

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

REGULAR TOWN MEETING

December 8, 2020 – 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://us02web.zoom.us/j/85999615701> Meeting ID: 859 9961 5701; Dial-in only: 301-715-8592.

Call to Order

- Roll Call
- Pledge of Allegiance
- Consent to the Agenda

Approval of Meeting Minutes & Financial Reports

- Approval of the November 10, 2020 Regular Town Meeting minutes
- Approval of the November 24, 2020 Board Work Session minutes
- Finance Report & Approval of the Treasurer's Report, as of November 30, 2020.

Reports

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

Business

Public comment will be taken prior to Business line items (2 minutes per item)

- 1) County DPW&T Western Branch Floodplain Project (presentation)
- 2) Ordinance 2020-07 Urban Forest (Board vote)
- 3) Declaration of Emergency 2020-05 (Board vote)
- 4) Town FY2021 Budget Update (presentation)

Administrative Updates

- 5) Legislation, Projects and Initiatives
- 6) 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*

Janice Duckett
Commissioner

Sarah Franklin
Commissioner/Treasurer

Linda Pennoyer
Commissioner/President

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). 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 a synopsis of the monthly Town Meeting Agenda is also provided in the “On the Agenda” column of our monthly newsletter, the *Landings*. Outreach 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 discussions 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.

Town of Upper Marlboro

REGULAR TOWN MEETING

November 10, 2020 • 7:00 p.m.

unApproved Minutes

This meeting was conducted via Zoom Video Conference: <https://us02web.zoom.us/j/85999615701>
Meeting ID: 859 9961 5701; Dial-in only: 301-715-8592

Call to Order

The meeting was called to order at 7:01 p.m.

Roll Call: Commissioner/Treasurer Sarah Franklin; Commissioner Janice Duckett; and, Linda Pennoyer/President of the Board of Town Commissioners.

Staff present: M. David Williams, Town Clerk; Kyle Snyder/Administrator; UMPD Chief Burse; William Morgan/Director of Finance; Superintendent Darnell Bond/Public Works; and,

Also present: TUMHC Archivist Brian Callicott; SCW Chair Evelyn Stephens; Jacob Moore/Greenwill Consulting Group LLC; Ray Feldman/Feldman Communications Strategies LLC; plus, various citizens and interested parties.

Pledge of Allegiance

Consent to the Agenda

The President received unanimous consent to the Agenda.

Approval of Meeting Minutes & Financial Reports

Commissioner Franklin motioned to approve the Regular Town Meeting minutes from October 13, 2020, the Board Work Session minutes from October 27, 2020, the Board Gathering from October 29, 2020; and the Treasurer's Report as of October 31, 2020. Commissioner Franklin motioned to approve all sets of minutes as presented, Commissioner Duckett seconded. All Board minutes from October's Town Meeting, Work Session, and Board Gathering, plus, the October Treasurer's Report were unanimously accepted and approved as presented.

Reports

Departments/Committees:

- TA Snyder reviewed items from the Gathering Session with Senator Douglass J.J. Peters on October 29th: 1.) Alternative funding for the Water Street Bridge Project; 2.) Speed Camera State Legislation updates; and, 3.) Bond Bill of \$400K for Streets Infrastructure upgrades.
Jacob Moore/Greenwill Consulting Group then delivered updates of their work at the State House on the Town's behalf. Updates included positive movement of House Bill 1433 for Speed Camera Legislation, plus, Governor Hogan's recent press conferences calling for roll-backs of occupancy limits and other COVID-19 safety measures to address the recent spike in new cases. He added that next month, Greenwill will provide a final overview of progress made during the 2020 Legislative Session.
- Chief Burse delivered the UMPD report for the month of October 2020 that was provided by a PowerPoint slide for the Zoom attendees. He noted new software has been shared with the Sheriff's Dept to streamline UMPD reporting & records. It was noted that for the month of October, 2 code violation letters had mailed, 127 parking citations were written, and over 30 moving violations issued.
- Superintendent Bond delivered the Public Works status report for the month of October 2020 that was provided by a PowerPoint slide for the Zoom attendees.

