations are going according to plan. Proper financial practices are very important in doing this, since proper practices help to prevent and detect errors and fraud. Good financial practices also assure our town members and donors that we use their gifts for the purposes for which they were intended.

I. GENERAL PRACTICES

Review of Risks. These policies were drafted after consideration of the risks associated with the various aspects of our financial operations and to enact policies and procedures designed to minimize those risks. The Director of Finance will review these policies each year to consider whether the risks have changed. Such changes may include receipt of grant monies for the first time or receipt of grants with restrictions, a change in the laws regulating our Town, hiring of employees or a major change in our programs. If so, the financial director needs to identify any new risks and adopt appropriate procedures to minimize those risks. The Director of Finance shall consult with a professional if necessary to ensure the Town properly addresses its risks.

Segregation of Roles. There are several fiscal “roles” in The Town of Upper Marlboro—custody, authorization, execution, and monitoring. For example, the person who has authority to sign checks is acting in the custodial role. The person who approves payment of a bill is authorizing. The Town of Upper Marlboro as a whole acts in an authorizing role when it approves the annual budget of making decisions to purchase major items like a copier and/or vehicles. The person who prepares the checks for signature by an authorized check signer is acting in the execution role, executing an action that has been authorized by the Town through the annual budget or by the individual responsible for approving payment of the bill. The person who reconciles the bank statement acts in the monitoring role. The Director of Finance also acts in a monitoring role when it reviews the monthly financial reports to be sure that its plan—the budget—is being executed properly.

As much as possible, The Director of Finance seeks to separate the responsibilities for fiscal roles so that at least two and preferably more individuals fulfill these roles. It is particularly important that the same person does not authorize, execute and monitor any transaction. At each step of handling funds, the organization shall ensure that more than one person verifies that the step is done correctly.

II. RECEIPT OF FUNDS

RISKS

The Town of Upper Marlboro faces the risk that funds that they receive may be stolen or lost or that someone may be falsely accused of stealing funds. We also face the risk that we may fail to record a restriction that a donor has placed on our use of funds.

POLICY

All funds, whether cash, check and/or money order, which the organization receives will be deposited intact into the bank account, with no monies removed to make payments or for other purposes. All cash receipts should be deposited into the bank as soon as possible. This allows for a complete accounting and independent verification of what happens to our funds. Communications from donors or any funds received that establishes spending restrictions on the use of the funds will be saved with the deposit log and digitally in the financial software.

PROCEDURES

- *Receipt of Checks in the Office.* The Deputy Clerk/Receptionist opens all mail addressed to the Town. The Deputy Clerk/Receptionist makes a photocopy of all checks received and provides the photocopies to the financial director. This allows the financial director to verify that all checks received are deposited.

The Deputy Clerk/Receptionist will endorse all checks by an endorsement stamp that provides that the check is “For Deposit Only” and will be paid to the order of the corporate bank and lists the organization’s name and account number. This lessens the risk that a check may be stolen and cashed.

- *Receipt of Cash in the Office.* Cash is easily stolen and must be handled carefully. If cash comes into the office, the person accepting the cash must provide a written receipt when taking the cash:
 - The receipt should state the person’s name, the date, the amount of the cash and the purpose of the payment.
 - Use a pre-numbered receipt book with an automatic duplicate copy with the organization’s name printed on it.
 - No pages may be removed from the receipt book.
 - The person with access to the receipt book shall keep it in a locked drawer and shall lock cash in a secured location until the finance director can retrieve it.
 - If possible, when the Deputy Clerk/Receptionist opens the location with the cash, one other person will accompany the Deputy Clerk/Receptionist so that they can count the cash together.

The Deputy Clerk/Receptionist or The Director of Finance designee shall train all office volunteers in these procedures.

The Director of Finance will compare the receipt book and the bank's list of cash deposits when making the Bank Reconciliation described below.

- *Deposit Slips.* The Deputy Clerk/Receptionist will deposit corporate funds as follows:
 - Prepare a deposit slip in duplicate.
 - Photocopy the checks and staple the photocopies to the copy of the deposit ticket that we keep for records.
 - If cash will be included in the deposit, the Deputy Clerk/Receptionist will attach a list to the duplicate deposit ticket which includes the sources of the cash and the receipt #s in the duplicate receipt book for each source of cash.
 - File this documentation chronologically in a locked cabinet to prevent theft.

The Director of Finance will consult the deposit ticket and attached photocopies when making the Bank Reconciliation described below.

- *Bank Deposit.* If no cash is present, the deposit may be mailed to the bank. If cash is present, a second person (if available) shall verify deposited funds prior to the Deputy Clerk/Receptionist sealing the envelope and making the deposit in person. The person verifying the cash shall initial the cash on the copy of the deposit slip retained by the organization.
- *Receipt of Checks and Cash Outside the Office.* If checks and/or cash come in outside the office (such as selling of merchandise at an event), we need to take special precautions to protect these receipts from theft and to ensure that no one is falsely accused of stealing funds.
 - Two people need to prepare the deposit slip for the funds in duplicate.
 - Both must count the cash and initial the cash count on the copy of the duplicate deposit slip kept by the organization.
 - If the individuals accepting the contributions at the event knows the names of the individuals making gifts in cash, they will provide a receipt using the pre-numbered receipt book. If the funds are received through a "pass the hat" style collection in which it is not possible to know who gave what amount, the individuals accepting the contributions will note that no receipts were provided to donors on the duplicate deposit slip.
 - It is not necessary to write out a receipt for contributions made by check unless the donor requests a receipt. However, the individuals accepting the contributions should make a list of all checks received at the event, including the name of the donor and the amount of

the contribution. They will compare this list to the deposit to be sure all checks have been included in the deposit.

- If no cash is received at the event, the individuals accepting the contributions by check will give the Deputy Clerk/Receptionist the list and the checks within 24 hours of the event.
- If there is cash in the deposit, one of the two individuals accepting contributions must deposit the funds immediately. If checks will be deposited with the cash, the individuals accepting the checks should be sure that the list of checks they prepare includes the donor's address as well as name.
- The duplicate receipt book and the list of checks received shall be given to the Deputy Clerk who will send acknowledgement letters.

The Deputy Clerk/Receptionist or The Director of Finance designee shall train all volunteers in these procedures.

