



# Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

## REGULAR TOWN MEETING

February 8, 2022– 7:00 p.m.

### AGENDA

This meeting will be conducted via Zoom Video Teleconference. As the Town Hall remains closed to the public at this time, citizens may participate by video or phone (*please sign-in with the Clerk*): <https://uppermarlbormd-gov.zoom.us/j/87231482205?pwd=WUxMZFM3ZWIEL1l1NnN1Z1dVQ0h3Zz09>  
Passcode 973801; Dial-in only: 301-715-8592

6:30 PM

### NOTICE OF CLOSED SESSION

#### Tuesday, February 8, 2022, Virtual Meeting, Preceding The February Regular Town Meeting

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"; (14)\_\_\_\_ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

The Board of Commissioners propose to go into Closed Session on Tuesday, February 8, 2022, at 6:30 PM, preceding the February Regular Town Meeting to discuss awarding a road engineering contract, playground fence vendor selection and discuss an employee matter.

### REGULAR TOWN MEETING AGENDA:

#### 7:00 PM Call to Order

- Roll Call
- Pledge of Allegiance
- Consent to the Agenda
- February 8, 2022 Closed Session Summary
- Black History Month 2022 Proclamation Reading & Vote

#### Approval of Meeting Minutes & Financial Reports

- Approval of the January 11, 2022, Regular Town Meeting minutes
- Approval of the January 25, 2022, Special Town Meeting minutes
- Approval of the January 25, 2022, Board Work Session minutes
- Finance Report & Approval of the Treasurer's Report, as of January 31, 2022

#### Reports

- Department Reports — Public Safety, Public Works, Finance and Clerk's Office
- Committee Reports — Greenwill Consulting, Historical, Events, Sustainable Communities, Arts Council, Green Team and the CERT
- Commissioner Reports

#### Business *Public comment will be taken prior to Business line items (3 minutes per item)*

- Ordinance 2022-01 – Budget Amendment (Board Vote)
- Resolution 2022-03 – Road Engineering Firm Selection (Board Vote)
- Resolution 2022-05 – Town Meeting Regulations (Board Vote)
- Resolution 2022-06 – Red Light locations (Board Vote)
- Resolution 2022-07 – Ratification of Election Date Proclamation (Board Vote)
- Playground fence vendor selection (Board Approval)
- Brush/Mowing Agreement for Community Garden (Board Approval)
- FY 2023 Budget Calendar (Board Approval)
- Town Events Calendar (Board Approval)
- COVID-19 Response Policy & Town Vaccine Policy (Board Approval)
- Coduent Contract Amendment (Board Approval)
- Certification of Candidates (Board Approval)

#### Administrative Updates

- 1) Legislation, Projects, and Initiatives
- 2) General Commissioner & Staff items

#### Public Comment

*For items not necessarily on the immediate agenda (3 minutes per item)*

#### 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*

**Sarah Franklin**  
President

**Janice Duckett**  
Commissioner/Treasurer

**Thomas Hanchett**  
Commissioner

**Karen Lott**  
Commissioner

## Public Comment Procedures

Your Town government appreciates citizen input. So, in an effort to maximize effective resolutions on resident's issues, we encourage Town residents and businesses to contact us at Town Hall first, weekdays: 9 a.m.–5 p.m., or by written correspondence (or email to [info@uppermarlboromd.gov](mailto:info@uppermarlboromd.gov)). You are always welcome to schedule an appointment with the President or a Commissioner to discuss municipal problems and quality-of-life issues one-on-one and work together towards a satisfactory solution.

Agendas for meetings are posted on our website and notices of legislative items are also posted on the Town's social media accounts (Facebook & Twitter).

Our meetings are open to the public, and we ask that residents who want to comment to please follow the rules that have been established by "Resolution 2019-02: Adoption of Rules of Order and Regulations for Public Meetings" . . .

### III. Citizen Input

**A.** At regular and special meetings, residents of the Town may have the opportunity to address the Board on any item on the agenda provided a resident is recognized and allowed to speak by the President. Recognized public comment and/or questions that are germane to the immediate agenda item shall be limited to (1) minute. Furthermore, each regular meeting shall also have an agenda item for citizen input regarding any municipal question, during which time any resident of the Town may address the Board for up to three (3) minutes on matters or items not necessarily placed on the agenda. Individuals not residing in the Town may speak at regular or special meetings under conditions specified by the Board. The President or the Board may uniformly change or adjust the time limitations for all speakers depending on the circumstances or provide additional time for experts or other officials.

**B.** Except in instances where the presiding officer expressly invites or allocates time for public testimony, questions, comments, or other forms of participation, or when public participation is otherwise authorized by law, no member of the public attending an open meeting session may actively participate in the session. Public comment by members of the public is not typically designed or intended for interactive dialogue between the Commission and the public unless the presiding officer specifically allows it or the Commission elects to suspend its rules to allow such colloquy.

**C.** Speakers shall state their name for the record, and their address (**street name only**). Ordinarily, for each agenda item, including citizen input, speakers shall have one opportunity to speak and may not poll or ask questions of individual commissioners, staff, or public officials. Otherwise, the Board shall determine the conduct of the public comment on any issue and may set reasonable time limits for such.

**D.** Ordinarily, work sessions are open to public observation only and public participation is at the discretion of the Board. At work sessions, residents and non-residents may be allowed to speak on any municipal issue, but only under conditions specified by the Board.

**Each individual speaker must stand, state their name and home of record (street name only) and approach the Board to a designated position in order to be recognized by the Chair of the Board, and to be heard by the recording Clerk, as well as others in attendance.**

**When the meeting is held on a virtual platform, please sign-in with your first and last name.**

**Town of Upper Marlboro  
Board of Town Commissioners**

# **Proclamation**

## **In Recognition of Black History Month**

**WHEREAS**, The Town of Upper Marlboro recognizes that Black History is not separate from, but an essential part of, the history of the Town and of the United States; and

**WHEREAS** the month of February is nationally recognized as Black History Month; and

**WHEREAS**, during the month of February, the nation is encouraged to celebrate the history, heritage, and accomplishments of African American people;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Upper Marlboro recognizes February 2022 as Black History Month; and

**BE IT FURTHER RESOLVED** that The Town of Upper Marlboro Board of Town Commissioners hereby recognizes the meaningful and significant contributions made by African Americans to the history of the United States and The Town of Upper Marlboro in particular; and

**BE IT FURTHER RESOLVED** the Board of Town Commissioners hereby encourages citizen participation in events and programs pertaining to Black History Month.

**Signed this 8<sup>th</sup> Day of February 2022.**



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**Sarah Franklin, President / Mayor**

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**Janice Duckett, Commissioner**

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**Thomas Hanchett, Commissioner**

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**Karen Lott, Commissioner**

# Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

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## **ACTION REPORT - REGULAR TOWN MEETING**

**January 11, 2021 – 7:00 PM**

**Call to order 7:05 PM**

**Roll Call:**

**President Sarah Franklin**

**Commissioner / Treasurer Janice Duckett**

**Commissioner Thomas Hanchett**

**Commissioner Karen Lott**

**Town Administrator Kyle Snyder**

**Police Chief David Burse**

**Public Works Superintendent Darnell Bond**

**Finance / HR Director William Morgan**

**Town Clerk John Hoatson**

**President Franklin provided the statement from the Tuesday, January 11, 2022 Closed Session. Topic of discussion was awarding road engineering contract.**

### **Approval of Meeting Minutes & Financial Reports**

- **Approval of the December 7, 2021, Special Town Meeting minutes**
- **Approval of the December 14, 2021, Regular Town Meeting minutes.**
- **Approval of the December 28, 2021, Special Town Meeting minutes**
- **Approval of the December 28, 2021, Board Work Session minutes**
- **Finance Report & Approval of the Treasurer's Report, as of December 31, 2021**

**Motion was made by President Franklin and seconded by Commissioner Duckett. Vote 4-4 Franklin, Duckett, Hanchett, Lott**

## **Reports**

- **Department Reports — Public Safety, Public Works, Finance and Clerk's Office**

### **Public Safety Report –**

#### **Incidents Reported in Town:**

Property Damage 1	Commercial Alarm 10	Traffic Complaint 1
Domestic Call 1	Check on Welfare 4	Hit & Run Call 1
Domestic Standby 1	Warrant Service 1	Theft Call 1
Vehicle Accident 3	Hold-up Alarm 2	Disorderly Call 1
Suspicious Person 2		

- **Chief Burse participated in the Prince George's Chiefs Association meeting.**
- **Chief Burse and Cpl. Brooks conducted high visibility patrols throughout the Town.**
- **Chief Burse, Sgt. Irby and Code Officer Stewart participated in the Christmas Tree Lighting on Main St.**
- **Chief Burse participated in a virtual Holiday Threat Call meeting with the Department of Homeland Security.**
- **Chief Burse, Mayor Franklin and the Town Board of Commissioners participated in the Swearing-in of Officer Sherron Johnson.**
- **Chief Burse participated in the Criminal Justice Coordinating Council Meeting with Judge Adams. Chief Burse participated in the States Attorney's Office Carjacking Task Force meeting.**
- **Corporal Brooks participated with the City of Hyattsville Police Department in their annual Shop with A Cop.**

## **Public Works –**

### **Public Works Related:**

- **PWD, Crewmember Sheckels, and Crew Lead Gibson set-up and maintained the Town's Tree lighting Ceremony.**
- **PWD had a prep meeting with a few colleagues from other municipalities to plan for what was supposed to be our first wintry weather event.**
- **PW still actively hunting for a low mileage used heavy duty pick-up truck.**
- **PW worked traffic control for an accident at Main Street and Old Marlboro Pike which closed lane for roughly 45 minutes.**

### **Maintenance and Beautification:**

- **Truck 216 went to Kohler equipment to have new salt spreader installed.**
- **Old salt spreader hangar system was sured up to receive old salt spreader and test fitted to Truck 003 for feasibility of potential use.**
- **PWC installed shelving units, indoor and outdoor pod lighting, and wall tie ins to PW cargo trailer in preparation for next events season.**
- **Rep from Long Fence provided incorrect quote to fix downed section of PW fencing. Currently awaiting updated quote.**
- **PWC fixed a few downed or non-working parking meters around Town.**

## Street and Sidewalk:

- PWD met with TA Snyder to review Street Engineering RFP's.
- Light pole 7 on Marlborough Grove in the Townhomes was dug up, sleeved, and re-erected after being hit by motorist.
- PWC set up cones to serve as pedestrian walkway on Water Street sieve of Valerio building construction.

## Weather Related Activities:

- PWD monitored weather reports and reserve materials ahead of incoming large scale winter weather event.

## Refuse Accumulations:

- Bulk day accumulations for solid wastes (Landfill) are 3.33 tons. Bulk day accumulations for yard waste collections are 9.44 tons.
- We had no dump body rentals for the month.

## Finance Department –

### REVENUE

BUDGET CODE	DESCRIPTION	ACTUAL	APPROVED BUDGET
	<b>Fines, Licenses &amp; Permits</b>		
6154	Franchise Fee	\$ 11,500.96	\$ 13,000.00
6280	Trader's License Fees	\$ -	\$ 500.00
6350	Town Permits	\$ 660.00	\$ 1,700.00
6351	Food Trucks	\$ -	\$ 1,000.00
6352	Business License	\$ 18,630.73	\$ 10,000.00
6354	Room Rental	\$ -	\$ 669.00
6355	Parking Meters	\$ 85,912.82	\$ 174,000.00
6381	Parking Fines/Penalties	\$ 17,478.90	\$ 35,000.00
6383	Red Light Camera	\$ -	\$ -
6550	Pub/Edu/Govt Broadcasting	\$ 2,266.31	\$ 5,000.00
	<b>TOTAL</b>	<b>\$ 136,449.72</b>	<b>\$ 240,869.00</b>

**Intergovernmental**

6240	Financial Corporation Tax	\$	9,144.52	\$	9,145.00
6260	Highway User Fee	\$	17,799.97	\$	27,725.00
6310	Disposal Fee Rebate	\$	1,038.00	\$	1,750.00
	<b>TOTAL</b>	\$	<b>27,982.49</b>	\$	<b>38,620.00</b>

**Miscellaneous Revenue**

6390	Interest Earnings	\$	-	\$	2,500.00
6392	Sale of Property	\$	-	\$	1,000.00
6394	Town Hall Services	\$	-	\$	250.00
6396	Special Events/Donations	\$	-	\$	2,500.00

6396	Other	\$	1,463.49	\$	1,000.00
	<b>TOTAL</b>	\$	<b>1,463.49</b>	\$	<b>7,250.00</b>

**Taxes**

6101	Commercial	\$	124,030.01	\$	189,541.00
6102	Non-Commercial	\$	165,978.20	\$	171,698.00
6103	Delinquent - RE	\$	-	\$	5,000.00
6104	BPPT - FY2022	\$	60,271.84	\$	35,555.00
6105	Public Utilities	\$	534,332.40	\$	700,999.00
6106	Income Taxes	\$	129,285.86	\$	315,000.00
	<b>TOTAL</b>	\$	<b>1,013,898.31</b>	\$	<b>1,417,793.00</b>

	<b>Total Revenue</b>	\$	<b>1,179,794.01</b>	\$	<b>1,704,532.00</b>
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**EXPENDITURES****GENERAL GOVERNMENT**

	<b>Administrative Salary &amp; Wages</b>	\$	<b>130,527.68</b>	\$	<b>257,279.00</b>
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	<b>Payroll Deductions &amp; Benefits</b>				
8124	Employer Tax	\$	28,218.42	\$	59,000.00
8125	Pension Benefits	\$	64,800.83	\$	60,000.00
8126	Medical Employee Benefits	\$	45,211.89	\$	110,000.00
8128	Life Insurance	\$	-	\$	6,800.00
	<b>TOTAL</b>	\$	<b>138,231.14</b>	\$	<b>235,800.00</b>



**Professional Services**

8073	Accounting Services	\$ 7,500.00	\$ 18,000.00
8074	Auditing Services	\$ 20,000.00	\$ 20,000.00
8075	Payroll Processing (TPA)	\$ 2,158.01	\$ 5,000.00
8110	Town Attorney & Legal	\$ 25,807.88	\$ 55,000.00
8115	IT Support & Equipment	\$ 5,441.65	\$ 10,000.00
8205	Media Relations	\$ 12,000.00	\$ 18,000.00
8206	Government Relations	\$ 21,600.00	\$ 36,000.00
8207	Human Resource Services	\$ 5,970.00	\$ 12,000.00
8208	Planning Firm	\$ 25,213.57	\$ -
	<b>TOTAL</b>	<b>\$ 125,691.11</b>	<b>\$ 174,000.00</b>

**Insurance & Benefits**

8120	General Liability	\$ 14,141.00	\$ 15,000.00
8121	Bonds	\$ -	\$ 500.00
8122	Workers Compensation	\$ 19,489.62	\$ 15,500.00
8123	Insurance Claims	\$ -	\$ 5,000.00
	<b>TOTAL</b>	<b>\$ 33,630.62</b>	<b>\$ 36,000.00</b>

**Operating**

8077	Public Notices	\$ 1,240.00	\$ 1,500.00
8080	Bank Charges	\$ 22,284.13	\$ 20,000.00
8086	Trainings & Memberships	\$ 2,569.01	\$ 5,000.00
8090	Postage	\$ 748.73	\$ 3,000.00
8092	Printing	\$ 6,030.97	\$ 7,500.00
8130	General Supplies	\$ 24,482.79	\$ 10,000.00
8131	Ofc Equipment R&M	\$ 674.78	\$ 1,000.00
8160	Town Hall Office Phones	\$ 3,115.30	\$ 5,000.00
8161	Mobile Devices	\$ 1,119.04	\$ 4,000.00
8162	Town Elections	\$ 2,056.37	\$ 1,200.00
8165	Town Hall Utilities	\$ 8,733.26	\$ 11,000.00
8175	Town Hall Repair & Maintenance	\$ 7,231.75	\$ 10,000.00
8200	Other	\$ 1,926.06	\$ 2,000.00
	<b>Total</b>	<b>\$ 82,212.19</b>	<b>\$ 81,200.00</b>

	<b>General Government Total</b>	<b>\$ 510,292.74</b>	<b>\$ 784,279.00</b>
<b>PUBLIC SAFETY</b>			
	<b>Public Safety Salary &amp; Wages</b>	<b>\$ 130,972.49</b>	<b>\$ 401,620.00</b>

**Public Safety Operating**

8273	Uniforms	\$ 1,703.59	\$ 2,000.00
8274	Weapons & Duty Equipment	\$ 3,888.93	\$ 5,000.00
8275	Training & Memberships	\$ 1,465.51	\$ 1,500.00
8277	Substance Testing/Pre-Employment	\$ 2,084.50	\$ 1,000.00
8280	Supplies	\$ 363.09	\$ 3,000.00
8281	Mobile Devices	\$ 1,589.47	\$ 5,000.00
8282	Association Dues	\$ -	\$ 750.00
8300	Vehicle Repairs	\$ -	\$ 2,500.00
8301	Vehicle Maintenance	\$ -	\$ 4,000.00
8302	Vehicle Fuel	\$ -	\$ 5,000.00
8320	Other	\$ -	\$ 1,500.00
	<b>TOTAL</b>	<b>\$ 11,095.09</b>	<b>\$ 31,250.00</b>

6530.2022.03	<b>GOCCP State Aid</b>	<b>\$ 1,384.24</b>	<b>\$ 16,400.00</b>
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8330	<b>Debt Service</b>	<b>\$ 16,262.46</b>	<b>\$ 32,525.00</b>
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	<b>Public Safety Total</b>	<b>\$ 159,714.28</b>	<b>\$ 481,795.00</b>
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**PUBLIC WORKS**

	<b>Salary &amp; Wages</b>	<b>\$ 95,565.48</b>	<b>\$ 225,500.00</b>
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**Public Works Operating**

8375	Uniforms	\$ -	\$ 750.00
8377	Training & Memberships	\$ 75.00	\$ 500.00
8380	Other	\$ 309.47	\$ 1,500.00
8390	Streets Maintenance	\$ 5,169.31	\$ 4,000.00
8391	Weather Related Expenses	\$ -	\$ 2,500.00
8400	Streetlight Electricity	\$ 10,692.98	\$ 21,500.00
8405	Vehicle Repairs	\$ -	\$ 3,000.00
8410	Vehicle Maintenance	\$ 1,144.80	\$ 3,500.00
8415	Vehicle Fuel	\$ -	\$ 4,000.00
8488	PWF Utilities	\$ 753.33	\$ 3,500.00
8490	Mobile Phones	\$ 233.56	\$ 2,500.00
8176	Maintenance & Repairs	\$ 1,012.79	\$ 6,200.00
8491	Beautification	\$ -	\$ 2,500.00
8492	Small Tools & Equipment	\$ 5,188.68	\$ 2,500.00
8493	Septic Tank	\$ 600.00	\$ 1,200.00
8545	Mosquito Control	\$ -	\$ 1,400.00
	<b>TOTAL</b>	<b>\$ 25,179.92</b>	<b>\$ 61,050.00</b>

6530.2022.06	State Street Scape	\$	-	\$	20,000.00
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**Refuse Collection**

8546	Residential Waste Collection	\$	22,028.09	\$	41,124.00
8547	Residential Recycle Collection	\$	4,933.50	\$	9,834.00
8548	Bulk & Yard Waste	\$	2,428.41	\$	3,600.00
	<b>TOTAL</b>	<b>\$</b>	<b>29,390.00</b>	<b>\$</b>	<b>54,558.00</b>