- *Credit Card Contributions.* We do not accept contributions by credit card. If we decide to do this in the future, we should seek accounting advice to be sure we have proper controls in place.
- *Parking Meter Receipts.* The Town has parking meters throughout its jurisdiction.
 - The Public safety department manually collects coins from each parking meter on a weekly basis with two officers.
 - Coins are immediately deposited into a locked and secured coin vault which requires two keys to access.
 - After fully collecting parking meter coins, the canister must return to Town office, and immediately be deposited into the financial institutions provided depository bags with the Director of Finance.
 - All coins are taken to the financial institution (the same day) for professional counting via their provider.

III. DISBURSEMENT OF FUNDS/USE OF GOVERNMENT PROPERTY

A. PAYMENTS BY CHECK

RISKS

We face the risks that that our funds will be spent on unauthorized items, that someone will steal our funds by taking blank checks or by writing checks to payees who are not our vendors, that someone will use corporate property for personal purposes or that payments we make will be improperly recorded.

POLICY

Make all disbursements from the organization's funds by check or department corporate credit card, with the exception of petty cash. This allows us to track how our funds are spent, who is spending them and who is authorizing expenditures.

PROCEDURES

1. *Opening Bank Accounts.* Bank accounts may be opened only upon authorization by The Town of Upper Marlboro Board of Commissioners and The Director of Finance.

- All bank accounts must be opened with the organization's employer identification number (EIN).
- The Town shall approve the authorized signers on the organization's bank accounts.
- Because of the Director of Finance role in reconciling the bank statement, the Director cannot be a check signer.
- If possible, the Deputy Clerk/Receptionist should not be a check signer because of his/her role in the custody and preparation of the checks.

2. *Custody of Checks.* The Director of Finance and Town Administrator are the people authorized to have access to unused check stock. The checks should be stored in a locked location and information about how to access them should be kept confidential from everyone but the finance director and Town Administrator.

3. *Check Authorization.* All invoices should be electronically scanned to the Director of Finance for review and payment authorization.

- Each department is responsible for accurately applying the proper budgeted expense on the invoice prior to submission to the Director of Finance.
- The Director of Finance will review all invoices for mathematical accuracy, agreement with a written invoice, conformity to budget or Town authorization and compliance with grant fund requirements.
- The Director of Finance will ensure that all conditions and specifications on a contract or order have been satisfactorily fulfilled, including inventorying items received against packing slip counts.
- The Director of Finance will code the invoice with the appropriate expense number and other information as needed for accounting purposes.
- By approving an invoice, the finance director indicates that he/she has reviewed the invoice and authorizes a check.
- The Director of Finance is responsible for timely follow-up on discrepancies and payment.

The Director of Finance and/or Town Administrator will approve invoices for payment.

4. *Expenses Not Invoiced.* In some cases, expenses may not be invoiced, such as rent. When such expenses are due, the finance director needs to ensure that the expense is in the budget and write a note authorizing payment of the expense and the amount of the expense and supply it to the Deputy Clerk/Receptionist.

5. *Payment by Checks.* Upon approval of the invoice and note by the finance director, the Deputy Clerk/Receptionist is authorized to prepare all checks and should do so.

- If a check is voided, the check will have “VOID” written in large letters in ink on the face and have the signature portion of the check torn out. Voided checks will be kept on file.
- In the event that it is necessary to issue a duplicate check for checks in an amount over \$50, the Deputy Clerk/Receptionist will order a stop payment at the bank on the original check.

6. *Duties of Check Signers.* All checks will be signed by the signers designated by The Town of Upper Marlboro resolution. Prior to signing a check, a check signer will do the following:

- Compare the check to the original invoice or the Director of Finance note to pay the expense.
 - Compare the amount on the provided check register report or Director’s note.
 - Be sure that The Director of Finance has initialed the invoice or provided the necessary report to substantiate the check amount. This is to protect against the risk that you are paying based on a copy of the bill that has already been paid.
 - Check the date on the invoice or the Director of Finance note against the date of signing the check. If the difference is more than 60 days, get written approval from the Treasurer before signing the check. This is to mitigate the risk that the organization is paying the same expense twice.
- Check to be sure that the amount of the check is not clearly unreasonable. For example, a \$50,000 monthly payment for bookkeeping services would be unreasonable for this local government
- Any checks at or above \$5,000 requires two authorized signatures.

7. *Prohibited Practices.* In no event will:

- invoices be paid unless approved by The Director of Finance/Town Administrator;
- blank checks be signed in advance;
- checks be made out to “cash,” “bearer,” etc.

Each check signer will be made aware that signing blank checks exposes our organization to theft since the bank is entitled to charge our account for any check that has a valid signature. A signed blank check is an invitation to theft.

8. *On-line Payments.* If we make online payments, we will make arrangements with the bank that allow the Director of Finance/Treasurer to have online, read-only access to the account. We will also arrange with the bank to be sure that only the individuals the board has authorized as check signers will be permitted to authorize the payment of bills electronically. In addition to the monthly reconciliation, the finance director will periodically spot-check the account to compare the bank automatic payments with the vendor statements.

B. PETTY CASH FUNDS

RISKS

Payments by cash are not as completely documented and are not as easily monitored as payments by check and thus subject the organization to greater likelihood of errors, theft, and fraud.

POLICY

The Petty Cash Fund should only be used when payment by check is impracticable.

PROCEDURES

Administration of Petty Cash Fund. The Deputy Clerk is responsible for the administration of the Petty Cash Fund. The Fund shall be funded with checks made out to “Petty Cash—name of Deputy Clerk” and initially recorded in the Petty Cash Fund account. The Deputy Clerk will require receipts for all purchases and may ask those reimbursed to sign for money the Secretary provides as reimbursement.

The Deputy Clerk will record all cash purchases in a journal and save the receipts. When the fund gets low, the Deputy Clerk will apply to The Director of Finance for authorization to reimburse the fund for the total amount expended. The check written to reimburse the Petty Cash Fund will be recorded in the appropriate expense accounts for the items that were purchased with Petty Cash, so that these expenditures made through the Petty Cash fund are properly classified by type – for example, postage, parking fees, etc.

C. EXPENSE REIMBURSEMENT

RISK

The organization does not have the same level of control over expenses incurred on behalf of the organization by those who pay with personal funds and seek reimbursement as it does for expenses paid directly by the government. The government is not in as good a position to determine whether the goods or service purchased might have been obtained at a lower price elsewhere, whether there is a personal benefit to the person seeking reimbursement and how the expenditure fits in with the rest of the organization's budget.

POLICY

In proper circumstances, The Town members, employees and volunteers are entitled to be reimbursed for expenses related to the organization that they incurred on behalf of the organization. To receive reimbursement, you must meet the following requirements:

- All expenses must be authorized in advance by The Director of Finance and later approved by the Town Administrator or the Finance Director.
- All expenses must have been incurred for goods or services purchased for the organization or event attended for the Town.
- If your expense is for travel, the travel must be for work related to the organization. We will reimburse no more than the standard mileage rate for business use of a car as established by the IRS. The organization will reimburse meal expenses incurred in direct connection with the organization's business, or at the per diem rate established by the IRS.

PROCEDURES

To be reimbursed for expenses:

1. *Documentation.* You must provide reasonable documentation showing the date, amount and what the expense was for. Credit card receipts and store receipts that do not describe the purchase are not reasonable documentation. Your receipt must describe the purchase. Documentation must include the approved Town expense/reimbursement spreadsheet.
2. *Other Reimbursement.* Your voucher must reflect reimbursement from sources other than ours.
3. *Timely Submission.* You must submit your documentation with a request for payment within 60 days from the date the expense was incurred.

4. *Overpayment.* If we overpay you, you must return any excess reimbursement within a reasonable period of time.

D. PURCHASING

RISK

The Town of Upper Marlboro wants to ensure that all purchases on behalf of the Town are authorized by the Town or by Town's policies. Unauthorized purchases deplete The Town of Upper Marlboro resources and interfere with the Town's ability to govern properly.

POLICY

All purchases made on behalf of the Town must be made pursuant to The Town of Upper Marlboro-approved budget or town's rules.

PROCEDURES

It is the responsibility of all Town elected officials and Town staff enforce and follow the procurement guidelines. These guidelines are directly from Ordinance 2011-02 Procurement.

Under \$500: Department heads are authorized to make purchases under \$500

Over \$500: Department heads must obtain at least three proposals or prices and make a recommendation to the President via the Town Administrator.

Under \$2,000: May be authorized by the President via the Town Administrator and must be reported to the Board either by email or at a public meeting.

Over \$2,000: Requires formal Board approval prior to making any purchase.

Between \$2,000 and \$10,000: Requires a minimum of three written quotes or proposals and formal Board approval

Over \$10,000: Requires a sealed bid process with Board approval or a unanimous Board-authorized alternative procurement method. A Resolution shall be required for all contracts or purchases over \$10,000.

E. USE OF CORPORATE PROPERTY

RISKS

The Town of Upper Marlboro faces a risk that individuals will use corporate property without authorization for personal purposes. Usage reduces the life of property and eventually is an expense that the town assumes. It also betrays the trust of our donors who expect that The Town of Upper Marlboro will use its resources only for purposes that help us achieve the town mission.

POLICY

Property and equipment owned by the Town may only be used for Town activities or activities approved by the Town. They may not be used for personal purposes.

PROCEDURES

If a Town official, officer, employee or volunteer wants to use the Town's property or equipment for any purpose other than a Town purpose, that individual must obtain permission from The Town of Upper Marlboro or The Director of Finance.

F. PROCESS OF PAYROLL

RISKS

Payroll internal controls are the procedures the government follows to protect its payroll information.

POLICY

Payroll controls and procedures prevent employees from accessing confidential information. Internal controls also prevent employees from stealing money from the Town through overpayments and false time records.

PROCEDURES

The Town of Upper Marlboro's policy to authorize payroll, using a 3rd party administrator on a bi-weekly basis and administered by the Director of Finance.

Employees are required to submit their timesheets to their supervisor for approval.

The supervisor will approve and submit their final timesheets from the respective department to the Director of Finance for a final review and processing of payroll.

Once payroll has been completed, the director of finance provides the payroll report to the Treasurer and Town Administrator.

IV. CREATION OF TOWN OBLIGATIONS

RISKS

The Town of Upper Marlboro needs to ensure that any obligation undertaken in the town's name is authorized by the town and is for the town and not for personal purpose.

A. CREDIT AND DEBIT CARDS

RISKS

Town of Upper Marlboro credit or debit cards can be misused when people charge personal expenses on them, fail to obtain documentation showing that a purchase was for the town or put expenses on the Town card for purchases that are embarrassing to The Town of Upper Marlboro.

POLICY

The Town will not authorize the use of debit cards for any purposes. The Town will determine whether there is a compelling need for the Town to obtain one or more credit cards. If The Town determines that credit cards are needed, The Town will authorize specific individuals to utilize a Town credit card. A Town cardholder may use the credit card only for official purposes directly related to the needs of the organization. The cardholder may not use a Town credit card for personal purposes, even if he or she plans to reimburse the organization.

The following purchases are **not** allowed on the Town credit card:

- Personal purchases
- Cash advances or loans
- Payroll advances
- Purchased for other organizations
- Alcohol
- Personal entertainment
- Fuel for personal vehicles
- Purchases from a business you own or operate unless pre-approved by The Town of Upper Marlboro
- Any item inconsistent with the roles and responsibilities as a Town employee

An individual purchase shall not exceed \$1,500. Aggregate monthly purchases shall not exceed \$1,500.

PROCEDURES

In order to use the card, the cardholder must follow these procedures:

1. *Cardholder Agreement.* Upon issuing a Town card to a cardholder, the cardholder must sign a statement that the cardholder has read and understands this Credit Card policy and will reimburse the Town for any personal charges on the card.
2. *Advance Approval.* The Town must give advance written approval, if the purchase is not within the approved budget, to make a purchase whenever practical. The cardholder's purchase request should describe the purchase and cost.
3. *Original Receipts.* The cardholder must keep the original receipt that describes each purchase made on the card. The credit card receipt is not sufficient.
4. *Notification of use of the credit card:* The cardholder will email the Director of Finance after each use of the Town credit card noting the date, vendor, and amount of each charge made. This will allow the finance director to be aware of the cash that will be required to pay the credit card bill and alert the finance director to potential unnecessary use of the credit card.
5. *Expense Form.* Within 5 days after the end of the billing cycle, the cardholder must prepare and sign the statement and attach original receipts and a copy of the purchase request. In the case of meals, the statement must include the names of all persons at the meal and a brief description of the business purpose, in accordance with IRS regulations.
6. *Approval by The Director of Finance.* The cardholder must give the expense detail form to the finance director for approval. The Director of Finance shall review each purchase to ensure that it was reasonable, necessary and the best value for the organization. The Director of Finance will reconcile the expense detail form to the credit card billing statement, authorize payment and follow up on any inconsistencies.
7. *Notification of Loss/Theft.* The cardholder must notify the bank and The Town immediately in the event that the card is lost or stolen.