	<b>Public Works Total</b>	<b>\$</b>	<b>150,135.40</b>	<b>\$</b>	<b>361,108.00</b>
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	<b>Total Expenses</b>	<b>\$</b>	<b>820,142.42</b>	<b>\$</b>	<b>1,627,182.00</b>
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	<b>Net Operating Income</b>	<b>\$</b>	<b>359,651.59</b>	<b>\$</b>	<b>0.00</b>
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**OTHER FUND BALANCES**

	REVENUE/TRANSFER	EXPENSES	APPROVED BUDGET
Police State Aid	\$ 5,035.75	\$ 1,042.06	\$ 16,400.00
Community Open Space	\$ -	\$ 6,894.77	\$ 130,000.00
Other Grants	\$ 21,389.35	\$ -	\$ 70,000.00
ARP - American Recovery Fund	\$ 331,539.82	\$ 29,073.28	\$ 281,246.00
Committee Expenses	\$ -	\$ -	\$ 17,750.00
Replenish Reserve Transfer	\$ -	\$ -	\$ -
Capital Improvement Projects	\$ -	\$ 36,471.00	\$ 66,000.00
<b>TOTALS</b>	<b>\$ 357,964.92</b>	<b>\$ 73,481.11</b>	<b>\$ 581,396.00</b>

**COMMITTEE BREAKDOWN**

	TRANSFER TO...	EXPENSES	APPROVED BUDGET
Events	\$ 2,269.68	\$ 2,269.68	\$ 7,000.00
CERT Team	\$ -	\$ -	\$ 750.00
Historical Committee	\$ 94.99	\$ 94.99	\$ 750.00
Arts Council	\$ 2,748.41	\$ 2,748.41	\$ 750.00
Green Team	\$ -	\$ -	\$ 750.00
TOUM Events	\$ 462.00	\$ 462.00	\$ 7,750.00
<b>TOTALS</b>	<b>\$ 5,575.08</b>	<b>\$ 5,575.08</b>	<b>\$ 17,750.00</b>

### **Key Monthly Items**

1. ARPA
2. Capital Improvement Projects
3. Other Updates

### **BALANCE SHEET**

<b>Bank Accounts</b>	
<b>Operating Checking</b>	74,918.66
<b>Petty Cash</b>	300.00
<b>Payroll Account</b>	4,204.57
<b>M&amp;T Checking</b>	99,308.43
<b>ARP Fund</b>	331,539.82
<b>Disbursement Acct</b>	0.00
<b>MLGIP</b>	215,489.57
<b>Total Bank Accounts</b>	<b>\$ 725,761.05</b>

## **Committee Reports —**

### **Greenwill Consulting**

**Maryland session will be a blended session. House will be virtual 1<sup>st</sup> three weeks.**

**1<sup>st</sup> order of business is the redistricting of the legislative districts.**

**Upper Marlboro will gain a legislative representative in the Maryland House of Delegates.**

**List of pre-filed bills is on the website.**

**Maryland legislature wants to legalize cannabis.**

**Governor Hogan wants tax credits for retirees.**

**Work on funding for the splash pad for the playground.**

### **Historical Committee**

**Patti Callicott provided an update on Historical Committee.**

**Participated in the Town Christmas Tree Lighting event.**

**No Archive Session was held in December.**

**January 15, 2022, is the next Archive Session.**

### **Events Committee**

**The Events Committee had a meeting to establish a Town events calendar.**

**Events Committee also started working on Marlboro Day.**

## **Sustainable Communities**

**Evelyn Stephens provided a report from Sustainable Communities.**

**November 30, 2021 was a meeting to go over the 2 FIP (Façade Improvement Plans) applications that have been turned in.**

**Linda Pennoyer, Patricia Fenn, Sam White on MNCPPC and Evelyn Stephens.**

**Sam White provided comments about the applications before submitted to the State of Maryland.**

**Hoping to submit applications to the State before the end of January.**

## **Arts Council**

**Arts Council has decided on the Murals for the Town.**

**14701 Main Street will be painted by Latoya Peoples and Water Street will be painted by Eric Ricks.**

**Arts Council will be working on the grant to gain funds for the murals. Hoping to have them installed by 2022.**

## **Green Team**

**Working on bylaws. Ready to be turned in for approval.**

**Another harvest will happen in the Spring. Items will be donated to the food bank.**

## **CERT**

**For the month of December participated in two events and gained 360 hours of participation.**

## **Commissioner Reports –**

### **President Franklin**

**Currently Town Hall is on a modified virtual schedule for staff due to COVID.**

**Met with Denise Ross of County Executive Angela Alsobrooks's office. Will be speaking with Denise Ross monthly.**

**Working with Kathy Anderson to write a History of the Town of Upper Marlboro.**

**Volunteer Appreciation Event will be held on Saturday, January 22, 2022.**

### **Commissioner Duckett**

**None**

### **Commissioner Hanchett**

**None**

### **Commissioner Lott**

**None**

## **Business**

- **Resolution 2022-01 Check Signing Authorization (Board Vote)**

**Action Item: Resolution 2022-01 was approved by the Board of Town Commissioner.**

- **Resolution 2022-02 Designation of Residential Speed Area along Old Crain Hwy & MD725 (Public Hearing & Board Vote)**

**Action Item: Resolution 2022-02 was approved by the Board of Town Commissioners.**

- **Resolution 2022-03 Awarding Road Engineering Firm Contract (Board Vote)**

**Action Item: Resolution 2022-03 was tabled.**

- **Resolution 2022-05 Town Meeting Regulation (Introduction)**

**Action Item: Resolution 2022-05 will be placed on the February 8, 2022 Regular Town Meeting for Board Vote.**

- **Town Vaccine Policy (Board Approval)**

**Vaccine policy was tabled by the Board of Commissioners.**

**Action Item: Will be placed on the February 8, 2022 Regular Town Meeting Agenda.**

**Additional input will be provided before final vote.**

- **Town Event Calendar (Board Approval)**

**Town Event Calendar was tabled by the Board of Commissioners.**

**Action Item: Will be placed on the February 8, 2022 Regular Town Meeting Agenda.**



- **Mural Artist Selection (Board Approval)**

**Action Item: Mural Selections was approved on by the Board of Town Commissioners.**

- **Board Priorities (Board Approval)**

**Board Priorities was approved by the Board of Town Commissioners.**

### **Administrative Updates**

#### **Legislation, Projects and Initiatives**

***Town Administrator Kyle Snyder gave an update on legislation, projects and initiatives moving forward.***

#### **General Commissioner & Staff items:**

#### **Public Comment**

**Commissioner Duckett made a motion to adjourn the meeting. It was seconded by Commissioner Lott. Vote 4-4 Franklin, Duckett, Hanchett, Lott.**

**Meeting adjourned at 8:30 PM**

# Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

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## **ACTION REPORT – SPECIAL TOWN MEETING**

**January 25, 2022**

**7:00 PM**

**Call to order 7:01 PM**

### **Roll Call:**

**President Sarah Franklin  
Commissioner Janice Duckett  
Commissioner Thomas Hanchett  
Commissioner Karen Lott  
Town Administrator Kyle Snyder  
Police Chief David Burse  
Public Works Superintendent Darnell Bond  
Finance / HR William Morgan  
Town Clerk John Hoatson**

**Consent to the Agenda – Was approved by Board of Commissioners**

### **Business:**

- 1) Resolution 2022-04: A Resolution of the Town Board of Commissioners authorizing the Mayor to execute a national settlement agreement with Jassen and the distributors in the opioid litigation (Board Vote)**

**A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS AUTHORIZING THE MAYOR TO EXECUTE A NATIONAL SETTLEMENT AGREEMENT WITH JASSEN AND THE DISTRIBUTORS IN THE OPIOID LITIGATION.**

**Town Administrator Kyle Snyder provided an update on this legislation. This is a close out of a multi-year project. This litigation has been slow going through courts. Attorney General's office released information on settlements. The Town of Upper Marlboro will receive just under \$11,000.00. This is a close out of the class action lawsuit. Mayor Franklin already signed documents. A ratification resolution needs to be passed ratifying the Mayor's signature on the documents.**

**Commissioner Hanchett asked about the money. He wanted to know why the Town of Upper Marlboro was only receiving**

**\$11,000.00. Town Administrator Kyle Snyder stated the money was allocated according to the size of the municipality. The money needs to be used to respond to the opioid issue.**

**There were no other questions from the Board of Commissioners.**

**There was no public comment made regarding Resolution 2022-04.**

**Motion was made by Commissioner Duckett to authorize Resolution 2022-04: A Resolution of the Town Board of Commissioners authorizing the Mayor to execute a national settlement agreement with Jassen and the distributors in the opioid litigation.**

**Motion was seconded by Commissioner Thomas Hanchett.**

**Board of Town Commissioners voted in alphabetical order on Resolution 2022-04:**

**Commissioner Janice Duckett: Aye**

**President Sarah Franklin: Aye**

**Commissioner Thomas Hanchett: Aye**

**Commissioner Karen Lott: Aye**

**Final Vote: Vote 4-4**

**Resolution 2022-04 - A Resolution of the Town Board of Commissioners authorizing the Mayor to execute a national settlement agreement with Jassen and the distributors in the opioid litigation passed.**

**Following the Vote, the meeting was adjourned at 7:10 PM**

**Respectfully Submitted,**

**John Hoatson  
Town Clerk  
Town of Upper Marlboro**

# Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

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## ACTION REPORT - WORK SESSION

January 25, 2022 – 7:00 p.m.

**Call to order at 7:11 PM**

### **Roll Call:**

**President Sarah Franklin  
Commissioner Janice Duckett  
Commissioner Thomas Hanchett  
Commissioner Karen Lott  
Town Administrator Kyle Snyder  
Police Chief David Burse  
Public Works Superintendent Darnell Bond  
Finance / HR Director William Morgan  
Town Clerk John Hoatson**

### **Business**

#### **1) Marlborough Towne HOA Concerns (Board Discussion)**

**Monica Williams, HOA President came before the Board of Town Commissioners. Residents of Marlborough Towne want clarification on what they can and cannot do on the side streets within Marlborough Towne. Want to know what actions to the Town of Upper Marlboro Police Department can perform.**

**Action Item: Marlborough Towne HOA will provide a list of 4 to 5 concerns from the residents of Marlborough Towne to the Town of Upper Marlboro Police Department.**

#### **2) Ordinance 2022-01 FY2022 Mid-Year Budget Adjustments (Board Discussion)**

**William Morgan, Director of Finance and HR provided an update on the mid-year budget adjustment.**

**Last year there was no mid-year budget adjustment.**

**Public utility taxes were reduced by \$100,000.**

**Reduction was also made to parking meters and earned income taxes.**

**Earned income taxes was reduced because the Town of Upper Marlboro did receive a lump sum of \$220,000.00 on June 30<sup>th</sup> of the previous fiscal year. Hope to see some increases in the later state of this fiscal year.**

**Salaries for the new Board of Commissioners is now included in the adjustment.**

**There was also some adjustment to media relations vendor. In July / August 4 to 5 months of previous invoices came in for the prior fiscal year that needed to be paid.**

**Bank charges were increased due to new parking meter vendor.**

**Totals of salaries decreased. 26 pays are allotted. Some salary allotments were decreased.**

**Separate funds from the general fund, from the grant funds, capital improvement, and ARPA funds. Need a clearer picture of what we are working with.**

**FY 2022 approved adopted budget was \$2,172,178 million and adjusted budget to \$1,660,637 million which is a balanced budget on the revenue and expense side.**

**Commissioner Duckett asked for clarification about the earned income tax overpayment.**

**President Franklin stated the election budget needs to be increased.**

**William Morgan stated that originally \$1,200.00 was budgeted and was increased to \$2,100.00. It will be adjusted at the year-end budget adjustment.**

**Resident Patti Callicott wanted to know about percentages that are over 100%. How are they being addressed?**

**William Morgan looked at any percentage that was over 100% & adjustments were made to them.**

**Action Item: Ordinance 2022-01 Mid-Year Budget Adjustment will be placed on the February Regular Town Meeting Agenda for final vote.**

**3) Resolution 2022-03 Awarding Road Engineering Firm Contract (Board Discussion)**

**Town Administrator Kyle Snyder gave an overview.**

**Three firms provided proposals for road engineering.**

**Construction cost estimates came in over budget.**

**Mead & Hunt came in at just under two million in construction costs.**

**CB3 came in at around \$400,000 in construction costs.**

**The huge rise in construction materials had an impact on the quotes.**

**Can select a firm to do all the designs.**

**Speak to the state delegation for additional sources of dollars.**

**Engineering is under budget.**

**President Franklin stated this must be done right. Try to look for some other sources of funding to make sure it is done correctly.**

**Commissioner Lott stated still looking at proposals and actually did speak to Kyle about possibly having another company or consultant do an overview to make sure the Town is getting the best out of the money.**

**Commissioner Duckett wanted to see if this could be pushed back out to see about additional proposals having only received 3.**

**Kyle Snyder stated that the RFP was pushed out via the MML and on the Town of Upper Marlboro website.**

**Commissioner Hanchett was concerned about paid estimates.**

**Kyle Snyder stated that at present, these are free estimates. Town has not paid for anything.**

**Sonar truck could look at sink holes or other issues. Commissioner Hanchett wanted to know if they can get just a sonar truck.**

**Town can drop the RFP anytime they want. Not sure if they would resubmit if dropped.**

**President Franklin stated that if money is not spent by April, the Town of Upper Marlboro could lose state funding.**

**Town does not have to use the same firm for construction.**

**Commissioner Hanchett wants to know how much it will be to use sonar.**

**Kyle Snyder stated it costs around \$4,000 for all the Town streets.**

**Commissioner Duckett stated it would be money well spent.**

**Action Item: Resolution 2022-03 Awarding Road Engineering Firm Contract will be placed on the February Regular Town Meeting agenda for final vote.**

**Town Administrator Kyle Snyder will email CB3 to see if they have sonar capability and can they provide it to the Town of Upper Marlboro.**

**4) Resolution 2022-05 Town Meeting Regulation (Board Discussion)**

**Town Administrator Kyle Snyder stated that it includes information about virtual and blended meetings.**

**Town Administrator Kyle Snyder stated that with this Resolution Board Work Session would be held the 2<sup>nd</sup> Tuesday of the month and Regular Town Meeting would be held the 4<sup>th</sup> Tuesday of the month.**

**President Franklin stated guidelines need to be created when items come up last minute. There shall be no voting during Work Session.**

**President Franklin wants to be able to hear from the public.**

**Town Administrator Kyle Snyder wants to set a dollar amount that can be approved during Work Session.**

**Action Item: Resolution 2022-05 Town Meeting Regulations will be placed on the February Regular Town Meeting agenda for final vote.**

**Separate slide will be created showing changes for meeting regulations.**

**5) Resolution 2022-06 Red Light Locations (Board Discussion)**

**Allow the Town to set up red light locations at intersections of 202 and 725 and 725 and 301. Won't take effect until those locations are within the Town limits. That will be when the Annexation Resolution is in effect.**

**Monica Williams from Marlborough Towne HOA stated she supports the red light cameras.**

**Action Item: Resolution 2022-06 Red Light Locations will be placed on the February Regular Town Meeting agenda for final vote.**

**6) FY2023 Budget Planning Calendar (Board Discussion)**

**Last year budget calendar was created. Trying to preplan for the next couple of months. Want to obtain proper residence feedback.**

**The calendar has been set via already scheduled Town Meetings and Work Sessions. FY 2023 Budget must be voted on at a Special Town Meeting on Tuesday, June 7, 2022.**

**President Franklin stated try and find a day and time that Commissioners can attend the extra budget meetings if needed.**

**Action Item:** FY2023 Budget Planning Calendar will be placed on the February Regular Town Meeting agenda for final vote.

**7) Town Vaccine Policy & Response Directive (Board Discussion)**

Town Administrator Kyle Snyder gave an overview of the Town Vaccine Policy.

This provides some guidance if an employee gets COVID.

Commissioner Duckett was thankful for the changes made.

**Action Item:** Town Vaccine Policy & Response Directive will be placed on the February Regular Town Meeting agenda for final vote.

**8) Mowing/Brush Agreement with PSJBC (Board Discussion)**

Providence St. John Baptist Church and the Town have entered into an agreement to provide mowing and some brush work at the church.

Currently they are outside of the Town limits.

This use to be a handshake agreement. Now this will be formalized.

Safeguards will be in place for both entities.

Hoping to get this agreement executed by February

Darnell Bond stated very limited use of Public Works team with this agreement.

**Action Item:** Mowing / Brush Agreement with PSJBC will be placed on the February Regular Town Meeting agenda for final vote.

**9) Financial Policies (Board Discussion)**

Finance / HR Director William Morgan stated these policies have needed to be updated.

Internal control policies on how the Town should receive payments along with payroll.

Also maintaining confidentiality with credit card number.

Some restrictions on department heads on what they can spend.

Provides a true guidance regarding the revenue and expenses.



**Action Item: Financial policies will continue to be edited with input from Town Commissioners.**

There was a structure of government documents included in the packet.

Want public to be part of the discussion regarding the structure of government.

President Franklin stated that Darnell Bond wants to discuss a personnel issue. That will need to be done in a closed session.

**Action Item: Public Works personnel matter will be discussed in a closed session on Tuesday, February 8, 2022.**

Board of Commission Work Session Adjourned at 8:30 PM

Respectfully Submitted,

John Hoatson  
Town Clerk



David A. Burse  
Chief of Police

# Town of Upper Marlboro Police Department

14211 School Lane, Upper Marlboro, Maryland 20772 Tel: (301) 627-6905

## Monthly Town Police Department Report For the Month of January 2022

### Incidents Reported in Town:

Property Damage 1	Commercial Alarm 8	Traffic Complaint 2
Domestic Call 1	Check on Welfare 4	Property Damage 1
Vandalism Call 1	Armed Person 1	Theft Call 1
Vehicle Accident 3	Hold-up Alarm 1	Disorderly Call 3
Suspicious Person 4	Unknown Trouble 1	Break-in Progress 5
Suspicious Auto 3	911 Disconnect 1	

Chief Burse participated in the Prince George's Chiefs Association meeting.

Chief Burse, Sgt. Irby and Cpl. Brooks conducted high visibility patrols throughout the Town.

Chief Burse and HR Director Mr. Morgan had a virtual call with the Town HR Firm.

Chief Burse met with a Security Company and discussed security upgrades to Town Hall.

Chief Burse, Mayor Franklin and Town staff had a preliminary Marlboro Day planning meeting.

Chief Burse participated in a call with the Federal Bureau of Investigations about the Texas Synagogue hostage incident.

Chief Burse participated in the States Attorney's Office Carjacking Task Force meeting.

Chief Burse participated in a virtual meeting with the Marlborough Towne HOA members.

Chief Burse participated in the Maryland Chiefs of Police meeting.

Chief Burse participated in the District 2 Coffee Club meeting.

Chief Burse participated in the Public Safety Leadership Roundtable Discussion with Prince George's County Family Service and Domestic Violence Unit.