B. BORROWING AND LINES OF CREDIT

RISKS

The Town of Upper Marlboro needs to ensure that borrowing in the town's name is authorized.

POLICY

The Town must approve application for and acceptance of any Lines of Credit. Once the Line of Credit is authorized by the Town, The Director of Finance can authorize borrowing within the limit of the line of credit up to \$10,000. The Town must approve all borrowing against the line of credit greater than that amount.

The full Town must approve any other borrowing of funds in the name of the corporation, including the use of any promissory notes. The Town must give very serious attention to be sure that the Town will have sufficient funds available to repay any loans or lines of credit on time.

V. BANK RECONCILIATION AND ON-LINE MONITORING

RISKS

Even the most honest and attentive individual makes mistakes. Monitoring allows us to uncover errors. If our records and the bank records do not agree, it is likely that our records are wrong. Monitoring also assists us in identifying discrepancies between our accounting records and our banking records that suggest theft or fraud, checks signed by unauthorized signers, and identity theft.

POLICY

The Director of Finance will monitor the town's accounts regularly and will prepare a written reconciliation of all bank or investment accounts which proves that the balances presented on our financial reports agree with the records of the financial institution.

PROCEDURES

1. *Records to The Director of Finance.* The Deputy Clerk/Receptionist shall provide the finance director with a copy of all records of deposits, disbursements (checks written), and other bank transactions and of our accounting records for review.
2. *Bank Statement.* The Director of Finance will direct the bank to send the bank statements to the town or allow for online access.
3. *Reconciliation.* The Director of Finance will reconcile the bank statement monthly. The reconciliation should be done within 10 days of receiving the statement, as follows:

- Check all checks for correct signatures and number of signatures and protest to the bank any incorrect signatures.
- Review the checks in the bank records to ensure that:
 - The name of the payee, the amount of the check and the date of the check agree with the corporation's accounting records.
 - Whoever the check was made out to be the depositor of the check; and each check has a valid signature.
- Compare the bank deposit records with our accounting records to determine whether each deposit recorded in the accounting records agrees with the bank record.
- Check the cash entries in the receipt book against the bank record of deposits to ensure that all cash was deposited.
- Check whether the ending balance in the general ledger cash account agrees with the bank statement, after making any adjustments on the bank reconciliation form.
- List all outstanding checks. On all checks outstanding over 90 days, take appropriate action.
- List all deposits in accounting records not yet recorded by the bank.
- The Director of Finance should provide reconciliation reports and statements to the Treasurer.
- The Director of Finance should provide a monthly expense transaction report to the Mayor, Treasurer and Town Administrator.

If the reconciliation is done electronically, the finance director must check off on a form to be given to the Town that he or she performed the review above.

4. *On-Line Banking.* The Director of Finance should have on-line, read-only access to the bank account. The Director of Finance should use the on-line access to check his/her work. The Director of Finance should review the account on-line on a weekly basis to check for identity theft that is diverting corporate funds. The Director of Finance can reconcile the bank statements and spot-check the on-line payments as described above.

5. *Return of Cancelled Checks by the Bank.* The Director of Finance will determine whether it is necessary to direct the bank to return the cancelled checks with the bank statement. If the

finance director determines that it will not require return of the cancelled checks, it will establish procedures to ensure retention of the electronic images of the checks for at least 3 years.



Town of Upper Marlboro

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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator & Chief David Burse
Date: Thursday November 18th, 2021
Re: Town Hall Security Upgrade Funding Request

Commissioners,

Over the past few months, the Board has been discussing security risks at Town Hall and how to address them. Due to the proximity to both the County Jail & Courthouse, Town staff have seen an increased number of walk-ins who ended up being disruptive and/or combative. This threat is further enhanced with the Deputy Clerk being left exposed at a desk in the middle of the lobby. Another issue is that if the meeting room wing is rented, there are no door locks preventing renters from coming into the “operational” wing of the Town Hall. These risks can be mitigated with the below upgrades:

Phase 1: Upgrading Existing Security System

- Front Door Intercom & Buzzer
- Panic Buttons (To silently summon Town and County Police)
- Magnetic Locks on Community Wing
- Additional Security Cameras (To address blind spots and better monitor the online transaction safe space in the parking lot)

Phase 2: Structural upgrades to Town Hall including a partitioned lobby area and bullet & strike resistant glass on exterior door & windows.

Phase 1 Pricing:

Company	Cameras	Door Locks	Panic Button	Total Price
BFPE	Yes	Yes	Yes	\$34,089.93
ABC Alarm	Yes	Yes	Yes	\$28,068
EAI Security	Yes	No	No	\$20,800

Staff is recommending Phase 1 upgrades be put in place prior to the full reopening of the Town Hall and room rentals to address existing security concerns. If the Board wishes to move forward with this project, formal approval & contractor selection could take place at the December Town Meeting via Resolution.