# Town of Upper Marlboro

Town Hall, 14211 School Lane  
Upper Marlboro, MD 20772

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Fax: (301) 627-2080

[info@uppermarlbormd.gov](mailto:info@uppermarlbormd.gov)  
[www.uppermarlbormd.gov](http://www.uppermarlbormd.gov)

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

**Date:** Wednesday, February 2, 2022

**Subject:** Public Works' Status Report

**RE:** January 2022 – Monthly Status Report

## Public Works Related

- PWD spoke to Park Ranger about closing of the CAB boardwalk ahead of Winter Weather Event (WWE 1) due to number of verbal complaints.
- PWD attended the Marlboro Day advance planning meeting.
- PWD attended virtual MMLPWA meeting where there was a presentation on ARPA funds by Hyattsville's ARPA manager Patrick Paschall.
- Ford F-650 was re-ordered but vin number not yet assigned due to backorder of diesel and air brake components.
- Stripping and waxing of tile floors at TH completed the weekend of the 22<sup>nd</sup>.

## Maintenance and Beautification

- PWC began deep clean of shop area to work on deep storage of items not frequently used.
- PWC worked on a host of plow, spreader, and tractor issues in between winter weather events. Most items fixed in house; others outsourced to local shops.
- Parts ordered for old salt spreader, install date TBD.
- Completed removal and storage of Christmas decorations around Town.
- Received first quotes for perimeter playground fence and downed section at PW.
- Had a site visit at the community garden to review and approve map for MOU.

## Street and Sidewalk

- PWC cut and removed all fallen branches along Marlborough Dr. Also, removed any remaining suspended hazards above the roadway.
- PWC assisted with fixing parking meters along Main St. and Gov Oden Bowie Dr.
- PWD reported multiple downed trees on wires to Pepco for removal.

## Weather Related Activities

- The Town had four wintry weather events that prompted a response from PW.
- Ahead of WWE 1, all equipment was mounted, maintained, and tested.
- After WWE 1, PW worked with UMPD to perform snow pushbacks along streets within Town.

## Refuse Accumulations

- Bulk day accumulations for solid wastes (Landfill) are 3.33 tons. Bulk day accumulations for yard waste collections are 9.44 tons. We had no dump body rentals for the month.

Sincerely,

Darnell F. Bond III, *Public Works Director*

**Sarah Franklin**  
**President**

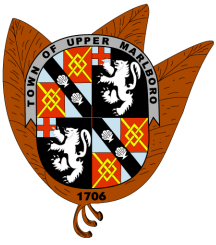
[sfranklin@uppermarlbormd.gov](mailto:sfranklin@uppermarlbormd.gov)

**Janice Duckett**  
**Commissioner / Treasurer**  
[jduckett@uppermarlbormd.gov](mailto:jduckett@uppermarlbormd.gov)

**Thomas Hanchett**  
**Commissioner**  
[thanchett@uppermarlbormd.gov](mailto:thanchett@uppermarlbormd.gov)

**Karen Lott**  
**Commissioner**  
[klott@uppermarlbormd.gov](mailto:klott@uppermarlbormd.gov)

**Vacant**  
**Commissioner**  
[info@uppermarlbormd.gov](mailto:info@uppermarlbormd.gov)



# Town of Upper Marlboro

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

**Janice Duckett**  
Treasurer

**Karen Lott**  
Commissioner

**Sarah Franklin**  
President

**Thomas Hanchett**  
Commissioner

**Vacant**  
Commissioner

## Town of Upper Marlboro November 2021 Treasurer Report July 2021 – June 2022

### REVENUE

BUDGET CODE	DESCRIPTION	ACTUAL	APPROVED BUDGET
	<b>Fines, Licenses &amp; Permits</b>		
6154	Franchise Fee	\$ 13,317.81	\$ 13,000.00
6280	Trader's License Fees	\$ -	\$ 500.00
6350	Town Permits	\$ 1,560.00	\$ 1,700.00
6351	Food Trucks	\$ -	\$ 1,000.00
6352	Business License	\$ 22,930.73	\$ 10,000.00
6354	Room Rental	\$ -	\$ 669.00
6355	Parking Meters	\$ 94,457.31	\$ 174,000.00
6381	Parking Fines/Penalties	\$ 19,277.90	\$ 35,000.00
6383	Red Light Camera	\$ -	\$ -
6550	Pub/Edu/Govt Broadcasting	\$ 3,421.83	\$ 5,000.00
	<b>TOTAL</b>	<b>\$ 154,965.58</b>	<b>\$ 240,869.00</b>

### **Intergovernmental**

6240	Financial Corporation Tax	\$ 9,144.52	\$ 9,145.00
6260	Highway User Fee	\$ 17,799.97	\$ 27,725.00
6310	Disposal Fee Rebate	\$ 1,038.00	\$ 1,750.00
	<b>TOTAL</b>	<b>\$ 27,982.49</b>	<b>\$ 38,620.00</b>

### **Miscellaneous Revenue**

6390	Interest Earnings	\$ -	\$ 2,500.00
6392	Sale of Property	\$ -	\$ 1,000.00
6394	Town Hall Services	\$ -	\$ 250.00
6396	Special Events/Donations	\$ -	\$ 2,500.00
6396	Other	\$ 1,683.15	\$ 1,000.00

	<b>TOTAL</b>	<b>\$ 1,683.15</b>	<b>\$ 7,250.00</b>

#### **Taxes**

6101	Commercial	\$ 141,491.86	\$ 189,541.00
6102	Non-Commercial	\$ 208,978.20	\$ 171,698.00
6103	Delinquent - RE	\$ -	\$ 5,000.00
6104	BPPT - FY2022	\$ 60,713.44	\$ 35,555.00
6105	Public Utilities	\$ 660,686.40	\$ 700,999.00
6106	Income Taxes	\$ 129,285.86	\$ 315,000.00
	<b>TOTAL</b>	<b>\$ 1,201,155.76</b>	<b>\$ 1,417,793.00</b>

	<b>Total Revenue</b>	<b>\$ 1,385,786.98</b>	<b>\$ 1,704,532.00</b>
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### **EXPENDITURES**

#### **GENERAL GOVERNMENT**

	<b>Administrative Salary &amp; Wages</b>	<b>\$ 162,310.91</b>	<b>\$ 257,279.00</b>
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	<b>Payroll Deductions &amp; Benefits</b>		
8124	Employer Tax	\$ 37,680.06	\$ 59,000.00
8125	Pension Benefits	\$ 70,372.84	\$ 60,000.00
8126	Medical Employee Benefits	\$ 40,687.44	\$ 110,000.00
8128	Life Insurance	\$ -	\$ 6,800.00
	<b>TOTAL</b>	<b>\$ 148,740.34</b>	<b>\$ 235,800.00</b>

#### **Professional Services**

8073	Accounting Services	\$ 9,000.00	\$ 18,000.00
8074	Auditing Services	\$ 20,000.00	\$ 20,000.00
8075	Payroll Processing (TPA)	\$ 2,681.10	\$ 5,000.00
8110	Town Attorney & Legal	\$ 33,825.28	\$ 55,000.00
8115	IT Support & Equipment	\$ 8,228.76	\$ 10,000.00
8205	Media Relations	\$ 12,000.00	\$ 18,000.00
8206	Government Relations	\$ 21,600.00	\$ 36,000.00
8207	Human Resource Services	\$ 6,965.00	\$ 12,000.00
8208	Planning Firm	\$ 25,213.57	\$ -
	<b>TOTAL</b>	<b>\$ 139,513.71</b>	<b>\$ 174,000.00</b>

#### **Insurance & Benefits**

8120	General Liability	\$ 15,721.00	\$ 15,000.00
8121	Bonds	\$ -	\$ 500.00
8122	Workers Compensation	\$ 19,489.62	\$ 15,500.00
8123	Insurance Claims	\$ -	\$ 5,000.00
	<b>TOTAL</b>	<b>\$ 35,210.62</b>	<b>\$ 36,000.00</b>

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**Operating**

8077	Public Notices	\$ 1,300.00	\$ 1,500.00
8080	Bank Charges	\$ 25,221.22	\$ 20,000.00
8086	Trainings & Memberships	\$ 3,764.15	\$ 5,000.00
8090	Postage	\$ 1,253.12	\$ 3,000.00
8092	Printing	\$ 6,030.97	\$ 7,500.00
8130	General Supplies	\$ 29,576.02	\$ 10,000.00
8131	Ofc Equipment R&M	\$ 674.78	\$ 1,000.00
8160	Town Hall Office Phones	\$ 3,543.70	\$ 5,000.00
8161	Mobile Devices	\$ 3,543.91	\$ 4,000.00
8162	Town Elections	\$ 2,103.62	\$ 1,200.00
8165	Town Hall Utilities	\$ 10,194.56	\$ 11,000.00
8175	Town Hall Repair & Maintenance	\$ 8,089.20	\$ 10,000.00
8200	Other	\$ 2,068.22	\$ 2,000.00
	<b>Total</b>	<b>\$ 97,363.47</b>	<b>\$ 81,200.00</b>

	<b>General Government Total</b>	<b>\$ 583,139.05</b>	<b>\$ 784,279.00</b>
<b>PUBLIC SAFETY</b>			
	<b>Public Safety Salary &amp; Wages</b>	<b>\$ 171,215.16</b>	<b>\$ 401,620.00</b>

**Public Safety Operating**

8273	Uniforms	\$ 1,825.95	\$ 2,000.00
8274	Weapons & Duty Equipment	\$ 4,674.93	\$ 5,000.00
8275	Training & Memberships	\$ 1,465.51	\$ 1,500.00
8277	Substance Testing/Pre-Employment	\$ 2,084.50	\$ 1,000.00
8280	Supplies	\$ 363.09	\$ 3,000.00
8281	Mobile Devices	\$ 2,003.44	\$ 5,000.00
8282	Association Dues	\$ 265.00	\$ 750.00
8300	Vehicle Repairs	\$ -	\$ 2,500.00
8301	Vehicle Maintenance	\$ -	\$ 4,000.00
8302	Vehicle Fuel	\$ -	\$ 5,000.00
8320	Other	\$ -	\$ 1,500.00
	<b>TOTAL</b>	<b>\$ 12,682.42</b>	<b>\$ 31,250.00</b>

6530.2022.03	<b>GOCCP State Aid</b>	<b>\$ 2,902.92</b>	<b>\$ 16,400.00</b>
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8330	<b>Debt Service</b>	<b>\$ 16,262.46</b>	<b>\$ 32,525.00</b>
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	<b>Public Safety Total</b>	<b>\$ 200,160.04</b>	<b>\$ 481,795.00</b>
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**PUBLIC WORKS**

	<b>Salary &amp; Wages</b>	<b>\$ 119,345.80</b>	<b>\$ 225,500.00</b>
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**Public Works Operating**

8375	Uniforms	\$ -	\$ 750.00
8377	Training & Memberships	\$ 75.00	\$ 500.00
8380	Other	\$ 309.47	\$ 1,500.00
8390	Streets Maintenance	\$ 5,169.31	\$ 4,000.00
8391	Weather Related Expenses	\$ -	\$ 2,500.00
8400	Streetlight Electricity	\$ 12,644.48	\$ 21,500.00
8405	Vehicle Repairs	\$ -	\$ 3,000.00
8410	Vehicle Maintenance	\$ 1,144.80	\$ 3,500.00
8415	Vehicle Fuel	\$ -	\$ 4,000.00
8488	PWF Utilities	\$ 851.16	\$ 3,500.00
8489	Mobile Phones	\$ 280.25	\$ 2,500.00
8176	Maintenance & Repairs	\$ 1,012.79	\$ 6,200.00
8491	Beautification	\$ -	\$ 2,500.00
8492	Small Tools & Equipment	\$ 5,188.68	\$ 2,500.00
8493	Septic Tank	\$ 600.00	\$ 1,200.00
8545	Mosquito Control	\$ -	\$ 1,400.00
	<b>TOTAL</b>	<b>\$ 27,275.94</b>	<b>\$ 61,050.00</b>

<b>6530.2022.06</b>	<b>State Street Scape</b>	<b>\$ -</b>	<b>\$ 20,000.00</b>
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**Refuse Collection**

8546	Residential Waste Collection	\$ 26,451.86	\$ 41,124.00
8547	Residential Recycle Collection	\$ 5,758.50	\$ 9,834.00
8548	Bulk & Yard Waste	\$ 1,742.46	\$ 3,600.00
	<b>TOTAL</b>	<b>\$ 33,952.82</b>	<b>\$ 54,558.00</b>

	<b>Public Works Total</b>	<b>\$ 180,574.56</b>	<b>\$ 361,108.00</b>
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	<b>Total Expenses</b>	<b>\$ 963,873.65</b>	<b>\$ 1,627,182.00</b>
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	<b>Net Operating Income</b>	<b>\$ 421,913.33</b>	<b>\$ 0.00</b>
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**OTHER FUND BALANCES**

	REVENUE/TRANSFER	EXPENSES	APPROVED BUDGET
Police State Aid	\$ 13,942.48	\$ 2,902.92	\$ 16,400.00
Community Open Space	\$ -	\$ 6,894.77	\$ 130,000.00
Other Grants	\$ 21,389.35	\$ -	\$ 70,000.00
ARP - American Recovery Fund	\$ 331,539.82	\$ 152,810.11	\$ 281,246.00
Replenish Reserve Transfer	\$ -	\$ -	\$ -
Capital Improvement Projects	\$ -	\$ 36,471.00	\$ 66,000.00
<b>TOTALS</b>	<b>\$ 357,964.92</b>	<b>\$ 199,078.80</b>	<b>\$ 581,396.00</b>

### COMMITTEE BREAKDOWN

	TRANSFER TO...	EXPENSES	APPROVED BUDGET
Events	\$ 2,269.68	\$ 2,269.68	\$ 7,000.00
CERT Team	\$ -	\$ -	\$ 750.00
Historical Committee	\$ 94.99	\$ 94.99	\$ 750.00
Arts Council	\$ 2,748.41	\$ 2,748.41	\$ 750.00
Green Team	\$ -	\$ -	\$ 750.00
TOUM Events	\$ 462.00	\$ 462.00	\$ 7,750.00
<b>TOTALS</b>	<b>\$ 5,575.08</b>	<b>\$ 5,575.08</b>	<b>\$ 17,750.00</b>

### Key Monthly Items

1. ARPA
2. Public Utility Tax
3. Banking and Retirement

### BALANCE SHEET

<b>Bank Accounts</b>	
Operating Checking	528,573.77
Petty Cash	300.00
Payroll Account	0.00
M&T Checking	107,029.13
M&T Checking (Public Safety)	100.00
ARP Fund	185,099.40
Disbursement Acct	1.00
MLGIP	215,489.57
<b>Total Bank Accounts</b>	<b>\$ 1,036,592.87</b>



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

ORDINANCE: 2022-01  
SESSION: Regular Town Meeting  
INTRODUCED: January 11<sup>th</sup>, 2022  
DATE ENACTED: February 8, 2022

**AN ORDINANCE RELATING TO ADOPTING AND APPROVING BUDGET  
AMENDMENTS FOR THE FISCAL YEAR 2022 BUDGET**

**WHEREAS**, the Town of Upper Marlboro (the “Town”) is a municipal corporation of the State of Maryland expressly authorized by Maryland Code Annotated, Local Government (“LG”) Art., § 5-205(b)(1) to expend any municipal funds for any purpose deemed to be public and to affect the safety, health and general welfare of the municipality and its occupants; and

**WHEREAS**, pursuant to Md. Code Ann., LG Article, Section 5-205(b)(4), a municipality may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated at the time of the annual levy if approved by a two-thirds vote of all the individuals elected to the legislative body; and

**WHEREAS**, the Charter of the Town of Upper Marlboro (the “Town Charter”), Section 82-41 prescribes that the budget shall be adopted in the form of an ordinance, and that a favorable vote of at least a majority of the total elected membership of the Board shall be necessary for adoption; and

**WHEREAS**, the Town Charter, Section 82-11 mandates that except in cases of emergency, no ordinance shall be passed at the same meeting at which it is introduced and that at any regular or special meeting of the Board held not less than six nor more than sixty days after the meeting at which the ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date; and

**WHEREAS**, said Section 82-11 further mandates that each ordinance shall be posted in the Town office, and each ordinance or a fair summary thereof, shall be published at least once, in a newspaper of general circulation in the Town; and

**WHEREAS**, the Town Charter, Section 82-42 prescribes that no public money may be expended without having been appropriated by the Board, and that from the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein; and

**WHEREAS**, the Town Charter, Section 82-43 prescribes that any transfer of funds between

major appropriations for different purposes by the President must be approved by the Board before becoming effective; and

**WHEREAS**, the Town Charter, Section 82-44 proscribes any expenditures or contracts to expend money or to incur any monetary liability in excess of the amounts appropriated for or transferred to a particular general classification of expenditure in the budget, and

**WHEREAS**, the Board of Town Commissioners has previously approved Ordinance No. 2021-03 on June 14, 2021, which in Section 4 thereof states that all budget amendments transferring monies between general classifications of expenditures or appropriations as reflected in the budget ordinance shall be submitted to the Board for approval, from time to time, by ordinance pursuant to Md. Code Ann., Art. 23A, §2(b), now codified as Md. Code Ann., LG Article, Section 5-205(b)(4); and

**WHEREAS**, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2021-03 on June 14, 2021, by allocating and appropriating funds for the following reason(s): To adjust revenue line items with more accurate estimates, and enhancing or decreasing allocations between departments of expenditure line items due to the elimination of certain staff positions.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT AS FOLLOWS:**

**Section 1.** The Fiscal Year 2022 Budget Ordinance No. 2021-03, as restated in the center column below, and as divided into the following indicated major anticipated revenue funds or having the estimated amounts at the time of the tax levy as indicated herein below, is hereby amended and readopted as indicated in the far-right column below as follows:

<u>REVENUE SOURCE</u>	<u>ADOPTED FY 22 BUDGET AMOUNT</u>	<u>AMENDED FY22 BUDGET AMOUNT</u>
Taxes	\$1,417,793	\$1,247,793
Intergovernmental	\$38,620	\$38,620
Fines, License and Permits	\$240,869	\$230,669
Other	7,250	\$8,250
ARPA	\$281,246	\$135,305
From Designated Funds	\$0	\$0
<b>Total Revenues:</b>	<b>\$2,172,178</b>	<b>\$1,660,637</b>

**Section 2.** The total of the anticipated revenues and any estimated fund balance available for expenditure during the fiscal year within each of the aforesaid categories of the FY 2022 Budget Ordinance No. 2021-03, as amended by this FY 2022 Amendatory Budget Ordinance No. 2022-01, shall equal or exceed the total of the proposed expenditures within the following general classification of expenditure or major appropriations having the amounts as indicated herein below, is hereby amended and readopted as indicated in the far-right column below as follows:

<u>EXPENDITURES</u>	<u>FY22 ADOPTED BUDGET AMOUNT</u>	<u>FY 22 AMENDED BUDGET AMOUNT</u>
General Government	\$1,329,275	\$888,579
Public Safety	\$481,795	\$426,395
Highways and Streets	\$361,108	\$327,913
Committees/Events Fund	\$17,750	\$17,750
<b>Total Expenditures:</b>	<b>\$2,172,178</b>	<b>\$1,660,637</b>

**Section 3.** The Grant Fund for the fiscal year 2022 is hereby set at **\$616,400** with detailed appropriation described in greater detail in the Exhibit A, “Town of Upper Marlboro, Fiscal Year 2022 Budget Adjustment”.