Janice Duckett
Commissioner

Sarah Franklin
Commissioner/Treasurer

Linda Pennoyer
Commissioner/President



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**THE TOWN OF UPPER MARLBORO, MARYLAND JOINT DECLARATION
OF A LOCAL STATE OF EMERGENCY (TOWN EMERGENCY ORDER NO. DOE 2021-03)
AND RESOLUTION (NO. 2021-XX RES) OF THE TOWN BOARD OF COMMISSIONERS
OF THE TOWN OF UPPER MARLBORO EXTENDING THE LOCAL STATE OF
EMERGENCY INITIALLY ISSUED ON MARCH 25, 2020 THROUGH JANUARY 31st, 2022**

WHEREAS, the Governor, as of March 5, 2020 and thereafter, has issued orders initially declaring a state of emergency and catastrophic health emergency for the epidemic known as COVID-19; and

WHEREAS, in accordance with Emergency Ordinance 2020-04 (Emergency Operations), the President of the Town may declare a Local State of Emergency for a 30-day period; and

WHEREAS, an initial Emergency Declaration was declared on March 25, 2020, with multiple extensions approved by the Board of Town Commissioners thereafter; and

WHEREAS, an Order of the Governor of the State of Maryland Number 20-09-01-01 issued September 1, 2020, specifically authorized political subdivisions to issue more restrictive orders than issued by the Governor including requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or requiring individuals to remain indoors or to refrain from congregating; and

WHEREAS, the Mayor of the Town of Upper Marlboro issued a proclamation further declaring a local emergency on March 1, 2021 and ordering the Town offices and Municipal Building to continue to be closed to the public except for (i) police operations, (ii) conduct a municipal election, (iii) allow entry to Town Hall for individuals to conduct Town business with social distancing and masking requirements, (iv) to allow organized municipal health and exercise classes on certain days; and

WHEREAS, while the Governor is authorized to issue emergency orders, so too may the local executives of the counties and municipalities, including the Mayor of Upper Marlboro, as well as the county health officers; and

WHEREAS, Co. Executive Order No. 18-2021, issued on August 5, 2021, requires all persons over the age of five to wear a face covering indoors as a mitigation measure in all public places; and

WHEREAS, on August 18, 2021, Executive Order No. 19-2021 imposed certain reporting and testing requirements on County employees, volunteers and contractors; and

WHEREAS, on September 30, 2021, Co. Executive Order No. 21-2021 expanded the face covering requirement to all persons over the age of two; thereby, Prince George's County has expanded its indoor mask mandate to include children ages 2-5, and now, residents and visitors over the age of 2 are required to wear masks in all indoor public venues and businesses in Prince George's County, and

similar to past mandates, exceptions exist for eating and drinking, or those with a bona fide disability that prevents mask wearing; and

WHEREAS, on October 4, 2021, Co. Executive Order No. 22-2021 amended Executive Order No. 19-2021 to further implement the vaccination and testing requirements for county employees, volunteers, and contractors; and

WHEREAS, as required by Section 5 of Emergency Ordinance 2020-04 upon issuing any emergency proclamation, the President does hereby find the following:

(i) That conditions of peril to the safety of persons and property continue to exist within said Town, caused by the COVID-19 epidemic; and

(ii) That the President believes it is in the best interest of public safety and the protection of property that the exercise of certain rights be temporarily limited and that the conditions of this Order is designed to provide the least necessary restriction on those rights; and

WHEREAS, the President does hereby further find that it is in the best interest of public safety and the protection of property that the exercise of certain rights be temporarily limited and that the conditions of this Order is designed to provide the least necessary restriction on those rights.

NOW THEREFORE, be it resolved that on this 9th day of November 2021, President Linda Pennoyer of the Board of Commissioners for the Town of Upper Marlboro, hereby declares:

1. As of 5:00 p.m. a State of Local Emergency continues to exist within the boundaries of the Town of Upper Marlboro because of ongoing concerns about the possible spread of the Coronavirus (COVID-19).
2. That during the existence of said local and/or State emergency the Town shall observe the same rules and restrictions as the County, as adopted by reference herein below, except for any modifications to same found in this Joint Order and Resolution.
3. The Town of Upper Marlboro and its residents, businesses and visitors will follow the directives of the Prince George's County Executive, Co. Executive Order No. 21-2021, dated Sept. 30, 2021 whereby the indoor mask mandate shall include children ages 2-5, and residents and visitors over the age of 2 are required to wear masks in all indoor public venues and businesses in Prince George's County, and similar to past mandates, exceptions exist for eating and drinking, or those with a bona fide disability that prevents mask wearing, or as otherwise directed by either the County Executive via an executive order or the county governing body via a subsequent Council Resolution, or the President/Mayor of Upper Marlboro.
4. The State of Local Emergency shall extend through January 31st, 2022, unless terminated or modified earlier.
5. All Town-owned buildings and facilities are to remain closed to the public until the cancellation of this State of Local Emergency, or the Board of Town Commissioners approving a reopening plan drafted by the Town Administrator and security upgrades. The reopening plan may include authorization for Town Hall meeting room rentals to resume as well.

6. The Town shall follow the COVID-19 Response Policy and Directive for Town personnel and visitors to Town facilities, and the Town Response Plan for Courthouse Reopening, each hereby attached hereto and incorporated by reference herein, until the cancellation of this declaration. All prior Town emergency orders issued remain in effect except as modified by this Order. The Town shall follow the County Mark Mandate.
7. During this State of Local Emergency, the President and Board of Town Commissioners shared responsibilities include but are not limited to taking actions authorized by the Town Charter, Town Ordinances, and State and Local Executive or Health Officer Orders issued to protect the public's health, safety, and welfare.

BE IT FURTHER RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session on this ____ day of November 2021, that the Town Board of Commissioners agrees that the COVID-19 pandemic continues to endanger the Town, and hereby approves, ratifies, and authorizes this Order and the extension of the Local State of Emergency to remain in effect and to extend through January 31st, 2022, unless terminated or modified earlier.

ATTEST:

THE TOWN OF UPPER MARLBORO

Clerk

Linda Pennoyer, President

Date: _____

Sarah Franklin, Commissioner

Janice Duckett, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Joint Declaration of a Local State of Emergency (Town Emergency Order No. DOE 2021-__) and Resolution (No. 2021-__ RES), and that said Joint Resolution and Order is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this _____ day of _____, 2021.