**Section 4.** The American Rescue Plan (ARP) Fund for the fiscal year 2022 is hereby set at **\$281,246** with detailed appropriation described in greater detail in the Exhibit A, “Town of Upper Marlboro, Fiscal Year 2022 Budget Adjustment”.

**Section 5.** The Capital Improvement Fund for the fiscal year 2022 is hereby set at **\$516,000** with detailed appropriation described in greater detail in the Exhibit A, “Town of Upper Marlboro, Fiscal Year 2022 Budget Adjustment”.

**AND BE IT FURTHER ENACTED AND ORDAINED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland that except for the revenue and expenditure amounts provided hereinabove in Sections 1 and 2, as amendments, the remaining provisions of the FY 2022 Budget Ordinance 2021-03 shall remain in full force and effect as if written word for word within this Ordinance and readopted herein.

**AND BE IT FURTHER ENACTED AND ORDAINED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the tax levy for Fiscal Year 2022 for the Town of Upper Marlboro and all other taxes, liens and/or fees prescribed therein shall remain as previously approved and adopted in the FY 2022 Budget Ordinance 2021-03

**AND BE IT FURTHER ENACTED AND ORDAINED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to the Town Charter this Ordinance shall be posted in the Town office and this FY 2022 Amendatory Budget Ordinance No. 2022-01 or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

AYES: \_\_\_\_

NAYES: \_\_\_\_

ABSENT: \_\_\_\_

**INTRODUCED** in a public session of the Board of Commissioners on this 11th day of January, 2022.

**ORDAINED, APPROVED AND** finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this 8th day of February, 2022, by:

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk: John Hoatson

\_\_\_\_\_  
Sarah Franklin, President

Date: February 8, 2022

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

\_\_\_\_\_  
Vacant, Commissioner

Reviewed and Approved for Legal Sufficiency

\_\_\_\_\_  
Kevin J. Best, Esq.

Date: \_\_\_\_\_

**Town of Upper Marlboro**  
**FY2022 Budget ADJUSTMENT**

July 2021 - June 2022

**REVENUE**

BUDGET		FY2022	FY2022
CODE	DESCRIPTION	BUDGET	BUDGET ADJUSTED
	<b>Fines, Licenses &amp; Permits</b>		
6154	Franchise Fee	\$ 13,000.00	\$ 13,000.00
6280	Trader's License Fees	\$ 500.00	\$ 500.00
6350	Town Permits	\$ 1,700.00	\$ 2,500.00
6351	Food Trucks	\$ 1,000.00	\$ 1,000.00
6352	Business License	\$ 10,000.00	\$ 28,000.00
6354	Room Rental	\$ 669.00	\$ 669.00
6355	Parking Meters	\$ 174,000.00	\$ 145,000.00
6381	Parking Fines/Penalties	\$ 35,000.00	\$ 35,000.00
6383	Red Light Camera	\$ -	\$ -
6550	Pub/Edu/Govt Broadcasting	\$ 5,000.00	\$ 5,000.00
	<b>TOTAL</b>	<b>\$ 240,869.00</b>	<b>\$ 230,669.00</b>
	<b>Intergovernmental</b>		
6240	Financial Corporation Tax	\$ 9,145.00	\$ 9,145.00
6260	Highway User Fee	\$ 27,725.00	\$ 27,725.00
6310	Disposal Fee Rebate	\$ 1,750.00	\$ 1,750.00
	<b>TOTAL</b>	<b>\$ 38,620.00</b>	<b>\$ 38,620.00</b>
	<b>Miscellaneous Revenue</b>		
6390	Interest Earnings	\$ 2,500.00	\$ 2,500.00
6392	Sale of Property	\$ 1,000.00	\$ 1,000.00
6394	Town Hall Services	\$ 250.00	\$ 250.00
6396	Special Events/Donations	\$ 2,500.00	\$ 2,500.00
6396	Other	\$ 1,000.00	\$ 2,000.00
	<b>TOTAL</b>	<b>\$ 7,250.00</b>	<b>\$ 8,250.00</b>
6530	<b>Grants</b>	<b>\$ 616,400.00</b>	<b>\$ 616,400.00</b>
5001	<b>ARP</b>	<b>\$ 281,246.00</b>	<b>\$ 135,305.00</b>
	<b>Taxes</b>		
6101	Commercial	\$ 189,541.00	\$ 189,540.00
6102	Non-Commercial	\$ 171,698.00	\$ 171,698.00
6103	Delinquent - RE	\$ 5,000.00	\$ 5,000.00
6104	BPPT - FY2022	\$ 35,555.00	\$ 46,555.00
6105	Public Utilities	\$ 700,999.00	\$ 575,000.00
6106	Income Taxes	\$ 315,000.00	\$ 260,000.00
	<b>TOTAL</b>	<b>\$ 1,417,793.00</b>	<b>\$ 1,247,793.00</b>

<b>Total Revenue</b>		<b>\$ 2,602,178.00</b>	<b>\$ 1,660,637.00</b>
<b>GENERAL GOVERNMENT</b>			
<b>Administrative Salary &amp; Wages</b>			
	Commissioners	\$ 15,200.00	\$ 15,200.00
	Salary & Wages	\$ 257,279.00	\$ 257,279.00
	<b>TOTAL</b>	<b>\$ 272,479.00</b>	<b>\$ 272,479.00</b>
<b>Payroll Deductions &amp; Benefits</b>			
8124	Employer Tax	\$ 59,000.00	\$ 59,000.00
8125	Pension Benefits	\$ 60,000.00	\$ 70,000.00
8126	Medical Employee Benefits	\$ 110,000.00	\$ 110,000.00
8128	Life Insurance	\$ 6,800.00	\$ 6,800.00
	<b>TOTAL</b>	<b>\$ 235,800.00</b>	<b>\$ 245,800.00</b>
<b>Professional Services</b>			
8073	Accounting Services	\$ 18,000.00	\$ 18,000.00
8074	Auditing Services	\$ 20,000.00	\$ 20,000.00
8075	Payroll Processing (TPA)	\$ 5,000.00	\$ 5,000.00
8110	Town Attorney & Legal	\$ 55,000.00	\$ 55,000.00
8115	IT Support & Equipment	\$ 10,000.00	\$ 10,000.00
8205	Media Relations	\$ 18,000.00	\$ 24,000.00
8206	Government Relations	\$ 36,000.00	\$ 36,000.00
8207	Human Resource Services	\$ 12,000.00	\$ 12,000.00
8208	Planning Firm	\$ -	\$ 20,000.00
	<b>TOTAL</b>	<b>\$ 174,000.00</b>	<b>\$ 200,000.00</b>
<b>Insurance &amp; Benefits</b>			
8120	General Liability	\$ 15,000.00	\$ 16,000.00
8121	Bonds	\$ 500.00	\$ 500.00
8122	Workers Compensation	\$ 15,500.00	\$ 20,000.00
8123	Insurance Claims	\$ 5,000.00	\$ 5,000.00
	<b>TOTAL</b>	<b>\$ 36,000.00</b>	<b>\$ 41,500.00</b>
<b>Operating</b>			
8077	Public Notices	\$ 1,500.00	\$ 2,000.00
8080	Bank Charges	\$ 20,000.00	\$ 25,000.00
8086	Trainings & Memberships	\$ 5,000.00	\$ 5,000.00
8090	Postage	\$ 3,000.00	\$ 3,000.00
8092	Printing	\$ 7,500.00	\$ 8,500.00
8130	General Supplies	\$ 10,000.00	\$ 20,000.00
8131	Ofc Equipment R&M	\$ 1,000.00	\$ 1,200.00
8160	Town Hall Office Phones	\$ 5,000.00	\$ 5,000.00
8161	Mobile Phones	\$ 4,000.00	\$ 4,000.00
8162	Town Elections	\$ 1,200.00	\$ 2,100.00

8165	Town Hall Utilities	\$	11,000.00	\$	11,000.00
8175	Town Hall Repair & Maintenance	\$	10,000.00	\$	10,000.00
8200	Other	\$	2,000.00	\$	32,000.00
	<b>TOTAL</b>	\$	<b>81,200.00</b>	\$	<b>128,800.00</b>

6530.2022	<b>Grants</b>	\$	<b>180,000.00</b>	\$	<b>180,000.00</b>
5001	<b>ARP</b>	\$	<b>281,246.00</b>	\$	<b>150,941.00</b>

<b>General Government Total</b>		\$	<b>1,260,725.00</b>	\$	<b>888,579.00</b>
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<b>PUBLIC SAFETY</b>					
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	<b>Public Safety Salary &amp; Wages</b>				
	Salary & Wages	\$	401,620.00	\$	359,120.00
	<b>TOTAL</b>	\$	<b>401,620.00</b>	\$	<b>359,120.00</b>

	<b>Public Safety Operating</b>				
8273	Uniforms	\$	2,000.00	\$	2,000.00
8274	Weapons & Duty Equipment	\$	5,000.00	\$	5,000.00
8275	Training & Memberships	\$	1,500.00	\$	1,500.00
8277	Substance Testing/Pre Employment	\$	1,000.00	\$	4,500.00
8280	Supplies	\$	3,000.00	\$	3,000.00
8281	Mobile Devices	\$	5,000.00	\$	5,000.00
8282	Association Dues	\$	750.00	\$	750.00
8300	Vehicle Repairs	\$	2,500.00	\$	2,500.00
8301	Vehicle Maintenance	\$	4,000.00	\$	4,000.00
8302	Vehicle Fuel	\$	5,000.00	\$	5,000.00
8320	Other	\$	1,500.00	\$	1,500.00
	<b>TOTAL</b>	\$	<b>31,250.00</b>	\$	<b>34,750.00</b>

6530.2022.03	<b>GOCCP State Aid</b>	\$	<b>16,400.00</b>	\$	<b>16,400.00</b>
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8330	<b>Debt Service</b>	\$	<b>32,525.00</b>	\$	<b>32,525.00</b>
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<b>Public Safety Total</b>		\$	<b>481,795.00</b>	\$	<b>426,395.00</b>
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<b>PUBLIC WORKS</b>					
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	<b>Salary &amp; Wages</b>				
	Salary & Wages	\$	225,500.00	\$	207,805.00
	<b>TOTAL</b>	\$	<b>225,500.00</b>	\$	<b>207,805.00</b>

	<b>Public Works Operating</b>				
8375	Uniforms	\$	750.00	\$	750.00
8377	Training & Memberships	\$	500.00	\$	500.00
8380	Other	\$	1,500.00	\$	1,500.00
8390	Streets Maintenance	\$	4,000.00	\$	4,000.00
8391	Weather Related Expenses	\$	2,500.00	\$	2,500.00

8400	Streetlight Electricity	\$	21,500.00	\$	21,500.00
8405	Vehicle Repairs	\$	3,000.00	\$	3,000.00
8410	Vehicle Maintenance	\$	3,500.00	\$	3,500.00
8415	Vehicle Fuel	\$	4,000.00	\$	4,000.00
8488	PWF Utilities	\$	3,500.00	\$	3,500.00
8488	Mobile Phones	\$	2,500.00	\$	2,500.00
8490	Maintenance & Repairs	\$	6,200.00	\$	6,200.00
8491	Beautification	\$	2,500.00	\$	2,500.00
8492	Small Tools & Equipment	\$	2,500.00	\$	7,000.00
8493	Septic Tank	\$	1,200.00	\$	1,200.00
8545	Mosquito Control	\$	1,400.00	\$	1,400.00
	<b>TOTAL</b>	\$	<b>61,050.00</b>	\$	<b>65,550.00</b>

<b>6530.2022.06</b>	<b>State StreetScape</b>	\$	<b>20,000.00</b>	\$	<b>450,000.00</b>
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	<b>Refuse Collection</b>				
8546	Residential Waste Collection	\$	41,124.00	\$	41,124.00
8547	Residential Recycle Collection	\$	9,834.00	\$	9,834.00
8548	Bulk & Yard Waste	\$	3,600.00	\$	3,600.00
	<b>TOTAL</b>	\$	<b>54,558.00</b>	\$	<b>54,558.00</b>

<b>Public Works Total</b>	\$	<b>361,108.00</b>	\$	<b>327,913.00</b>
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#### Transfers to Other Funds

7000	<b>Committee Expenses</b>	\$	17,750.00	\$	17,750.00
9000	<b>Capital Improvement Projects</b>	\$	516,000.00	\$	516,000.00
	<b>Transfers Total</b>	\$	<b>533,750.00</b>	\$	<b>533,750.00</b>
	<b>Total Expenses</b>	\$	<b>2,637,378.00</b>	\$	<b>1,660,637.00</b>
	<b>Budgeted Revenues and Expenses</b>	\$	<b>-</b>	\$	<b>-</b>



## **The Town of Upper Marlboro**

RESOLUTION: 2022-03  
SESSION: Regular Town Meeting  
DATED: February 8, 2022

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO AWARD A CONTRACT TO PROVIDE ROADWAY ENGINEERING SERVICES.

**WHEREAS**, pursuant to Town's Charter Section 82–56. (Purchasing and Contracts) all expenditures for contracts and purchases with an anticipated cost of more than ten thousand dollars (\$10,000) shall be subject to competitive sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

**WHEREAS**, the Board of Town Commissioners believes that the Town is in need of a professional road engineering firm to assist the Town with designing and planning Town road replacement; and

**WHEREAS**, the Board of Town Commissioners released RFP #UM 2021-03 and published it for at least 15 days to seek interested applicants from Thursday October 14<sup>th</sup>, 2021, through Friday November 19<sup>th</sup>, 2021; and

**WHEREAS**, the Board of Town Commissioners waived the formal request for bids process and alternatively released RFP #UM 2021-03 soliciting proposals, and thereby published said request for proposals for at least 15 days to seek interested applicants during the period of from Thursday October 14<sup>th</sup>, 2021, through Friday November 19<sup>th</sup>, 2021; and

**WHEREAS**, the Town Board of Commissioners hereby finds that sufficient funds have been appropriated and that XXXXXXXXXX is a responsible offeror whose proposal is the most advantageous to the Town taking into consideration price and the evaluation factors set forth in the request for proposals.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 8th day of February, 2022, that the Town Board of Commissioners hereby authorizes the Town to enter into a contract with XXXXXXXXXX attached hereto and incorporated by reference herein.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk: John Hoatson

\_\_\_\_\_  
Sarah Franklin, President

Date: February 8, 2022

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

\_\_\_\_\_  
Vacant, 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 Resolution, and that said Resolution 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 8th day of February, 2022.

\_\_\_\_\_  
John Hoatson, Town Clerk

## **The Town of Upper Marlboro**

RESOLUTION: 2022-05  
SESSION: Regular/Special Town Meeting  
INTRODUCED: January 11<sup>th</sup>, 2022  
ADOPTED: February 8, 2022

### **A RESOLUTION FOR THE ADOPTION OF NEW RULES OF ORDER AND REGULATIONS FOR PUBLIC MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO.**

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro (the “Board”) must meet and follow the Open Meetings Requirements (Subtitle 3) of the Open Meetings Act (Title 3) found in the Maryland Annotated Code, General Provisions Article, and the Town Charter; and

**WHEREAS**, in addition to the entire Charter, the Board is also specifically governed pertaining to meetings by the Town Charter, Sections 82-6 (Meetings of Board), 82-7 (Board to be the Judge of Qualifications of it [its] Members), 82-8 (Quorum), and 82-9 (Procedure of Board); and

**WHEREAS**, pursuant to said Section 82-9 of the Charter, the Board shall determine its own rules of order of business, and further pursuant to Section 82-13 of the Charter, the President shall preside at all meetings of the Board in accordance with the accepted rules of parliamentary procedure, except that they may vote on any questions before the Board; and

**WHEREAS**, pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question; and

**WHEREAS**, pursuant to Section 82-3 of the Charter, all legislative powers of the Town shall be vested in a Board of Commissioners consisting of five Commissioners who shall be elected and therein after provided and who shall hold office for a term of two years and until the succeeding Board takes office; and

**WHEREAS**, the Board intends to repeal and re-adopt its rules for the conduct of meetings as stated herein below; and

**WHEREAS**, the Board of Commissioners further finds that the following rules of order for the conduct of meetings and regulations for public meetings regarding observation of or participation in said meetings should be adopted as stated herein below.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Town of Upper Marlboro hereby approves, adopts and authorizes the following rules of procedure for the conduct of meetings and regulations for public meetings:

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*[Remainder of page intentionally left blank.]*

## **ARTICLE 1. AUTHORITY, APPLICABILITY, & AMENDMENT**

### **1.1 Authority.**

Section 82-9 of the Town Charter of the Town of Upper Marlboro, Maryland, grants the Board of Commissioners (the “Board”) the right to determine its own rules of procedure, and the following rules are enumerated under and by authority of said provision.

### **1.2 Applicability; Robert’s Rules.**

The rules of procedure adopted by the Board are applicable to Town Board of Commissioners meetings. Should these rules be silent or inapplicable on a matter of procedure then the latest edition of Robert’s Rules shall control.

### **1.3 Amendment.**

These rules may be amended, or new rules adopted, by a majority vote of the members of the Board present.

### **1.4 Recession and Suspension of Rules.**

A motion to suspend these rules and procedures may be brought pursuant to a majority vote of the members of the Board present.

## **ARTICLE 2. GENERAL RULES OF PROCEDURES & POLICES**

### **2.1 Meetings Shall be Public; Open Meetings.**

A. A meeting occurs when a quorum of the Board convenes to consider or transact public business. Pursuant to Section 82-8 of the Town Charter, a quorum is a majority of the Board’s elected membership, or three (3) commissioners. However, no ordinance shall be approved, nor any other substantive action taken unless the measure or action is approved by at least three (3) commissioners.

B. All meetings of the Board shall be governed by the Maryland Open Meetings Act and shall ordinarily be public, and notices thereof shall be posted as provided under the Maryland Open Meetings Act, General Provisions Article, Title 3, Annotated Code of Maryland, Section 3-302, stating that except in the case of an emergency meeting, notice of all meetings shall be given at least 24 hours in advance. Nothing in this section precludes the body from meeting in closed session as outlined in the Maryland Open Meetings Act. The information required in 3-306 of the Open Meetings Act as to notice to the public of the time, vote, persons present and topics discussed shall be appended to the minutes of the next public meeting.

C. Maryland Open Meetings Act. *The Maryland Open Meetings Act, Chapter 3-A-The right*

*to "attend" a meeting, Section 3- 303(a) provides, "[w]henver a public body meets in open session, the general public is entitled to attend." This means that members of the public may come to a meeting and observe it and not necessarily speak at the meeting unless the Charter or the meeting rules state otherwise. This includes any motion being considered to close a meeting, where the Act does not permit the public generally to be entitled to speak (City of New Carrollton v Rogers, 287 Md 56, 72 (1980) (While the Act does not afford the public any right to participate in the meetings, it does assure the public the right to observe the deliberative process and the making of decisions by the public body at open meetings). So, unless the public body is governed by laws that require the particular body to receive public comment, the decision of whether to allow members of the public to speak is up to the public body. Pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question, but that right is during the designated period. Ordinarily, the management of the public comment period is up to the presiding officer. See, e.g. 9 OMCB Opinions 232, 233 (2015) (stating that the Act does not regulate the presiding officer's decisions on whether to allow a member of the public to speak). Complaints about the manner in which a presiding officer conducts a public comment period thus do not state Open Meetings Act violations. 8 OMCB Opinions 84, 85 (2012).*

## **2.2 Regular Meetings.**

From the Charter: "The newly elected Board shall meet at 8:00 p.m. on the first Monday of December following its election for the purpose of organization, including electing a President and appointing a Treasurer, after which the Board shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings may be called upon the request of the President or a majority of the members of the Board. All meetings of the Board shall be open to the public, except that the Board may, by majority vote, meet in closed session for any purpose then authorized by State law; and, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question."

A. Regular Town Meetings: Starting in March 2022, the Board of Town Commissioners will hold their Town Meetings on the 4<sup>th</sup> Tuesday of the Month.

## **2.3 Work Sessions.**

A. Purpose. The Board may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Board. The work session is a meeting subject to the Open meetings Act. However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Amendments, other legislation or formal (written) resolutions, should not be done

at a work session, unless the rules are suspended.

B. The Board conducts Work Sessions, which are open to public observation only, but participation is at the discretion of the Board. Starting in March 2022, Regular Work Sessions will be held on the 2<sup>nd</sup> Tuesday of the month. Work Sessions, like special or emergency sessions, are not regular meetings and no opportunity need be provided under Section 82-6 of the Charter for citizens to speak. See also Maryland Open Meetings Act, Chapter 3-A- The Right to "attend" a meeting, Section 3-303(a).

## **2.4 Special Meetings.**

Occasionally, the Board will call a Special Meeting, or, an Emergency Meeting should a timely business item need immediate action. Special meetings may be called upon the request of the President or a majority of the members of the Board.

## **2.5 Emergency Meetings.**

A. In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall be provided also to the media, as applicable should any member of the media regularly attend Town meetings, and the public by electronic or website notification.

B. An emergency meeting is a type of special meeting. An emergency ordinance may be introduced and passed at any public meeting of the Board provided the rules allow it or are properly waived.

## **2.6 Closed Sessions.**

The Board may close a meeting to the public by a vote in open session under the circumstances, conditions, and for reasons set forth in the Maryland Open Meetings Act, Closing a Meeting - Section 3-305-306 (c). Notice of Closed Sessions shall be given as required by law. Closed sessions also encompass executive or administrative sessions of the governing body or joint meetings with staff. An executive or administrative session may be convened and closed to discuss the implementation of existing law, or policy or the discussion of pre-decisional administrative matters only and may not delve into policy or legislative or administrative rule making.

## **2.7 Recessed Meetings.**

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion agreed to by the Board.



## **2.8 Information Meetings.**

The Board may hold information meetings to present information to, and obtain feedback from, residents of the Town. The Board will determine the rules governing presentations at such meetings. Information meetings are similar to public hearings but are not mandated by law.

## **2.9 Public Hearings.**

This section is only used when a statutorily required public hearing is part of the order of business. The President/Mayor shall first request staff comments. The Mayor shall open the public hearing and receive citizen input in the following order: proponents, then opponents. While the public hearing is open, the Commissioners may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the President may close the public hearing. The Board may deliberate or take action on the matter at hand upon the closing of the public hearing, provided the closure is permitted by the Maryland Open Meetings Act.

## **2.10 Roll Call and Attendance.**

- A. A majority of the members of the Board then in office shall constitute a quorum.
- B. Before the Board proceeds with the business before it, the Town Clerk shall conduct a roll-call and note the members present for the minutes. The late arrival of members shall be entered into the minutes.
- C. Except when participating by telephone, or video conference (with cameras on), members must be physically or virtually present at the Board's chamber to vote. Proxy or absentee voting is not permitted. Participation by telephone or video conference is permitted provided being properly advertised in the agenda.

## **2.11 Quorum.**

- A. Majority of the members elected to the Board shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Town legislation.
- B. The affirmative vote of a majority of the members elected to the Board shall be necessary to adopt any ordinance, or approve any other action taken except that a vote to adjourn, or decide a procedural matter, or regarding the attendance of absent members, may be adopted by a majority of the members present.

C. No member shall be excused from voting except as required by law or on matters involving the consideration of their own ethical conduct or conflict of interest.

D. Three (3) Commissioners consist of a quorum.

E. If conducting a virtual meeting or blended meeting, the at least three Commissioners (a quorum) on the call shall have their video on and faces visible to the public.

### **2.12 Loss of a Quorum.**

A. Once a meeting has been properly convened with the presence of a quorum and the number of persons necessary to constitute a quorum is no longer present, the President or Presiding Officer shall declare the meeting recessed until a quorum is reestablished. A member of the Board has a duty to attend all meetings called unless there is good cause to be absent.

B. Upon reestablishment of the quorum, the Board shall resume consideration of the matter before it at the time of the recess.

C. If, in the opinion of the President or Presiding Officer, a quorum cannot be obtained within a reasonable period of time; the President or Presiding Officer shall declare the meeting adjourned until the next scheduled meeting.

D. At that next meeting, after taking up the usual preliminary matters, the Board shall resume its consideration of the matter that was before it when it previously adjourned. This shall not prevent any Board member from moving to table, defer, postpone, or make any other appropriate motion with respect to any pending matter.

### **2.13 Conflict of Interest.**

A. A Board member prevented from voting by a conflict of interest shall file a conflict-of-interest statement with the Town Clerk as soon as possible after the posting of an agenda which contains a conflict; unless a prior conflict of interest statement has already been filed with the Town Clerk.

B. A Board member prevented from voting by a conflict shall step down from the dais and take a seat in the audience, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Board's deliberation of the matter in any way, and shall not attend Closed Sessions regarding the matter. Definitions and examples of conflicts or potential conflicts of interest may be found in the Town of Upper Marlboro Public Ethics Ordinance (Ord. 2016-04), as amended.

### **2.14 Presiding Officer.**

A. The President/Mayor shall serve as the Presiding Officer for all meetings of the Board. In the absence of the President, the senior Commissioner by time in office shall serve as the Presiding Officer. In the absence of a senior Commissioner, the clerk to the board shall call the meeting to order if a quorum of the Board is present and the first order of business

shall be for the Board to elect by majority vote, a temporary Presiding Officer from the members seated and in attendance. The temporary Presiding Officer shall serve in such capacity until the meeting is adjourned.

### **2.15 Place of Meeting.**

All meetings of the Board, unless otherwise determined, shall be held at the Town of Upper Marlboro Town Hall, Board of Commissioners' Chambers. In addition to the customary forms of notification, the notice of change in meeting place shall be prominently posted on the door or other prominent place at the regularly scheduled meeting place. The Town may also conduct virtual or blended (virtual & in-person) as needed, with links to join virtually included on the agenda.

### **2.16 Notice of the Meeting.**

Written notice of all public meetings of the Board shall be posted on the bulletin board or other customary place at Town Hall, and posted on the Town's website and social media outlets, if any. The notice will show the date, time, place and topic(s) of such meetings and shall include a proposed agenda and, if applicable, a notice that portions of the meeting may be closed.

### **2.17 Conduct of Meetings.**

Commissioners shall be recognized by the Presiding Officer before speaking. Other persons at the meeting of the Board may speak when called upon or invited.

### **2.18 Dissents and Protests.**

Any member shall have the right to express dissent from or protest against any ordinance, resolution, or act of the Board and have the reason therefor entered into the minutes. Such dissent or protest may be filed in writing, if couched in respectful language, and presented to the Clerk no later than the next regular meeting following the date of passage of the ordinance or other legislation.

### **2.19 Courtesy, Decorum, Conduct and Order.**

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the President/Mayor (and members of the Board) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings.

- A. Before a Board member, staff member or an audience member may speak, they

must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments will be limited to three (3) minutes or as determined by the presiding official. Persons making inappropriate, disrespectful and/or, personal attacks, overly redundant, misleading, or slanderous remarks may be barred by the Mayor from further comment before the Board during the meeting. Audience members who wish to speak during an agenda must first sign-up on the sign-in sheet and submit it to the Town Clerk. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, inappropriate, disrespectful, redundant, misleading, or slanderous. The Maryland Open Meetings Act-Section 3-303 allows for the presiding officer or public body to remove an individual from a meeting if the Presiding Officer determines the behavior of the individual is disrupting an open session.

- B. If a person fails to request to speak before speaking, the Mayor shall rule them “out of order” and remind them that they do not have the floor. While the Board of Commissioners is in session, all members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of any Board meeting, whether a Regular meeting, Special meeting or a work session, nor disturb any other person while speaking or refuse to obey the orders of the Mayor or Presiding Officer. Members of the Commission should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a motion to recess.
- C. Every person desiring to speak shall address the entire body and shall not single out a member of the Board, the audience or a staff member and shall confine themselves to the items on the agenda, avoiding all personal attacks and indecorous language.
- D. With a “call for orders of the day,” this is simply another way of saying, “let's return to the agenda.” If a Board member believes the discussion has strayed from the agenda, this motion may be raised. The motion does not require a vote. If the Presiding Officer discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- E. A member indulging in any language or conduct unbecoming a Commissioner shall be called to order by the Presiding Officer and, in such case; the offending member shall lose the floor and shall not proceed without the approval of a majority of the members present. The Board may, by majority vote, expel a member from a meeting for disorderly conduct or violation of Board rules. A member of the staff or the public can likewise be expelled by order of the Mayor subject to review by the Board. The Mayor may be expelled if a motion is made by a Commissioner and approved by a majority of the Board. The Board would

then choose a temporary presiding officer to continue the meeting.

- F. Members shall not raise personnel matters pertaining to alleged improper performance or conduct of any Town employee(s) or Board appointee(s) at a public open meeting. Any concerns about conduct or performance of any Town employee(s) or appointee(s) shall be brought to the attention of the Town's Director of Finance & Human Resources, or a Closed Session of the Commission may be requested to discuss the personnel matter.
- G. Members of the Board acting in their capacity as Commissioners shall not take positions on either national or foreign political issues that do not affect the Town.
- H. Demonstration or Disorder Amongst Bystanders - If any confusion, demonstration or disorder arises in the Board Chambers, the Presiding Officer may, upon his or her initiative or upon the request of any member, enforce order. If the offending person(s) be a spectator, such person(s) may be ejected from the Chambers. If any member of the Board shall object to the ruling of the presiding officer, such member shall have the right to appeal to the body.
- I. Members of Staff - The Town Administrator and Town Clerk shall have the right to take part in the discussion of all matters coming before the Board, and other members of staff shall be entitled to take part in discussions of the Board relating to their respective offices.
- J. Members of the public may speak for three (3) minutes, during Public Comment Time, at Regular Town meetings of the Board of Commissioners according to procedures established by the Board.
  - 1. A sign-up sheet will be placed on the side table in the room for people to sign-in if they wish to speak. They will be called to speak at the podium in the order in which they were signed-in. If the meeting is held virtually, the public will be able to "raise their hand" or chat with the Town Clerk to sign up to speak.
  - 2. Each speaker is limited to one presentation per agenda item allowing for public comment per meeting and a maximum timed limit of three (3) minutes unless another limit is established.
  - 3. If the subject matter does not pertain to Town business the Mayor shall

advise the individual and/or make recommendations as to how they may get the issue addressed.

4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
5. Citizens speaking on non-agenda items shall only speak on matters pertaining to Town business or issues which the Board would have the authority to act upon if brought forth as an agenda item.
6. The Board may not act upon or discuss any issue brought forth as a non-agenda item; except to: Make a statement of specific factual information given in response to the inquiry, or a recitation of existing policy in response to the inquiry.
7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, misleading, or personal attacks are strictly prohibited and violators may be removed from the Commission chambers.
8. No placards, banners or signs may be displayed in the Board chambers or Town Hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda, or that are municipal issues and must be complete within the three-minute comment period allotted to the speaker.

## **2.20 Board May Discipline its Own Members.**

A. In the event a Board member violates the Charter, an ordinance, these rules or any other law or regulation of the Town or acts in a manner that causes embarrassment or disgrace to the Town of Upper Marlboro, the Town Board of Commissioners by majority vote of its members may discipline the offending member.

B. Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the Board of Commissioners or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the body may proceed in his or her absence.

C. The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Maryland Open Meetings Act:

1. *No Action*. The Board chooses to take no action.
2. *Private Censure* – The Board may choose to privately censure the offending member, leaving their individual or collective comments to the offending member left in the confines of the closed session.
3. *Public Censure* – The Board may choose to publicly censure the offending member through a written or oral resolution passed by majority vote and entered into the public record. The public censure may include a separate written letter of censure that will be considered to be a public record and placed in the member's personnel record along with any formal resolution.

D. Town elected officials alleged or found to be in violation of the Town's Public Ethics Ordinance may, in addition to or in lieu of receiving a censure under these rules, be further subject to the enforcement procedures and penalties of the ethics ordinance.

## **2.21 Motions – when reduced to writing.**

Any member of the Board may call for a motion that has been made and seconded to be written down and read by the Town Clerk before debate.

## **2.22 Other Procedural Motions.**

1. *Motion to Adjourn* – This motion, if passed, requires the Board to immediately adjourn to its next regularly scheduled meetings. This motion requires a simple majority.
2. *Motion to Recess* – This motion, if passed, requires the body to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
3. *Motion to Table* – This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Town Board of Commissioners meeting.
4. *Motion to Remove from the Table* – This motion, if passed, allows the Board to remove an item previously placed on hold. A vote in favor of removing an item

from the table must be made before the body can take action on an item that was tabled.

5. *Withdraw a Motion* – During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Board members are free to make the same motion or another motion.

## **2.23 Rules of Discussion of pending questions.**

After the previous question has been seconded and the main questions ordered, the member who has introduced, or the staff member who has reported on the matter under consideration, shall have ample time to discuss the proposition pending, at the close of which the vote shall be taken.

## **ARTICLE 3. VOTING**

### **3.1 Voting Rules.**

A. When a question is put, every Board member present shall vote either in the affirmative or a negative, or abstain if there is a conflict of interest on the matter being voted on before the Board of Commissioners. Any member shall be entitled to abstain so long as such member gives a reason for abstaining and such reason falls within one of the following:

1. When the vote would or could be considered improper pursuant to the Town Public Ethics Ordinance.
2. When the vote could or may show bias for or against a person, organization or business that the member has a close personal relationship with thus reflecting poorly on the member and office such member holds.
3. When any member has a direct financial gain or personal gain from the outcome of the vote.

B. Except when determined by the body to vote using another method, all voting shall be made by voice vote. All votes will be taken by a “roll call” by the Town Clerk and shall be stated as a “yea” or “nay.” A record of the “yeas” and “nays” shall be entered upon the minutes of the proceedings of the Board.

D. Prior to a Board vote, the President/Mayor shall go down the list of the Commissioner’s names to check individually if there are any comments, questions, or concerns, prior to the



vote.

### **3.2 Voting Disqualification.**

- A. A member shall not vote upon any matter on which the member is disqualified due to a conflict of interest, or any quasi-judicial action regarding that in which the member is biased.
- B. A member shall openly state an abstention due to a conflict of interest or bias.
- C. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- D. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.
- E. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter.

### **3.3 Tie Votes in Filling Vacancy.**

In the case of a vacancy under Section 82-32 of the Town Charter in the office of President and the remaining four elected members of the Board cannot agree on a successor to temporarily fill the office of President, then the Board member receiving the highest number of votes in the most recent general election shall become the Interim President/Mayor until the vacancy can be filled by a majority after a special election.

## **ARTICLE 4. MINUTES & RECORD KEEPING**

### **4.1 Minutes of Meetings.**

Minutes of regular meetings, special meetings, public hearings, public meetings, and work sessions shall be made available to the Public by the Town Clerk. However, minutes shall not be available until approved by the Board in a regular meeting. Approved minutes are also posted on the Town's website. Minutes of closed sessions of the body held in accordance with applicable state law shall not be open to public inspection, shall be approved in closed session, and shall remain sealed until the body votes to disclose them which should be reviewed and decided on a periodic basis or as otherwise agreed upon by the Board.

### **4.2 Record of Meetings.**

The Town Clerk or designee shall be responsible for minutes of each Regular or Special Meeting and Work Session of the Board of Town Commissioners and for maintaining the official record, which shall include all Board actions. Minutes shall include:

- A. All motions made, the name of the motion maker and second, the method and outcome of the votes taken, names of guests and their affiliation; and
- B. Copies of resolutions, new or revised ordinances or other actions approved by the Town Board of Commissioners.
- C. All ordinances, charter amendment resolutions, and annexation resolutions shall have their titles and sequential numbers read into the record.

## **ARTICLE 5. SUSPENSION & AMENDMENT OF RULES**

### **5.1 Suspension of Rules.**

Any provisions of these rules not governed or controlled by federal, or state law, or the Town Charter or ordinances may be temporarily suspended by a majority vote of all elected members of the Town Board of Commissioners and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the Town Board and shall have received preliminary approval of the Town Board at such meeting.

### **5.2 Enforcement of Rules and Procedures.**

The following provisions may be used to enforce the good order of the meeting. The action may be taken by the President/Mayor under his or her own action, or upon a motion to enforce by any Board member.

- A. *Warning* – The President/Mayor may order any person (Board member, staff member or audience member) in violation of these rules to be silent.
- B. *Removal* – If, after receiving a warning from the Mayor or presiding officer, the person continues to disturb the good order of the meeting, the Mayor or presiding officer may order the person to leave the meeting. If the person does not leave the room, the President/Mayor may have the individual removed by the Police.
- C. *Motion to Enforce* – Any Board member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the body shall require the President/Mayor to do so. A motion to enforce is an allowable interruption and is not debatable. Failure of the Mayor to comply will result in the Board selecting a new presiding officer and direct staff to have the Mayor removed from the meeting.

## **ARTICLE 6. THE AGENDA**

### **6.1 Agenda.**

- A. The agenda shall outline the established order of business.

- B. The President shall include on the agenda any item at the request of any member of the Board, provided that the member shall have furnished to the Town Clerk a description of the item in time for inclusion with the printed agenda within 3-5 days prior to the meeting.
- C. At least ten days before each regular meeting, the Town Clerk shall provide each member of the Board a copy of the agenda for the forthcoming meeting, together with copies of all ordinances, resolutions, and background material of matters to be considered at the meeting.
- D. Under Section 3-302(c) of the Maryland Open Meetings Act found in the General Provisions Article of the Maryland Code, the ability to observe does not mean that the public body must provide to the audience copies of the documents being reviewed by the members. However, the public must be given a grasp of what is being discussed and acted upon at the meeting. The Md. Open Meetings Compliance Board has advised that an oral summary or general description of the documents in question will ordinarily serve this purpose.
- E. Copies of the agenda shall be posted on the Town website and on the bulletin board in the Town Hall at least one business day prior to each regular meeting. A reasonable number of copies of the agenda shall be available to the public at the Board meeting or earlier upon request, as available.
- F. All meeting agendas and amendments to the agenda shall be approved by the Town Board of Commissioners at the beginning of the meeting. Items on the agenda can be reordered by the Board during the scheduled meeting.
- G. Items of routine business that generally require no discussion by the body may be placed on a Consent Agenda of a Regular Meeting. Any member of the Board may remove an item from the Consent Agenda and place it under Action Items.
- H. All meeting agenda and amendments shall be approved the Board at the beginning of the meeting. Items on the agenda can be approved by the Board during the scheduled meeting.
- I. Agendas for Regular Meetings and Work Sessions shall be published at least 3-5 business day prior to the meeting. Agendas for special or emergency meetings may be published as far in advance as reasonably practicable.