John Hoatson, Town Clerk

Residential Speed Ordinance

**BOARD OF
COMMISSIONERS FOR
THE
THE TOWN OF UPPER MARLBORO**

ORDINANCE: 2021-06
SESSION: Regular Town Meeting
INTRODUCED: November 23, 2021

AN ORDINANCE OF THE TOWN OF UPPER MARLBORO AMENDING ORDINANCE 2018-02 ADOPTED AND AMENDED HEREIN FOR THE PURPOSE OF ESTABLISHING AND AUTHORIZING THE USE OF SPEED MONITORING SYSTEMS IN THE TOWN OF UPPER MARLBORO BY ADOPTING PROVISIONS GOVERNING SPEED MONITORING SYSTEMS, IN ORDER TO AUTHORIZE THE IMPLEMENTATION OF SUCH SYSTEMS IN DESIGNATED SCHOOL ZONES AND RESIDENTIAL DISTRICTS AS PLACES WHERE SUCH SYSTEMS MAY BE DEPLOYED TO REGULATE TRAFFIC, BY RATIFYING THE PENALTY FOR A SPEED LIMIT VIOLATION RECORDED BY SAID SYSTEMS, AND THE MEANS FOR PROCESSING CITATIONS FOR SPEED LIMIT VIOLATIONS RECORDED BY A SPEED MONITORING OR RED LIGHT SYSTEM; BY DEFINING RESIDENTIAL DISTRICTS; BY RE-AUTHORIZING THE TOWN TO USE AND ENFORCE CITATIONS ISSUED BY A SPEED MONITORING SYSTEM OR A RED-LIGHT ENFORCEMENT SYSTEM AND THE PENALTIES RELATED THERETO; MANDATING A CERTAIN PERIOD OF TIME DURING WHICH VIOLATIONS MAY BE ENFORCED USING A SPEED ENFORCEMENT SYSTEM AND RED-LIGHT ENFORCEMENT SYSTEM; BY REQUIRING THE TOWN TO COMPLY WITH CERTAIN STATE LAW FOR USE OF THESE SYSTEMS; BY DEFINING CERTAIN TERMS; BY REQUIRING CERTAIN REPORTS TO BE FILED; AND GENERALLY RELATING TO THE REGULATION AND CONTROL OF VEHICLES AND TRAFFIC AND THE USE OF TECHNOLOGY TO REGULATE TRAFFIC AND IMPROVE PUBLIC SAFETY IN THE TOWN.

WHEREAS, the Board of Commissioners finds that driving in excess of posted speed limits, and failing to stop at red lights is a major cause of accidents, injuries and death; and

WHEREAS, traditional enforcement of red light violations, and posted speed limits in the vicinity of schools, homes and school areas requires that law enforcement enter traffic and stop a motorist in order to cite that motorist as a violator; however, traffic volume and safety considerations limits the number of violators apprehended to a fraction of those in violation of posted speed limits or traffic control signal, and risks injury to the law enforcement officers, pedestrians and public, especially in the vicinity of schools and residential areas; and

CAPITALS : Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets] : Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

WHEREAS, traffic studies indicate that the presence of speed cameras and red-light cameras has contributed to as much as an 80% - 90% decrease in the number of drivers running red lights, and exceeding the speed limit by 12 miles per hour or more in the vicinity of schools; and

WHEREAS, these “Safety for Students,” “Red-Light Enforcement” and similar programs are hereby created or ratified by the Commissioners of the Town of Upper Marlboro, Maryland with a goal to increase safety for the motoring public as well as for residents, students, parents, and teaching staff around schools and homes with the use of automated speed enforcement; and

WHEREAS, Title 21 of the Transportation Article of the Maryland Annotated Code (hereinafter, the “Code”), authorizes and empowers the Commissioners of the Town of Upper Marlboro, Maryland (hereinafter, the “Board of Commissioners”) to implement and use a speed monitoring system, and Red-light photo enforcement systems that are consistent with the requirements of Title 21, Subtitles 2 and 8 of the Transportation Article of the Code on a public highway;

WHEREAS, Maryland Annotated Code, Transportation Article, §21-803.1 allows School Zones and Areas, as defined herein, to be established within a one-half mile radius of any accredited public, parochial or private learning institution for one or more grades kindergarten through 12; and

WHEREAS, The Board of Commissioners for the Town of Upper Marlboro previously approved Ordinance 2018-02 (Automated Traffic Enforcement) which shall remain in effect except as amended hereinbelow; and

WHEREAS, upon due consideration of the comments of the public and staff and in furtherance of the public health, safety and welfare, the Board of Commissioners finds that it is in the best interest of the public health, safety and welfare of the citizens of the Town of Upper Marlboro, Maryland to adopt and establish school and residential zones and authorize the use of speed monitoring systems within school zones and residential districts, and a red-light photo enforcement program; and

WHEREAS, the Board of Commissioners requires that appropriate signage shall be erected in accordance with the manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration before activating an unmanned stationary speed monitoring system, if not already in place, at each School Zone and Residential District and publish the location of the unmanned stationary speed monitoring system on the Town of Upper Marlboro Website, and in a newspaper of record, as required by law; and

CAPITALS	:	Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets]	:	Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

WHEREAS, the Board finds that speed monitoring systems include a law enforcement officer handheld and triggered, IACP approved, laser based digital imaging enforcement system (a.k.a. a handheld speed safety camera) capable of capturing high resolution images and videos of vehicles violating preset speed limits may be used in a roadway segment designated as a residential district or school zone of up to half-mile radius of a school for any grades kindergarten through grade 12 where school-related activity occurs, including travel by students to or from school on foot or by bicycle; or the dropping off or picking up of students by school buses or other vehicles on any County, Municipal, or State Road, and that no additional signage is necessary if utilizing the above mentioned devices; and

WHEREAS, as prescribed by law, reasonable notice of the use of Speed Monitoring Systems shall be provided through advertisement in a newspaper of general circulation in Upper Marlboro and the Town's website at least fifteen (30) days prior to the activation of an unmanned speed monitoring system in a School Zone for the first time or a red-light photo enforcement program; and.

WHEREAS, §21-809 was amended by the State Legislature to be effective in October, 2021, to authorize municipalities in Prince George's County to further place speed cameras on highways in residential districts with a maximum posted speed limit of 35 miles per hour, as was previously authorized for Montgomery County, Maryland.

NOW, THEREFORE, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does ordain and re-enact Ordinance 2018-02, as changed or amended herein below:

Section 1: Speed Monitoring Systems

(A) In this section, the following words have the meanings indicated.

(1) OWNER — The registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six months or more, except that "owner" does not include:

(a) A motor vehicle rental or leasing company; or

(b) A holder of a special registration plate issued under Md. Code Ann., Transp. Art., Title 13, Subtitle 9, Part III.

(2) DEPARTMENT — The Upper Marlboro Police Department.

(3) ERRONEOUS VIOLATION — A potential violation submitted by a speed monitoring system contractor as defined in the Transportation Article of the Annotated Code of Maryland, § 21-809(a)(3).