## **6.2 Order of Business.**

The Town's governing body shall observe the following order of business at Town regular or special meetings subject to amendment at the subject meeting:

- I. Call to Order
- II. Roll Call

- III. Pledge of Allegiance
- IV. Consent to the Agenda
- V. Approval of Minutes/Financial Reports
- VI. Staff Reports
- VII. Committee Reports
- VIII. Commissioner Reports
- IX. Business Items
- X. Administrative Updates
- XI. Public Comment
- XII. Adjournment

## **ARTICLE 7. WORK SESSION POLICIES & PROCEDURES**

### **7.1 Purpose.**

The President or Board may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Town Board of Commissioners. The work session is a meeting subject to the Open meetings Act. However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Ordinance Amendments, and other legislation or resolutions, should not be done at a work session. The following rules shall prevail for the call and conduct of work session meetings. *Except in compliance with Section 7.5.*

### **7.2 Agenda.**

Only a limited number of matters shall be considered by the Board during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

### **7.3 Documents and Exhibits to be Presented.**

When possible, staff shall make available to the Board all documents, proposed legislation, policies, contracts, exhibits, maps, plans, architectural drawings, specifications, correspondence or other similar documents at least seven days before the beginning of the session.

### **7.4 Technical or Legal Questions.**

All questions of a technical or legal nature, which require a detailed explanation for understanding, may be considered in a work session. The Commissioners may, through the President, request the attendance of such staff members, the Town Attorney or outside experts as may be required to answer such questions. A work session or portion thereof, like any other public meeting, may be closed to confer with legal counsel, staff or other

experts as permitted by the Maryland Open Meetings Act.

## **7.5 Voting**

Voting in a Work Session shall not be permitted except in the case that:

- A. The matter is on a topic considered “Old Business”
- B. The voting on the matter is necessary due to a deadline before the next regular meeting.
- C. The matter does not concern the completion of a contract
- D. The matter does not concern an expense greater than \$5,000
- E. The fact of the vote must be advertised for as long as practical and for a minimum of 24 hours in advance of the Work Session.
- F. The matter will be moved to the first order of business on the Agenda.
- G. Public Comment must be allowed in accordance with Section 2.9 (J).

## **7.5 Audience Comments or Questions.**

Audience comments or questions will not be considered at a work session. Unless permitted by the presiding officer or unless the board will be voting on an issue in compliance with section 7.5 above.

## **ARTICLE 8. GENERAL COMMISSIONER REQUESTS**

### **8.1 Commissioner Requests.**

Commissioner requests that deal with policy issues and Commissioner requests that may be construed as direction or orders shall be directed to the President or their designee, except for general inquiries or questions involving constituent services, in which case the Commissioners may go to the Town Administrator, unless opposed by a majority of the Board.

### **8.2 Commissioner Requests for Funding.**

Commissioner requests requiring funding must go through the President, Treasurer, and Director of Finance. The President and Treasurer shall respond in a timely manner.

### **8.3 Use of Staff Resources.**

A request for use of staff time, other than standard requests for information from department heads, by a Commissioner must be made through the Town Administrator unless already approved by the Board of Commissioners.

## **ARTICLE 9. PUBLIC STATEMENTS BY COMMISSIONERS**

### **9.1 Representation or position by the Board or President.**

When the individual Commissioners give a public statement in their elected capacity on an issue affecting the Town, the Board member shall first identify the adopted position of the Town Board of Commissioners with respect to that subject, if any. Thereafter, the elected official may provide a statement of personal opinion or comment (including a minority or

opposing viewpoint), provided the Board member expressly acknowledges that such statements do not represent the position of the Town. Notwithstanding anything in this Article to the contrary, the President/Mayor as the Chief Executive Officer shall be the principal spokesperson for the Town on any municipal matter and pursuant to the Charter may reserve the paramount right and prerogative of speaking exclusively on behalf of the Town pertaining to the administration of the day-to-day affairs of the Town and the faithful execution of all laws and policies of the Town.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 8th day of February 2022.

ATTEST:

THE TOWN OF UPPER MARLBORO

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Clerk: John Hoatson  
Date: February 8, 2022

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Sarah Franklin, President

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Janice Duckett, Commissioner

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Thomas Hanchett, Commissioner

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Karen Lott, Commissioner

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Vacant, 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 Resolution, and that said Resolution 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 8th day of February, 2022.

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John Hoatson, Town Clerk

**The Town of Upper Marlboro**  
**Board of Commissioners**

RESOLUTION: 2022-06

SESSION: Regular/Special Town Meeting

DATED: February 8, 2022

**A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS AUTHORIZING AND DESIGNATING CERTAIN TRAFFIC INTERSECTIONS TO BE LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO FOR THE DEPLOYMENT OF AND REGULATION BY AUTOMATED TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS**

**WHEREAS**, pursuant to Title 21 of the Transportation Article of the Maryland Annotated Code (hereinafter, the “Maryland Code”), a “[t]raffic control signal monitoring system” means a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded images of motor vehicles entering an intersection against a red signal indication; and

**WHEREAS**, pursuant to § 21-202(h) of said Article, vehicular traffic facing a steady circular red signal, or a steady red arrow signal shall stop at the near side of the intersection and remain stopped unless otherwise permitted by said Section to move through the intersection; and

**WHEREAS**, pursuant to § 21-202.1(d) of said Article, unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (g)(5) of said section, the driver of a motor vehicle is subject to a civil penalty not to exceed \$100 if the motor vehicle is recorded by a traffic control signal monitoring system while being operated in violation of § 21-202(h) of said Article; and

**WHEREAS**, further pursuant to § 21-202.1(d) of said Article, the Town of Upper Marlboro Police Department, as the law enforcement agency primarily responsible for traffic control at a particular intersection, or as the law enforcement agency of the political subdivision having control and jurisdiction of the traffic intersection, is authorized to operate a Traffic Control Signal Monitoring System at a particular intersection; and

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro previously approved Annexation Resolution No. 01-2021 on December 28, 2021, which, unless petitioned to referendum, will become effective as of February 11, 2022, to include within the corporate limits the two intersections at MD 725 at MD 202 (including up to three directional cameras) and MD 725 at MD 301 (including up to four directional cameras); and

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro previously approved Ordinance 2018-02 (Automated Traffic Enforcement) which was amended by Ordinance 2021-06; and

**WHEREAS**, Ordinance 2018-02 originally designed the intersections at Main and Water Streets, and Main Street and Gov. Oden Bowie Drive as red-light camera intersections; and

## **The Town of Upper Marlboro**

### **Board of Commissioners**

**WHEREAS**, Ordinance 2021-06 further authorized the Board to designate by resolution certain Red-Light Camera Intersections to be monitored and enforced using red-light camera technology; and

**WHEREAS**, the Board of Commissioners finds that failing to stop at red lights is a major cause of accidents, injuries and death; and

**WHEREAS**, the Board further finds that it will enhance the health, safety, and welfare of the Town's residents and the traveling public to designate the above two intersections to be monitored by Traffic Control Signal Monitoring Systems; and

**WHEREAS**, the Chief of Police has advised that Red Light Camera systems at the designated intersections herein will advance public safety and promote the health, safety and welfare of residents, pedestrians, and the motoring public.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Upper Marlboro, that the following traffic control signals located along public highways operated and maintained at intersections under the control of the State or the Town shall be permitted and authorized in accordance with regulations adopted by the State Highway Administration (Title 11, Chapter 14 of COMAR) to be monitored and enforced using Traffic Control Signal Monitoring Systems in accordance Ordinance 2018-02, as amended, and Section § 21-202.1. of the Transportation Article of Md. Ann. Code at the following locations:

- (i) the intersection at MD 725 (Marlboro Pike) at MD 202 (Largo Road), including up to three directional red-light cameras; and
- (ii) the intersection at MD 725 (Marlboro Pike) at MD 301 (Crain Highway), including up to four directional red-light cameras.

**AND BE IT FURTHER RESOLVED** that the Chief of Police in accordance with SHA Application Guideline No. 11-X10 (2018), as amended, is authorized to apply to obtain Maryland State Highway Administration (SHA) written approval to install, revise, maintain, repair and operate Red Light Cameras (RLC's) on SHA rights-of-way at approved locations.

**AND BE IT FURTHER RESOLVED** that this Resolution establishes, designates, and supersedes any previously designated Traffic Control Signal Monitoring System or RLC intersections located within the corporate limits of the Town of Upper Marlboro and any conflict between this Resolution and any previous ordinance or resolution regarding said monitoring systems and intersections shall be controlled by the provisions of this Resolution.

**AND BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately following the effective date of Annexation Resolution 01-2021.

**AND BE IT FURTHER RESOLVED** that the President shall be authorized to sign this



**The Town of Upper Marlboro**

**Board of Commissioners**

Resolution on behalf of the Board.

**INTRODUCED AND PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular or special meeting held on February 8, 2022.

ATTEST:

THE TOWN OF UPPER MARLBORO

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Clerk: John Hoatson  
Date: February 8, 2022

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Sarah Franklin, President

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Janice Duckett, Commissioner

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Thomas Hanchett, Commissioner

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Karen Lott, Commissioner

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Vacant, 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 Resolution, and that said Resolution 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 8th day of February, 2022.

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John Hoatson, Town Clerk

## **The Town of Upper Marlboro**

RESOLUTION: 2022-07 (DOE 2022-01)

SESSION: Regular Town Meeting

DATED: February 8, 2022

**AN EMERGENCY ORDER OF THE PRESIDENT AND A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO POSTPONING THE SPECIAL ELECTION SET TO FILL A VACANCY IN OFFICE PREVIOUSLY SCHEDULED FOR JANUARY 25, 2022, UNTIL FEBRUARY 22, 2022; AND SUPPLEMENTING OR MODIFYING CERTAIN SAFEGUARDS, PRECAUTIONS AND REQUIREMENTS UNDER THE LOCAL STATE OF EMERGENCY ORDER INITIALLY ISSUED BY THE MAYOR ON MARCH 25, 2020, AS AMENDED OR EXTENDED.**

**WHEREAS**, in accordance with Emergency Ordinance 2020-04 (Emergency Operations), the President/Mayor may declare a Local State of Emergency for a 30-day period and the Board is authorized to ratify, extend, or modify said order; and

**WHEREAS**, Resolution 2021-27 ordered and ratified a declaration of emergency (DOE 2021-03) as the third extension of the initial proclamation issued on March 25, 2020, and extended the state of local emergency period until January 31, 2022; and

**WHEREAS**, according to Section 82-32 of the Charter, in case of a vacancy on the Board of Commissioners for any reason, the Board of Supervisors of Elections shall, pursuant to the provisions of Section 82-29, conduct a special election to elect some qualified person to fill such vacancy for the unexpired term, provided, however, any vacancy which occurs within 61 days of the next general election as provided for in Section 82-27 [held the first Tuesday in November in odd numbered years] shall remain vacant until said general election; and

**WHEREAS**, the Board approved Resolution 2021-28, jointly declaring along with the Mayor, a Board vacancy and selecting a special election date for January 25, 2022, subject to approval of the date by the Board of Supervisors of Elections, and modifying certain requirements and safeguards for the conduct of the election; and

**WHEREAS**, pursuant to Emergency Ordinance 2020-04 upon the issuance of an executive order of a civil municipal emergency by the President, and during the existence of such civil emergency, the President may, in a form that meets the requirements of Section 4 of said ordinance, make and proclaim the following orders: ...(22) An order to derogate express charter or ordinance provisions for conducting or postponing a municipal election or to prescribe the method of conducting a municipal election; (23) An order abrogating or modifying any relevant and existing ordinance, resolution, rule, regulation, or charter provision to allow for extensions of permits, licenses, registrations, nomination certificates or other permissions, deadlines or mandated filings to extend or avoid lapsing of same for a period of time extending for up to 30 days after the emergency; and

**WHEREAS**, according to Section 82-29 of the Charter, all special Town elections shall be

conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections, and in the event a special election is required pursuant to Section 82–32, the said special election shall be held not less than thirty (30) days and not more than forty–five (45) days after the vacancy is created, and the newly elected Commissioner shall take office on the second Monday of the month [Mar. 14, 2022] following the special election; and

**WHEREAS**, the Board finds that, based on the legal opinion of the Town Attorney, that the Charter provision in Sec. 82-29 stating that "[i]n the event a special election is required pursuant to Section 82–32, the special election shall be held not less than thirty (30) days and not more than forty–five (45) days after the vacancy is created..." (emphasis added) would likely be deemed as directory and not mandatory by a Maryland Court and that unless there is further language to clarify the legislative intent, the word “shall” in referring to the government when used in statutes or charters, is to be construed as “may;” and

**WHEREAS**, Ordinance 2001-2 enacted on October 9, 2001, provides for the conduct of voter registration, maintenance of registration records, conduct of elections, certification of election results and absentee ballots, except that certain provisions governing absentee ballots pertaining to the reasons for the absence are now superseded and nullified by State Law; 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 and the Board believe 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 and Board further finds that there are other compelling reasons to delay and hold the special election beyond 45 days from the time of the vacancy or otherwise postpone the election date during the current declared health emergency to change the special election date and impose further regulations and safeguards to govern the conduct of said election to include the following: (i) there have been no statements of candidacy filed to date and no names to place on the ballot, (ii) it would be impractical and a potential waste of tax dollars to have an election when there is no official or registered interest in being a candidate, (ii) the preparations for this special election have been delayed or hampered by the uptick in COVID, snowstorms and the recent holiday period, (iii) health and other issues regarding at least one key member of the Board of Election Supervisors and staff have contributed to delays in organizing the special election, and (iv) a postponement of the special election will help mitigate or cure any lapses in judgment, irregularities or alleged improprieties or appearances of improprieties in attracting and recruiting candidates or in providing sufficient notice to attract a reasonable number of viable candidates (named on the ballot or write in) since the vacancy occurred; and

**WHEREAS**, according to Section 82-23 of the Charter, the Board of Supervisors of Elections shall give at least two weeks’ notice of every registration day and every election by an advertisement

published in a newspaper of general circulation in the Town.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, by the President and the Board of Commissioners for The Town of Upper Marlboro, sitting in regular or special session this 8th day of February 2022, that the President and said Board hereby orders a change to Special Election previously scheduled to be held on Tuesday, January 25<sup>th</sup>, 2022, shall be postponed until and instead held on **Tuesday, February 22nd, 2022** with the below additional emergency measures, actions or precautions to be put in place to protect voters, poll workers and other Town personnel and their families from the novel Coronavirus (COVID-19):

1. 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 Prince George's County, as adopted by reference herein, except for any modifications to same found in this Joint Order and Resolution.
3. That during the existence of said local and/or State emergency the Board of Election Supervisors or any member thereof is authorized to recommend additional rules and procedures or precautions for the conduct of elections to be further ordered by the President pursuant to an emergency proclamation.
4. Modified Election Procedures or Precautions in Response to COVID-19:
  - A. Limit of 10 persons in voting room/conference room at a time (including up to five election judges),
  - B. Voters will enter one door and exit a different door,
  - C. 6-foot social distancing and masks will be required within the polling place,
  - D. Voters will be screened via temperature checks prior to entering Town Hall or in a designated separate or partitioned room or foyer within Town Hall,
  - E. Any otherwise qualified voter whose screening at the polls exceeds acceptable guidelines, in order to protect the public and staff, will be offered or may be required by the Chairman of the Board of Election Supervisors or his or her designee to use a provisional or emergency absentee ballot for which to vote,
  - F. Hand sanitizer will be made available at every voting booth and station to include measures for sanitizing voting equipment and other surfaces, such as pens and tables, and, paper towels, hand sanitizer, tissue to be made available, and
  - G. Elections judges and voting booths will be protected by plexiglass shields as deemed by the Board of Election Supervisors to be practicable and effective.

**AND BE IT FURTHER RESOLVED AND ORDERED**, by the President and the Board of Commissioners for The Town of Upper Marlboro that written statements of candidacy and nominating petitions shall be filed with one of the Supervisors of Elections or the Town Clerk on or before the first Monday in February of 2022 (February 7, 2022).

**AND BE IT FURTHER RESOLVED AND ORDERED**, by the President and the Board of Commissioners for The Town of Upper Marlboro that this Resolution and Order shall modify and

extend, as applicable, any prior existing proclamation or order of the President until such time that the present health emergency is declared terminated.

**AND BE IT FURTHER RESOLVED AND ORDERED**, by the President and the Board of Commissioners for The Town of Upper Marlboro that this Resolution and Order and any other lawful local orders may be enforcement by the Upper Marlboro Police Department within the corporate limits of the Town and any other law enforcement agency having jurisdiction within the Town.

**AND BE IT FURTHER RESOLVED AND ORDERED**, by the Board of Commissioners for The Town of Upper Marlboro that the President is hereby authorized to sign this joint Resolution and Order on behalf of the Board.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk: John Hoatson  
Date: February 8, 2022

\_\_\_\_\_  
Sarah Franklin, President

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

\_\_\_\_\_  
Vacant, 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 Resolution, and that said Resolution 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 8th day of February, 2022.

\_\_\_\_\_  
John Hoatson, Town Clerk



# Town of Upper Marlboro

Town Hall, 14211 School Lane  
Upper Marlboro, MD 20772

Tel: (301) 627-6905  
Fax: (301) 627-2080

[info@uppermarlboromd.gov](mailto:info@uppermarlboromd.gov)  
[www.uppermarlboromd.gov](http://www.uppermarlboromd.gov)

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

## MEMORANDUM

To: Board of Town Commissioners  
From: Kyle Snyder, Town Administrator  
Date: Tuesday February 1, 2022  
Re: Upper Marlboro Playground Fence Vendor Selection *\*Updated 2/3*

Commissioners,

In the Town's contract with Sparks@Play for the construction of the Upper Marlboro Community Playground, there are two items in which the Town is responsible for handling. They are the construction of a perimeter fence and the installation of a walkway/path. Due to the rise in construction costs & materials, I am asking the Board to select a vendor and enter into a contract to install the perimeter fence in Spring 2022, this locks in the current prices. Attached are the three current proposals we have received.

To date we have reached out to four fencing companies to install 580ft of 4ft black vinyl chain link fencing and one 10ft gate. Below are the companies and their prices:

Long Fence	-\$13,867.00
J. Thomas Fence LLC	-\$10,508.00
Mid-Atlantic Deck & Fence Company	-Will not be able to provide quote in time.
Crown Fence	-\$13,980.00

I will provide a verbal recommendation at the February Town Meeting to the Board for approval.