(4) PROGRAM ADMINISTRATOR — A Town employee or representative designated by the President to oversee the contract with the speed monitoring system contractor.

(5) RESIDENTIAL DISTRICT—AN AREA THAT:

(A) IS NOT A BUSINESS DISTRICT; AND

CAPITALS	:	Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets]	:	Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

(B) ADJOINS AND INCLUDES A HIGHWAY WHERE THE PROPERTY ALONG THE HIGHWAY, FOR A DISTANCE OF AT LEAST 300 FEET, IS IMPROVED MAINLY WITH RESIDENCES OR RESIDENCES AND BUILDINGS USED FOR BUSINESS; AND

(C) HAS A SPEED LIMIT ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES.

(6) SCHOOL ZONE — A designated roadway segment with a posted speed limit of at least 20 miles per hour and located within up to a half-mile radius of a school for any of grades kindergarten through grade 12 where school-related activity occurs as further defined in the Transportation Article of the Annotated Code of Maryland, § 21-809(a)(7).

(7) RECORDED IMAGE — An image recorded by a speed-monitoring system on a photograph, a microphotograph, an electronic image, a videotape, or any other medium, and showing:

(a) The rear of a motor vehicle;

(b) At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and

(c) On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(8) SPEED-MONITORING SYSTEM — A device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

(9) SPEED-MONITORING SYSTEM OPERATOR — A representative of the Department or a designated person that operates a speed monitoring system.

(B) Notice.

(1) The Board of Commissioners, by ordinance or resolution, following reasonable notice to the public and a public hearing, may establish a school zone OR RESIDENTIAL DISTRICT on any road under the Town's jurisdiction or with permission of the county or State Highway Administration on any county or state road within 1/2 mile of a school OR IN A RESIDENTIAL DISTRICT and, for any school zone OR RESIDENTIAL DISTRICT so established, shall set a maximum speed limit, as permitted by law, provided that the designation of such school zone OR RESIDENTIAL DISTRICT and the maximum speed limit set for such zone shall not become effective until the Town installs signs designating the school zone OR RESIDENTIAL DISTRICT and indicating the maximum speed limit applicable in the school zone OR RESIDENTIAL DISTRICT located in the Town of Upper Marlboro.

(2) The Town may install or erect traffic control devices in the designated school zone OR RESIDENTIAL DISTRICT in addition to the signs required by Subsection (B)(1) and (3), including timed flashing warning lights and including a speed monitoring system as defined in Subsection (A) of this section.

(3) If the Town moves or places a mobile or stationary speed monitoring system to or at a location where a speed monitoring system had not previously been moved or placed, the Town may not issue a citation for a violation recorded by that speed monitoring system:

CAPITALS	:	Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets]	:	Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

- (a) Until signage is installed in accordance with Subsection (C); and
- (b) For at least the first 15 calendar days after the signage is installed.

(C) Before activating a speed-monitoring system, the President or her designee shall:

(1) Publish notice of the location of the speed-monitoring system on the Town's website and in a newspaper of general circulation in the Town; and

(2) Ensure that each sign that designates a school zone OR RESIDENTIAL DISTRICT is proximate to a sign that indicates that speed-monitoring systems are in use in the school zone OR RESIDENTIAL DISTRICT and is in accordance with the Manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration.

(D) A speed-monitoring system in a school zone may operate only Monday through Friday between 6:00 a.m. and 8:00 p.m.

(E) The designated ombudsman.

(1) The President shall designate an official or employee to investigate and respond to questions or concerns about the speed monitoring system program.

(a) The local designee or ombudsman shall review a citation generated by a speed monitoring system if the person who received the citation requests review before the deadline for contesting liability under this section.

(b) If said designee determines that the citation is an erroneous violation, the designee shall void the citation.

(c) If said designee determines that a person did not receive notice of a citation issued under this section due to an administrative error, the designee may resend the citation in accordance with Subsection (I) of this section or void the citation.

(d) Should said designee take any action described under this subsection, he or she shall notify the speed monitoring system contractor and/or the motor vehicle administration of the action for the purpose of rescinding any administrative penalties or fees that may have been imposed under this section.

(2) The designee may not be employed by the speed monitoring system contractor or have been involved in any review of a speed monitoring system citation, other than a review of a citation under this Subsection [~~(N) of this section~~].

(3) On receipt of a written question or concern from a person, the local designee shall provide a written answer or response to the person within a reasonable time.

(4) The designee or the Town Clerk shall make any written questions or concerns received under this subsection, and any subsequent written answers or responses, available for public inspection.

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[Brackets]	:	Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

Section 2: Traffic Control Signal Monitoring Systems

(A) The use of traffic control signal monitoring systems also known as red light cameras for traffic control are authorized at locations within the Town as determined by the Chief of Police subject to approval by the Board. The red-light camera locations shall include, but not be limited to, the traffic signals at the intersections indicated in Section 6 of this Ordinance.

Section 3: Speed Monitoring System Penalties; Use of Revenue

(A) A civil penalty in the amount of \$40 per violation is hereby established for speed monitoring system violations, subject to an additional late fee if not paid within thirty (30) days after the issuance of the citation. The penalty shall be paid to the Town of Upper Marlboro, and all unpaid violations shall be forwarded for collections actions, except that, in a contested case before the District Court of Maryland, the penalty shall be collected by the District Court in accordance with §7-302(a) of the Courts and Judicial Proceedings Article of the Maryland Annotated Code and §21-809 of the Transportation Article of the Maryland Annotated Code and distributed in accordance with §12-118 of the Transportation Article of the Maryland Annotated Code, as any of the foregoing may be amended from time to time.

(B) Revenue received by the Town from this “Safety for Students” OR OTHER SUCH program shall first be used to recover the costs of implementing and administering the “Safety for Students” OR SUCH OTHER program. Any remaining balance shall be used for public safety purposes as permitted by State law and as set forth in the annual budget adopted by the Board of Commissioners.

Section 4: Red-Light Enforcement Penalties

A civil penalty in the amount of \$70 per violation is hereby established for traffic control signal monitoring system or red-light camera violations. The penalty shall be paid to the Town of Upper Marlboro, and all unpaid violations shall be forwarded for collections actions, except that, in a contested case before the District Court of Maryland, the penalty shall be collected by the District Court in accordance with §7-302(a) of the Courts and Judicial Proceedings Article of the Maryland Annotated Code and §21-809 of the Transportation Article of the Maryland Annotated Code and distributed in accordance with §12-118 of the Transportation Article of the Maryland Annotated Code, as any of the foregoing may be amended from time to time.