8545 Edgeworth Drive  
Capitol Heights, MD 20743  
Tel: (301) 350-2400  
Fax: (301) 336-0743  
www.longfence.com

January 24, 2022

Mr. Kyle Snyder  
The Town of Upper Marlboro  
14211 School Lane,  
Upper Marlboro, MD. 20772

RE: 4' High Galvanized Chain Link Fence w/ Double Swing Gate  
Playground Lot Perimeter Fence – 14211 School Lane, Upper Marlboro MD 20772

**\*\*\*\* THIS QUOTE IS VALID FOR TEN (10) DAYS FROM DATE SENT VIA EMAIL \*\*\*\***

Dear Mr. Kyle Snyder,

This estimate consists of furnishing labor and materials to install the following scope of work at the above location:

1. Long Fence to fabricate and install approximately 537' linear feet of 4' high galvanized chain link fence with one (1) 4' high x 8' wide double swing gate.
  - a. Layout to create a perimeter fence around existing playground.
2. Fence Specifications Include:
  - a. Chain Link Fabric: 2" mesh x 9 gauge galvanized steel
  - b. Terminal Posts: 2 1/2" OD SS-40 steel
  - c. Terminal Post Footers: 12" diameter by 36" deep concrete footers
  - d. Line Posts: 2" OD SS-20 steel
  - e. Line Post Footers: 10" diameter by 30" deep concrete footers
  - f. Top Rail: 1 5/8" OD galvanized steel
  - g. Tension Wire: 7 gauge galvanized steel at bottom of fence
  - h. Terminal Post Bracing: 1 5/8" OD galvanized steel brace rail with truss rod and turnbuckle
  - i. Labor Warranty: One year
  - j. Material Warranty: One year

**Total Price: \$ 13,867.00**

**Terms: 50% deposit prior to first mobilization / 50% balance due upon completion of stated work.**

**Note: Total price is based on (1) Mobilizations to the site.**

**Site Conditions: Fence line shall be clear prior to installation / spoils to be distributed onsite.**

**Exclusions: Electricity, Permits, Bonds, Engineering, Survey/Stakeout, As-Built Drawings, Hand Digging, Restoration of finish grades, Xray of concrete slab for location of post tension cables, Spoils Removal, Seeding, Clearing, Painting, Traffic Control, Core Drilling, Marking of private utilities or unidentified underground utilities or resulting in damages. Web based wage reporting and billing usage fees.**



- Buyer is responsible for payment of materials once released for installation / fabrication. Long Fence will invoice for the material value of the contract immediately upon written or verbal release from the customer to proceed with the installation. Long Fence will not absorb material increases that arise from the delay of others.
- Location of underground utilities or obstructions that are not identified through the local one-call service are to be marked by others. Long Fence is held harmless and indemnified against claims resulting from damages to unidentified utilities.
- Any alterations from the attached specifications or estimated quantities involving additional costs are to be considered extra to the contract price.
- All work shall be performed in compliance with industry standards and guaranteed against defects in materials and workmanship for one year.

**Awaiting your approval of our proposal. Please contact me at your earliest convenience if you have any questions. Please use 301-350-2400 ext 1448 for contact purposes.**

Sincerely,

*Austin Dean Rovito*

**Austin D. Rovito**  
Commercial Project Manager

\_\_\_\_\_  
CUSTOMER SIGNATURE

\_\_\_\_\_  
PURCHASE ORDER

\_\_\_\_\_  
PRINT NAME & TITLE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMAIL ADDRESS TO SEND INVOICE



# J. THOMAS FENCE, LLC

VINYL, ALUMINUM, WOOD AND CHAIN LINK FENCES  
21248 WHITE NECK RD. - BUSHWOOD, MD 20618  
Phone 301-769-2274

Clearing of  
Property Lines \_\_\_\_\_  
Permit \_\_\_\_\_  
Survey \_\_\_\_\_  
Gas \_\_\_\_\_  
Electric \_\_\_\_\_  
See Salesman Kuster  
Terms \_\_\_\_\_  
IFC.O.D., FOREMAN MUST COLLECT ON COMPLETION

Kyle Snyder  
CUSTOMER'S NAME  
5505 Old Crown Hwy  
ADDRESS  
Upper Marlboro MD  
CITY & STATE  
Ksnyder@uppermarlboroind.gov  
PROPERTY ADDRESS  
11/26/22  
DATE  
Town Hall 301 627 6905  
PHONE

More or less material other than amount contracted for will be debited or credited at current rate.

QUAN.	ITEM	UNIT PRICE
584	4' Black chainlink	159924
1	10' double gate	
127	Removal/Haul	+ \$762
584	(5' Black chain +) gate	10500
TOTAL		

## SPECIFICATIONS:

Cement all posts extra single gate + 200  
5 year labor warranty extra double + 400  
gate

ALL WORK WILL BE PERFORMED IN A WORK-MANLIKE MANNER AND IN ACCORDANCE WITH STANDARD PRACTICE.

**J. THOMAS FENCE LLC IS NOT RESPONSIBLE FOR ANY DAMAGE TO SPRINKLER LINES.**

Walkgate \_\_\_\_\_ od  
Drivegate 10 \_\_\_\_\_ od  
Gate frames \_\_\_\_\_ od  
Top Rail \_\_\_\_\_ od  
Linepost 2" \_\_\_\_\_ od  
Endpost 2" \_\_\_\_\_ od  
Cornerpost 2" \_\_\_\_\_ od

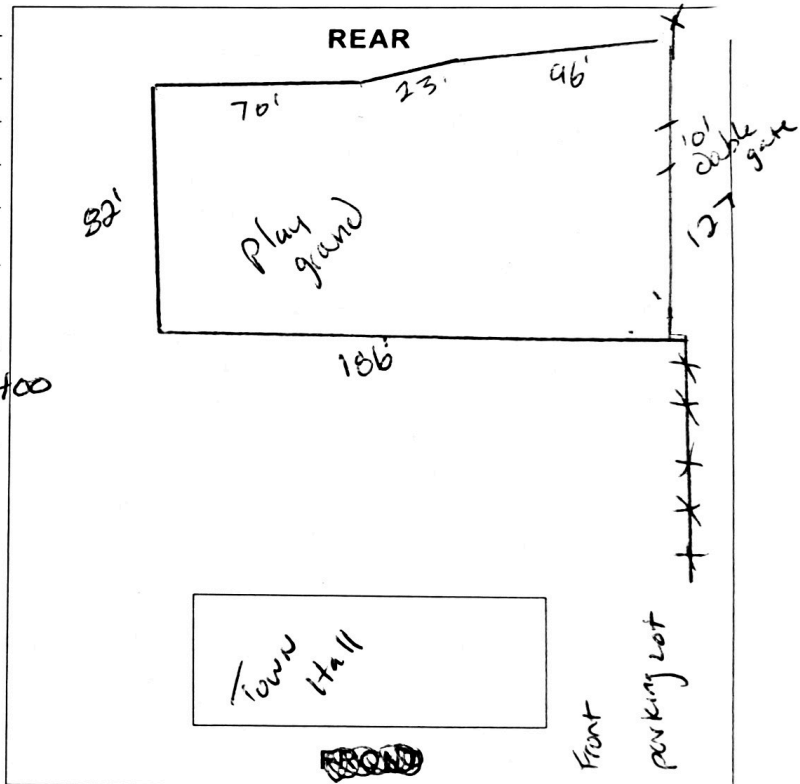
Permit \_\_\_\_\_  
Total \_\_\_\_\_  
Down Payment 20%  
Balance Due on completion

APPROX. COMPLETION DATE \_\_\_\_\_

In the event that J. Thomas Fence, LLC has to resort to litigation to collect any sums due under this proposal, then the undersigned agrees to also be responsible for and owe to J. Thomas Fence, LLC all court costs and reasonable attorney's fee incurred by J. Thomas Fence, LLC amounting to 25% of the contract balance sued for.

Purchaser, By \_\_\_\_\_ Seal  
This \_\_\_\_\_ day of \_\_\_\_\_

**Homeowners:** DO NOT SIGN THIS FORM IN BLANK. YOU ARE ENTITLED TO A COPY OF THE CONTRACT WHEN YOU HAVE AFFIXED YOUR SIGNATURE.



**Crown Fence and Custom Decks**

1625 Mission Street  
 Owings, MD 20736 US  
 (301) 262-7960  
 charlie@crownterprises.net  
 http://www.crownfenceanddeck.com



# Estimate

ESTIMATE # 3271

DATE 02/03/2022

EXPIRATION DATE 02/28/2022

**ADDRESS**

Kyle Snyder  
 Town of Upper Marlboro  
 14211 School Ln  
 Upper Marlboro, MD 20772

**SHIP TO**

Kyle Snyder  
 Town of Upper Marlboro  
 5505 Old Crain Highway  
 Upper Marlboro, MD 20772

PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

**PAYMENT TERMS**

1/3 dep 1/3 materials, 1/3 comp

**PAYMENT OPTIONS**

cash check credit (3% CC Fee)

ACTIVITY	QTY	RATE	AMOUNT
Scope of Work: Provide Materials and Labor for approximately 580 Linear Feet of 4' High, Black Chain Link Fencing for playground. Two 10' wide Double Gates.			
<b>Services</b>	580	21.00	12,180.00
<b>Materials:</b>			
Black, 48" High Chain Link Fabric 2x9x48			
Heavy Corner/End Posts set in CONCRETE - 2 3/8"			
Line Posts set in CONCRETE - 1 7/8"			
Top Rails - 1 3/8"			
Hardware			
<b>Services</b>	4	450.00	1,800.00
<b>Gates:</b>			
10' Wide Double Drive Gates (4 Five Foot wide Gates)			
Heavy Gate Posts set in Concrete			
Hardware, Drop Bar			
This estimate is based on information provided by the customer without a site visit.			
Crown Fence will notify Miss Utility before installation			
Due to increasing cost of materials, Crown Fence can not guarantee prices after the expiration date of this estimate.			

All materials are guaranteed to be the finest grades as specified. All work shall be performed by professional installers in a workmanlike manner according to standard practices.

TOTAL

**\$13,980.00**

Any alteration or deviation from above specifications involving extra costs outside of the scope of work will become an extra charge over and above the proposal.

"Our mission is to build a loyal patronage by providing the highest quality products and services while ensuring complete customer satisfaction.

Our goal is to pursue growth, profit, and maintain integrity while operating in an ethical business environment.

We will collectively work with our employees to reach our goals, with only the best interest of our customer in mind."

All workmanship is guaranteed for two years. All vinyl materials and aluminum have a Limited Lifetime Guarantee.

Crown Fence is not responsible for property lines or underground utilities. All installation dates are dependent upon weather conditions, Miss Utility markings, inspections and permit process.

Payment Terms: 1/3 Down when accepted, 1/3 Due upon delivery of materials, Balance Due upon completion of your project. We Accept Cash, Check, or Credit Cards. Should you elect credit card payment Credit Cards will be charged a 3% fee on separate invoice through our system.

Respectfully,  
  
Charlie Blankenbaker, Owner

Accepted By

Accepted Date

**COMMUNITY GARDEN SHARED USE AGREEMENT**  
**Between**  
**The Town of Upper Marlboro (the “Town”) and**  
**the Providence Saint John Baptist Church (the “Church”)**

WHEREAS, the Church, owner of certain land, agrees to enter into a shared use agreement for a portion of the property at 5607 Old Crain Highway in Upper Marlboro, Maryland free of charge with the Town of Upper Marlboro for a the purpose of creating a community garden; and

WHEREAS, the entire property zoned R-R and known as Lot 1 is 2.9 acres having a legal description of “PT LOT 1 EQ 2.9018 AC,” (the “Property”) but the area to be subject to this agreement with the Town is for the exclusive use as a community garden by participating residents includes a roughly 80’ by 160’ area located at the northwest end of the paved parking area; and

WHEREAS, the property is to be used as a public community garden with the right of entry and egress into the lot included with sublicensed or assigned plots or areas, to be administered by the Upper Marlboro Green Team, a committee formed under the Town government.

NOW, THEREFORE, for certain in-kind consideration, such as improvements in the quality of life and the provision of community fellowship for each party’s residents or members, the enhanced beauty and tranquility derived from forming community gardens, the productive use of the land resulting in community good will and other consideration, which is recognized as valuable, pleasing and adequate, the parties hereto enter into this Shared Use Agreement according to the terms and conditions stated below:

**TERMS AND CONDITIONS**

- A. This shared use agreement shall commence on February 9, 2022 and continue through the end of the growing season or February 9, 2023, subject to automatic renewal each year unless and until either party gives the other written notice to terminate the agreement. The Church agrees that any termination on its part will permit the shared use to continue until the end of the current growing season; otherwise, this agreement will end within 30 days.
- B. The Town agrees to assign or sublicense plots or areas to the residents of the Town through the Green Team, in coordination with a representative from the Church. The Town on behalf of the Community Garden agrees to pay the full cost of water and electricity used during the time the agreement is active.
- C. The Town through the Green Team agrees to coordinate the placement, planting and maintenance of perennial and other plants around the garden area, with boundaries described as follows: a roughly 80’ by 160’ area located at the northwest end of the paved parking area.

- D. The Town and its Green Team will remove brush, grub and mow the walking paths, maintain landscaping and plants near the gates or boundaries of the Community Gardens and will maintain landscaping and plants inside the gates or boundaries, according to a map attached hereto and incorporated herein as Exhibit 1.
- E. The Green Team and the community gardeners participating in the Community Garden may hold at least one community party/event on the property each year.
- F. The Town and the Upper Marlboro Community Garden users shall agree to act lawfully and will operate at all times in accordance with the Town ordinances, bylaws, and County zoning codes. The garden "Rules and Regulations," as adopted from time to time by the Town will not conflict with this shared use agreement and will be considered part of this agreement.
- G. The Garden's Rules and Regulations or a fair summary thereof with an internet link to the full document will be visibly posted at the entrance of the garden. If any member of the public acts in violation of these Rules and Regulation, they will be given a preliminary warning. If a further violation occurs the individual will be asked to leave the property for the remainder of the day. If repeated violations occur, the individual will be officially banned from the garden.
- H. All gardeners will be required to sign a "waiver of liability" clause as well as an agreement to abide by the Garden Rules and Regulations as part of the area or plot sublicense application. The "Rules and Regulation," "Liability Waiver Forms," and "Community Gardener Application" documents shall be consistent with this agreement and shall be subject to the consent and approval of the Church provided such consent is not unreasonably or arbitrarily withheld. Silence lasting 30 days or more shall mean consent.
- I. The Town agrees to defend, indemnify, and hold the Church harmless from all claims for damages, including attorney fees, arising from the Town's or its gardeners' activities or maintenance of the Garden area and parking lot or from performance of this agreement, except to the extent the damages are caused by the sole negligence of the Church's employees or agents, or by conditions of the real property not related to the garden or its improvements. The Town further releases and waives all claims against the Church with respect to or arising out of (a) any death or any injury of any nature whatsoever that may be suffered or sustained by the Town or its authorized personnel or volunteers from any causes whatsoever, except to the extent that such injury or death is caused by the gross negligence or willful misconduct of the Church; or (b) the condition of the land and suitability of the lot for use as a community garden. Subject to the prior provisions, the Church shall not be liable for any damage or damages of any nature whatsoever to the Town or the garden area caused by explosion, fire, theft, crime, or negligent behavior, by sprinkler, drainage, plumbing, electric or irrigation systems, by failure for any cause to supply adequate drainage, by the interruption of any public utility or service, by gas, water, rain, or other substances leaking, issuing, or flowing into any part of the Property, by

natural occurrence, riot, court order, requisition, or order of governmental body or authority, or for any damage or inconvenience which may arise through repair, maintenance, or alteration of any part of the lot, or by anything done or omitted to be done by the Town or its gardeners or any other person on the land.

- J. The Town 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 the garden and common areas and shall further add the Church as an Additional Insured on its applicable insurance policies and provide proof thereof to the Church.
- K. The Town and its Green Team will not discriminate against any individual or group on the basis of sex, race, sexual orientation, religion or political affiliation.
- L. At the termination of this agreement the garden site and Property will be returned to the owner in a neat and orderly condition.

This Agreement is signed by the Town's authorized representative and the Church's authorized representative as of the date stated below.

# PROVIDENCE SAINT JOHN BAPTIST CHURCH

By: \_\_\_\_\_  
\_\_\_\_\_, Trustee Date \_\_\_\_\_

## THE TOWN OF UPPER MARLBORO:

By: \_\_\_\_\_  
Sarah Franklin, Mayor Date \_\_\_\_\_



# Town of Upper Marlboro

Town Hall, 14211 School Lane  
Upper Marlboro, MD 20772

Tel: (301) 627-6905  
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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 & William Morgan, Director of Finance

Date: Tuesday February 18<sup>th</sup>, 2022

Re: FY 2023 Budget Calendar & Planning

Commissioners,

As you are aware, the Town's Fiscal Year 2023 Budget time is right around the corner. This year we plan to open up the budget planning process to allow for more planning and discussion.

Additional "Extra" Worksession may be advisable to discuss additional details of the Budget. In the past these meetings have taken place during the day, but their timing is flexible.

Below is our planned budget calendar outlining different meetings and the planned topics for discussion. This calendar is just a draft and will be up for discussion again at the February 22<sup>nd</sup> Work Session.

Date	Meeting Type	Topic
Tues Jan 25 <sup>th</sup>	Regular Work Session	Preliminary Budget Calendar
Tues Feb 23 <sup>rd</sup>	Regular Work Session	Budget Calendar & Budget Priorities
	Extra Budget Work Session	Anticipated Revenue & Priorities
Tues March 8 <sup>th</sup>	Regular Work Session	Town Tax Rates (Vacant Property Tax)
Tues March 22 <sup>nd</sup>	Regular Town Meeting	Public Comment- Town Tax Rate
	Extra Budget Work Session	Expenses- Departmental & CIP
Tues May 24 <sup>th</sup>	Regular Town Meeting	Introduce Budget Ordinance & Public Comment
	Extra Budget Work Session	Discuss Budget Ordinance & Public Comment
Tues June 7 <sup>th</sup>	Special Town Meeting	Approval of Budget Ordinance
Friday July 1 <sup>st</sup>	N/A	FY 2023 Budget in effect

Please let us know if you have any questions or concerns, thank you.



# Town of Upper Marlboro

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

To: Board of Town Commissioners

From: Kyle Snyder, Town Administrator

Date: Tuesday, February 1st, 2022

Re: 2022 Town of Upper Marlboro Community Events Calendar

Commissioners,

All dates here are finalized dates for the Town's planned calendar year 2022 community events. Generally based on the Event's Committee's policy of keeping events on the Second Saturday of the month. (This was decided as a marketing technique to allow people to think of the second Saturday as the day there will be Town Events)

January	22 <sup>nd</sup> Volunteer Appreciation Event (Town)
February	
March	
April	9 <sup>th</sup> Poetry Event (Arts Council)
May	14 <sup>th</sup> Marlboro Day (Events / Town) 18 <sup>th</sup> & 25 <sup>th</sup> Farmer's Market (Green Team) 30 <sup>th</sup> Memorial Day (Town)
June	11 <sup>th</sup> Movie Night (Events) 1 <sup>st</sup> , 8 <sup>th</sup> , 15 <sup>th</sup> , 22 <sup>nd</sup> , 29 <sup>th</sup> Farmer's Market (Green Team) 18 <sup>th</sup> Memories and Morsels
July	9 <sup>th</sup> Movie Night (Events) 6 <sup>th</sup> , 13 <sup>th</sup> , 20 <sup>th</sup> , 27 <sup>th</sup> Farmer's Market (Green Team)
August	13 <sup>th</sup> Movie Night (Events) 2 <sup>nd</sup> National Night Out (support CSA23 Event) 3 <sup>rd</sup> , 10 <sup>th</sup> , 17 <sup>th</sup> , 24 <sup>th</sup> , 31 <sup>st</sup> Farmer's Market (Green Team) 27 <sup>th</sup> Cruzin' on Main Car Show (Ledo's/MVFD Event)
September	10 <sup>th</sup> Movie Night (Events) & Memories and Morsels (Historic Committee) 7 <sup>th</sup> , 14 <sup>th</sup> , 21 <sup>st</sup> , 28 <sup>th</sup> Farmer's Market (Green Team) 30 <sup>th</sup> Old Crain Highway Memorial Centennial (Historic Committee) ?
October	1 <sup>st</sup> National Faith in Blue (Public Safety) 8 <sup>th</sup> Happy Leaf Arts Festival (Arts Council) 5 <sup>th</sup> , 12 <sup>th</sup> , 19 <sup>th</sup> , 26 <sup>th</sup> Farmer's Market (Green Team) 29 <sup>th</sup> Trunk-or-Treat (Events)
November	11 <sup>th</sup> Veteran's Day (Town?)
December	3 <sup>rd</sup> Holiday Event (Events)



The Town of Upper Marlboro  
**COVID-19 Response Policy/Directive**

Effective February 9<sup>th</sup>, 2022

This policy is to govern the Town of Upper Marlboro's internal response to the COVID-19 pandemic to safeguard the Town's employees and elected officials. Town Administrator Kyle Snyder shall coordinate the Town's response and preparation to this pandemic, and work closely with Department heads and elected officials to ensure the Town staff is protected. The actions below are being taken following the CDC and OSHA guidelines. Any staff or elected officials with concerns regarding the Town's COVID-19 response are free to contact the President or Town Administrator directly at any time.

**Part 1- Self-Health Screening:**

The Town has set up two self-health screening stations, one at Town Hall and one at Public Works. All staff, commissioners, and visitors are required to complete a self-health screening upon initially reporting and leaving work at Town facilities each day. Any indications of a fever, coughing, or shortness of breath, and the employee should not proceed further into the facility. They should return to their vehicle and contact their supervisor immediately for further direction.

**Required Screening:** The screening consists of taking temperature via an infrared forehead/ear thermometer upon reporting and leaving work, as well as checking box if you are having coughing or shortness of breath. Please wipe down the equipment with provided alcohol prep wipes after use. The name, date, time-in & Temperature, time-out & temperature, and check boxes must be completed in the log located at both screening stations.

**Optional Screening:** The Town will also have a wrist-blood pressure cuff and a finger pulse Oximeter (to measure blood-oxygen levels) for staff and commissioners to use at the screening stations if they wish. These vitals do not have to be recorded, and are simply for the user's reference. Please wipe down the equipment with provided alcohol prep wipes after use.

Employees who are screened at one location do not have to re-screened upon entering another facility (Ex. Public Works employees who screened themselves at Public Works do not have to re-screen themselves upon entering Town Hall that same day).

The logs will be reviewed regularly by the Town Administrator (MD EMT-B Certification). Department heads are charged with ensuring their staff follows the procedure. Failure to complete log, or falsifying information, endangers your coworkers and will be handled as "Falsification of Town Records" violation under the Employee Handbook, an "Unacceptable Violation".

**Part 2- Social Distancing**

Social distancing means avoiding large gatherings and maintaining distance (approximately 6 feet or 2 meters) from others when possible. Strategies that the Town and its Department heads are encouraged to use include:

- Implementing flexible worksites (e.g., telework)
- Implementing flexible work hours (e.g., staggered shifts)
- Increasing physical space between staff at the worksite
- Increasing physical space between staff & residents (phone calls & emails vs in-person)
- Implementing flexible meeting and travel options (e.g., postpone non-essential meetings or events)
- Delivering services remotely (e.g., phone, video, or web)

### **Part 3- Town Vehicle Usage:**

No more than one Town staff member should be in the same Town-owned vehicle at the same time to prevent possible exposures. If multiple employees do need to ride together, all passengers are required to wear masks, and weather depending, windows should be down to circulate fresh air. All Town-owned vehicles shall be cleaned every week and kept tidy and neat at all times.

### **Part 4- Personal Protective Equipment:**

The Town is constantly working to acquire and ensure an adequate stock of PPE for the staff and commissioners, including surgical masks, gloves, face shields, hand sanitizer, N95 masks. Should staff need PPE, they can go through their department heads.

Town staff, elected officials, and visitors must wear a mask when inside Town facilities, and when interacting in close proximity to each other/residents.

Refuse Collection: Public Works staff shall use additional PPE such as puncture-resistant gloves and face and eye protection, to prevent worker exposure to the waste streams (or types of wastes), including any contaminants in the materials, they manage. Such measures can help protect crew members from sharps and other items that can cause injuries or exposures to infectious materials. This is an OSHA standard.

### **Part 5- Cleaning and Disinfectant:**

Town Hall is cleaned every week by a contract cleaning company. This cleaning involves wiping down all surfaces with disinfectant, as well as other routine cleanings. Staff is encouraged to wipe down their work areas with provided disinfectants before leaving if/when they report to work. An outside company will be brought in as needed to “deep clean” Town facilities. Anti-bacterial soap, and handwashing guidelines, are provided at all Town handwashing stations. The Town shall also provide air purification filters systems for all Town buildings.

### **Part 6- Exposure/Positive Test Action Plan:**

Town Staff who appear to have symptoms (i.e., fever, cough, or shortness of breath) upon arrival at work or who become sick during the day should immediately be separated from other staff and visitors and sent home. Town staff shall go through their medical provider/primary care physician to test for COVID-19 if necessary. Each Department head will be issued a stockpile of

rapid COVID-19 testing kits for their staff to use as needed. Department heads shall track the use of these kits and request additional kits from the Town Administrator as needed.

### **If an Employee Tests Positive for COVID-19:**

Should an employee test positive, they need to notify their supervisor immediately, and the following steps will take place:

- The Town Administrator, Department head, and the Director of Human Resources utilize the Self-Health screening log to determine days the employee reported to work, and ask the employee which coworkers they have been in “close contact” with within the prior two weeks. The CDC defines “close contact” as “a person that has been within six feet of the infected employee for a prolonged period of time.” The Town shall fully cooperate with State and County contact tracers as necessary.
- If the employee is fully vaccinated, an additional 80 hours (two weeks) of sick leave shall be granted to the employee to be used for COVID-19 usage. This is addition to the employee’s regularly accrued sick leave and can only be used for COVID-19 related illness.

The employee shall return to in-person work once a full COVID-19 test (not a rapid test) negative result is received and they are not showing and symptoms and feeling well. Documentation of the negative test shall be submitted to the Director of HR prior to returning to work.

Per the updated CDC guidance, staff with COVID-19 should isolate for 5 days and if they are asymptomatic or their symptoms are resolving (without fever for 24 hours), follow that by 5 days of wearing a mask when around others to minimize the risk of infecting people they encounter.

- As time permits, test documentation, and a doctor’s note shall be provided to the Director of Human resources.
- The Town Administrator shall coordinate with the Director of Human Resources to inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).
- The Town Administrator shall coordinate with the Director of Public Works to schedule a “deep cleaning” of Town Hall, Public Works, and all vehicles as soon as possible.
- Should Public Works employees be affected, the Town may suspend Bulk Trash & Yard Waste collection for a period of two weeks due to staffing shortages. The Directory of Public Works and Town Administrator will advise the Board of Commissioners if collection is suspended.
- Should the Police Department be affected, the Chief of Police shall coordinate as needed with the County police to ensure proper coverage of the Town.

### **If an Employee Is Exposed:**

If an employee is directly exposed to a confirmed COVID-19 case, or is contacted by a contact tracing agency (secondary exposure), these are the steps that the Town will take:

- The Employee shall alert their Department head as soon as possible and avoid contact with other staff as much as possible until given further direction.
- A Town COVID-19 rapid test shall be issued to the employee by their Department head, and the employee will be sent home on Town COVID-19 leave. The employee shall self-administer the at-home test and report the results to the Director of HR as soon as possible. Employees able to telework who are feeling well enough can telework.
- If the rapid test comes back positive, all employees in contact with that individual within the past 48hrs shall follow this section's guidelines.
- The employee shall schedule a full COVID-19 test the day they are sent home for as soon as possible. The Town may assist in scheduling a test if the employee requests.
- The employee shall return to in-person work once a full COVID-19 test (not a rapid test) negative result is received and they are not showing and symptoms and feeling well. Documentation of the negative test shall be submitted to the Director of HR prior to returning to work.

### **If an Employee has a Secondary Exposure**

If an employee has come in contact with someone who has come in contact with someone else (tertiary exposure) with a positive COVID-19 case but has not yet tested negative, the following steps shall be followed:

- The employee will alert their department head and be issued a rapid COVID-19 test to take. The employee shall observe strict social distancing and mask wearing.
- If the rapid test comes back negative, and the potential exposure receives a negative test, the employee shall return to work as normal.
- If the secondary exposure tests positive, the Town shall follow the "If an Employee Is Exposed" section.

### **Part 7- Additional Actions**

The President/Mayor shall have the ultimate decision and ability to take quick actions to respond to the pandemic as needed to ensure the health and safety of the residents and staff.

# **Town Staff Vaccination Policy**

## **Purpose**

The Town of Upper Marlboro (the Town) endeavors to provide and maintain a workplace that is free of all known health hazards. In light of the COVID-19 public health emergency, the Town is implementing this policy as a measure of safeguarding the health of our employees; the residents and guests that Town staff exists to serve; and the community at large from COVID-19, as it has been advised by the Centers for Disease Control and Prevention, and demonstrated by public health statistics, that the spread and ultimate effect of COVID-19 is substantially reduced among individuals receiving vaccinations.

## **Scope**

The Board of Town Commissioners for the Town of Upper Marlboro requires all employees (including regular full-time and part-time, and temporary) to receive complete doses of one of the three COVID-19 vaccinations currently approved for use by the Food and Drug Administration (“FDA”) by no later than February 28<sup>th</sup>, 2022. These include vaccinations developed Pfizer, Inc.; Moderna, Inc.; or Johnson and Johnson. After February 28<sup>th</sup>, 2022, the Board of Town Commissioners will assess cases of any employees requesting an exemptions status, and any employees who have not been vaccinated at all. Currently three approved vaccinations have received emergency use authorization from the FDA to combat the spread of COVID-19. Employees who remain unvaccinated beyond February 28<sup>th</sup>, 2022, may be subject to termination of employment.

## **Reasonable Accommodation**

Any employee in need of an exemption from this policy due to a bona fide medical or religious reason must make this request by submitting an email explaining the need for exemption to the Director of Finance & Human Resources William Morgan to begin the interactive accommodation process. Accommodations will be granted where they do not cause the Town undue hardship or pose a direct threat to the health and safety of others. Please direct any questions regarding this policy to the Human Resources Office at (240) 544-5613, or [wmorgan@UpperMarlboroMD.gov](mailto:wmorgan@UpperMarlboroMD.gov)

## **Booster Shots:**

Once a booster shot is fully approved by the FDA, all Town staff are highly encouraged to receive an approved booster shot. The Board of Commissioners may consider incentives for staff who receive the booster shot.

## **New Hires:**

Any staff hired after the effective date of this policy shall be fully vaccinated prior to their official start date.

The Town of Upper Marlboro is committed to the safety and welfare of all staff, the public and visitors to Town facilities. We look forward to returning to life pre-COVID and being able to reopen our facilities to all staff and visitors.

Vaccines are a critical method of controlling the spread of COVID. As such, all staff who may have contact with the public or other essential staff as part of their daily job responsibilities will be required to receive both doses of the COVID-19 vaccination, or a single dose of Johnson & Johnson.

Staff shall submit documentation of receiving the vaccine to Human Resources or electronically to [wmorgan@UpperMarlboroMD.gov](mailto:wmorgan@UpperMarlboroMD.gov).

**FIRST AMENDMENT**  
**TO THE**  
**AUTOMATED TRAFFIC ENFORCEMENT SERVICES AGREEMENT**

This First Amendment (the “**Amendment**”) to the Automated Traffic Enforcement Services Agreement (the “**Agreement**”) effective as of the date specified in Article 3.1 of the Agreement, by and between **THE TOWN OF UPPER MARLBORO** (the “**Town**”) and **CONDUENT STATE & LOCAL SOLUTIONS, INC.**, previously known as Xerox State & Local Solutions, Inc., (the “**Contractor**” or “**Conduent**”). The Contractor and the Client may individually be referred to as a **Party** and collectively referred to as the “**Parties**”.

**WHEREAS**, the Parties entered into an Automated Traffic Enforcement Services Agreement (the “**Agreement**”) executed November 16, 2021, under the terms of which the Contractor will complete turnkey solution for a Web-Based, scalable, Automated Speed Enforcement Program, including installation, placement, operation, maintenance, certification and support (including 24-7 technical phone support) of all equipment, including but not limited to, portable and fixed camera equipment, equipment mounts, power supplies, data upload, download and storage systems, billing, collections, printing and mailing of notices, 24-7 on-line payment processing, telephone customer service and payment processing, training, management/tracking of court required information, including preparation of cases, dockets and when necessary, and regular reporting of system results as mandated by law and as requested by the Town; and

**WHEREAS**, the Town determined that it is in the best interest of the Town to revise the type and number of enforcement cameras and Contractor is willing and able to provide such cameras;

**WHEREAS**, the Parties desire to amend the Agreement to account for the change in cameras as set forth below.

**NOW, THEREFORE**, in consideration of the terms and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and the Contractor agree to amend the Agreement as follows:

1. The Agreement is amended by replacing Table 1.1 Flat Fee Pricing in Appendix #1 Contract Payment Schedule with the following:

Fixed Fee - \$3,349 per Speed Portable Camera Unit (PCU) system per month for 4 systems during the initial Base term and the first two option years	Monthly Fee: \$13,396
Fixed Fee - \$3,195 per Red Light Camera System per month for 6 systems during the initial Base term and the first two option years	Monthly Fee: \$19,170
Fixed Fee during the 3 year additional option term (if exercised) per Speed PCU system - \$ 2,999 for 4 systems per month	Monthly Fee: \$11,996
Fixed Fee during the 3 year additional option term (if exercised) per Red Light system- \$2,875 for 6 systems	Monthly Fee: \$17,250

per month	
Fixed Fee for Speed on Green - \$1,000 per system for 3 systems per month	Monthly Fee: \$3,000
Credit Card Convenience for each credit card transaction fee charged to citizen (not the Town)	\$4.00
Collections for Red Light citations only for payments received via 4th notice and all subsequent notices	25% of the amount received

2. The Agreement is amended in the Implementation sections of Appendix #2 Scope of Work as follows (deletions are struck through and additions are in bold):

**IMPLEMENTATION OF AUTOMATED SPEED CAMERAS**

Conduent shall be required to order and provide ~~two (2)~~ **four (4)** Vitronic FM1 Automated Speed Cameras deployed in PCUs once the contract is fully executed by both parties. The PCUs will be deployed at locations chosen by the Town once any applicable permits have been received if necessary. At the request of the Town, Conduent will provide additional PCUs provided the request for additional camera systems occurs within the first twelve (12) months of the contract at the price provided in the compensation section of this agreement. After the initial twelve month period any additional systems requested will be provided at mutually agreed upon prices.

**IMPLEMENTATION OF RED LIGHT CAMERAS**

Conduent shall be required to provide ~~eight (8)~~ **six (6)** DriveSafe Automated Red Light Cameras deployed as fixed camera systems once the contract is fully executed by both parties. The Red Light systems will be installed at locations chosen by the Town once any applicable permits have been received if necessary. For a total of three (3) of the Red Light systems installed, Conduent will provide additional functionality for speed enforcement through the intersection more commonly referred to as Speed On Green at locations selected by the Town. At the request of the Town, Conduent will provide additional Red Light cameras provided the request for additional camera systems occurs within the first twelve (12) months of the contract at the price provided in the compensation section of this agreement. After the initial twelve month period any additional systems requested will be provided at mutually agreed upon prices.

3. Except as set forth herein, all terms and conditions of the Agreement shall remain in full force and effect.

This Amendment may be executed in multiple identical counterparts, each of which when duly executed shall be deemed an original, and all of which shall be construed together as one agreement.

IN WITNESS WHEREOF, the parties have signed and delivered these presents as of their own free act and deed and effective as of the last signature date appearing below.

**CONDUENT STATE & LOCAL  
SOLUTIONS, INC.**

**THE TOWN OF UPPER MARLBORO**

By: \_\_\_\_\_

By: \_\_\_\_\_



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Title:

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Date:

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Title:

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Date:

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DRAFT



# Town of Upper Marlboro

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## MEMORANDUM

To: Board of Town Commissioners  
From: Kyle Snyder, Town Administrator  
Date: Friday, August 20, 2021  
Re: February 2022 Monthly General Government Report

Commissioners,

Below is the update on some of the projects that the Town has currently underway. The Town is also working to upgrade the Town Office phone system to a hosted/internet phone system to allow for easier teleworking options, and to allow a phone to finally be installed at the Public Works lot. The cost of this upgrade is less than \$2,000 and being funded through ARPA funds. We are also working to upgrade the Town's cable access channel and the meeting room to support future blended meetings. General Government staff have also been busy issuing our COVID-19 test kits on Wednesdays & Fridays to Town residents.

Project Name	Overview	Update
<b>Capitol Trail Coalition Partnership</b>	Potential partnership with the Capitol Trail Coalition and the Town to help push for trail development to link Upper Marlboro to the Capitol trail network.	Met with MNCPPC Rep, Commissioner Franklin Testified at the MNCPPC budget hearing.
<b>New Town Playground Construction</b>	To construct a railroad play-themed structure for ages 5-12 with a plan to add a 2-5 structure in the future	Fencing vendor being chosen tonight.
<b>Town Financial Policies</b>	A set of policies to govern the Town's Financial operations.	Up for approval at March TM
<b>Automated Speed Enforcement</b>	Passing legislation to deploy speed cameras in residential areas around Town to reduce traffic hazards and mitigate speeding issues.	Red Light zones & contract amendment up for vote tonight.
<b>PAMC Mural Grant Application</b>	State Arts Council grant to install a mural in Downtown Upper Marlboro	Applying for the implementation grants now.
<b>Grant Coordinator Position</b>	Town partnered with Town of Morningside to apply for and be awarded a grant for municipal support in the form of a grants coordinator.	Advertising the position this week.
<b>Election Process Review</b>	Working with the BOSE to update and approve the Town's election procedures.	Will begin after Special Election
<b>Road Improvements</b>	Redesign and repaving of School Lane, Wilson Lane, Spring Branch Drive, and Old Mill Road funded by a State budget grant.	Selecting Engineering Firm tonight.

<b>Church Street Parking Lot Upgrade &amp; Pocket Park</b>	The Town was awarded \$150,000 via 2019 Bond Bill to rehabilitate Church Street parking lot at purchase vacant lot on Main Street for a pocket park.	Lot purchased! Working to submit for reimbursement from State. Hopefully we can begin planning for the Church Street lot repaving in Spring 2022 when we are doing the roads.
<b>Phase 2 &amp; 3 Annexation</b>	Annexation of areas to the east and west of the current Town limits.	Passed. In effect 2/11/2022. Working with Department heads to shift services to the Town.
<b>Fiscal Year 2023 Budget</b>	The process to plan and get public input on the FY2023	Budget Calendar up for approval tonight.
<b>Meeting Procedure Update</b>	Updating the Town's meeting procedures to include virtual meetings and other updates including swapping TM & WS dates.	Up for vote tonight.
<b>Structure of Government</b>	A review of the structure of Town government, and any changes that need to be made to accommodate a 5-person Board.	We will begin discussing in work sessions.