Section 5: Administrative fees; Referral for collection

CAPITALS	:	Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets]	:	Indicate matter to be deleted from existing law (Ord. 2018-02)
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(A) In addition to any fees as established elsewhere in this Ordinance, the Board of Commissioners hereby imposes and may collect administrative fees related to the implementation of a program of speed enforcement using speed monitoring systems in school zones, RESIDENTIAL DISTRICTS or red-light cameras within the Town of Upper Marlboro including a late fee of \$40 which shall be assessed for any fines paid more than 30 days from the date of issuance of a speed camera or red-light citation.

(B) Where any fees or fines are assessed or imposed in accordance with this Ordinance, and where such fees or fines are unpaid and outstanding for 30 or more days, the Town, in its sole and absolute discretion and to the extent permitted by law, may refer such debt to a collection agency or an attorney for collection. For all accounts referred to a collection agency or an attorney for collection, such accounts shall be subject to a collection fee not to exceed two times the outstanding debt or the total sum indebted to the Town, whichever is greater. The Town may alternatively or further elect to file a civil suit against the debtor to recover such outstanding and unpaid fees or fines.

Section 6: Designation of School Zones; RESIDENTIAL DISTRICTS and Red-Light Camera Intersections

(A) The Board of Commissioners for the Town of Upper Marlboro, Maryland, shall designate certain roadways to be designated a RESIDENTIAL DISTRICT OR A School Zone further defined as a designated roadway segment of up to a half-mile radius from of a school for any grades kindergarten through grade 12 where school-related activity occurs, including travel by students to or from school on foot or by bicycle, or the dropping off or picking up of students by school buses or other vehicles on any County, Municipal, or State Road, and further approves and authorizes the use of mobile red light camera systems provided for red light camera enforcement at signalized intersections within the municipality.

(B) The initial roadways designated as a School Zone are as follows: (1) School Lane from Old Crain Highway To Wilson Lane, And (2) Maryland Route 725 (Old Marlboro Pike) from Marlborough Drive To Elm Street.

(C) The initial intersection(s) designated for deployment of traffic control signal monitoring system(s) are as follows: (1) Main and Water Streets, and (2) Main Street and Governor Oden Bowie Drive.

(D). THE TOWN BOARD OF COMMISSIONERS MAY FURTHER ESTABLISH AND DESIGNATE OR REMOVE DESIGNATIONS OF SCHOOL ZONES, RESIDENTIAL DISTRICTS AND RED-LIGHT CAMERA INTERSECTIONS BY RESOLUTION.

CAPITALS	:	Indicate matter to be added to existing law (Ord. 2018-02)
[Brackets]	:	Indicate matter to be deleted from existing law (Ord. 2018-02)
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may set the fines, penalties, and fees associated with violating this Ordinance from time to time by resolution.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2021.

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

John Hoatson, Town Clerk

_____, President

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[Brackets] : Indicate matter to be deleted from existing law (Ord. 2018-02)
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Fiscal Year 2022				
Plan Item	Debit	Credit	Balance	Notes
<i>Total Amount Deposited</i>		\$ 331,540		
Marlboro Food Bank	\$ 5,000		\$ 331,540	
Marlboro VFD	\$ 15,000		\$ 316,540	
Town Staff Hazard Pay	\$ 15,000		\$ 301,540	\$100 per pay period March 21- Dec 21
General Government	\$ 25,000		\$ 276,540	Codification & Online Government System
Public Safety	\$ 20,000		\$ 256,540	Police Officer Equipment Purchase
Public Works	\$ 20,000		\$ 236,540	Equipment & Tool Purchase
Recycling Bin Purchase	\$ 25,000		\$ 211,540	
FIP Program Supplement	\$ 20,000		\$ 191,540	
COVID & Emergency Supplies	\$ 5,000		\$ 186,540	Build a stockpile of emergency supplies.
Loss of Revenue Reimbursement	\$ 40,000		\$ 146,540	Reimburse for lost parking revenue
Town Hall Security Upgrade	\$ 35,000		\$ 111,540	
Community Playground	\$ 30,000		\$ 81,540	To supplement or offset cost of Phase 1
Events Coord or Redevelopment Firm	\$ 15,000		\$ 66,540	
Roadway Improvement/Repaving	\$ 50,000		\$ 16,540	To supplement or offset cost of paving
Rental & Utility Assistance	\$ 10,000		\$ 6,540	
FY22 Totals	\$ 330,000	\$ 331,540	\$ 1,540	

Fiscal Year 2023				
Plan Item	Debit	Credit	Balance	Notes
<i>Carry Forward Balance</i>		\$ 1,540		
<i>Total Amount Deposited</i>		\$ 331,540		
Events Coordinator	\$ 15,000		\$ 318,080	
Marlboro VFD	\$ 15,000		\$ 303,080	
Community Playground	\$ 30,000		\$ 273,080	To supplement or offset cost of Phase 2
Marlboro Food Bank	\$ 5,000		\$ 268,080	
Downtown Beautification	\$ 15,000		\$ 253,080	Landscaping and décor along Main St
Economic Development Coord or firm	\$ 30,000		\$ 223,080	
COVID & Emergency Supplies	\$ 5,000		\$ 218,080	
FIP Program Supplement	\$ 10,000		\$ 208,080	
Loss of Revenue Reimbursement	\$ 100,000		\$ 108,080	Reimburse for lost parking revenue
FY23 Totals	\$ 225,000	\$ 333,080	\$ 108,080	

Fiscal Year 2024				
Plan Item	Debit	Credit	Balance	Notes
<i>Carry Forward Balance</i>		\$ 108,080		
Downtown Beautification	\$ 13,080			Landscaping and décor along Main St
Economic Development Coord.	\$ 15,000			
Marlboro Food Bank	\$ 5,000			
Economic Development Coord.	\$ 15,000			
Loss of Revenue Reimbursement	\$ 50,000			Reimburse for lost parking revenue
FIP Program Supplement	\$ 10,000			
FY23 Totals	\$ 108,080	\$ 108,080	\$ (0)	