- Director of Finance Morgan noted that Business License letters have been mailed reflecting the new Board approved rate of \$45 for the remainder of FY2021. He stated that Revenue(s) received, and Expenses paid out, show the Town currently operating in the black coming out of the first quarter of FY2021. He added that an Audit deadline extension has been approved by the State to Dec. 31, 2020.
- TUMHC Archivist Brian Callicott announced that he will be stepping up as TUMHC Secretary, adding that the TUMHC will hold its Quarterly Meeting on November 21st. He noted that the TUMHC Archives acquired a letter dated April 18, 1861 that he has just transcribed and will be posted soon.
- Commissioner Franklin reported for EC Chair Gunnoe, stating there was no report at this time since remaining events for CY2020 had been cancelled. Their next meeting will be on December 3rd.
- SCW Chair Stephens stated they have submitted an application to the DHCD for the Façade/Building Improvement Program's Community Legacy Grant for the FY2021 cycle. She noted it should take about 3 months to hear back whether the Town will be awarded their request for \$233K or not. Currently, the SCW's focus is on Economic Development, and have invited interested business and business owners to meet in December to help establish a TOUM Business Community Committee.
- Chief Burse reported for the CERT, stating they participated in the District II Trunk-or-Treat event.
- TA Snyder stated that the MVFD is currently seeking support to acquire a new firetruck.

Commissioners:

- Commissioner Duckett: Reported that School Lane residents are concerned about recent pedestrian loitering in the area. Chief Burse said that he is looking into that issue with the District II PGPD.
- Commissioner Franklin: Reported that she has been working with data from the American Community Survey to help her further develop a new Town Vision Plan.
- President Pennoyer: Delivered updates on the following topics: 1.) Met and spoke with County Council and the DPW&T about the Water Street Bridge project timelines; and, 2.) Working with Main Street businesses on the new Business Licensing Program and to address their issues.

Business

- 1.) HPC Grant Letter of Support - 14504 Main Street: A minor edit was noted by Commissioner Franklin. it was noted the TUMHC will also send a letter of support. Following a short discussion, the Board agreed the letter be signed by the Mayor and forwarded to the HPC.
- 2.) Resolution 2020-22 - Energy Efficiency Policy: With no public comment put forth, Clerk Williams read the resolution's introduction. Commissioner Franklin motioned to approve, and President Pennoyer seconded. With all in favor, the motion passed unanimously.
- 3.) Resolution 2020-23 - Transportation Petroleum Reduction Policy: Clerk Williams read the resolution's introduction. With no public comment put forth, Commissioner Franklin motioned to approve. President Pennoyer seconded. The motion passed unanimously.
- 4.) Resolution 2020-24 - Vacation PTO & Sick Leave Accrual: The Clerk read aloud the Resolution's introduction. Recent updates in numbers and pay-cycle dates were noted by TA Snyder. After discussion, the Board agreed to delay passage until their next open meeting. There was no public comment offered up to the Board to consider at this time.
- 5.) Resolution 2020-25 - Employee Life Insurance Policy: The resolution's introduction was read aloud by the Clerk. FD Morgan noted how the contract will benefit the Town, especially for the Public and Public Safety departments. Three (3) carriers did submit quotes, and the recommended carrier was identified as a sole source for additional plans that also provide coverage for Commissioners, as well as employees. After discussion, and noting no further public comment offered, Commissioner Franklin motioned to approve the Resolution to which President Pennoyer seconded. Resolution 2020-25 was unanimously approved.

- 6.) RFP #UM 2020-07 - Healthcare Broker/HR: TA Snyder reviewed the RFP he developed with FD Morgan that primarily asks for Healthcare Broker Services, with additional HR services a plus for consideration but not required to submit. He noted the contract covers a 24-month term, and that proposals are due December 7, 2020. An amendment to add reference to RFP #UM 2020-06 for HR Services was noted. The RFP was approved, as amended, by consensus of the full Board.
- 7.) Ordinance 2020-07 - Urban Forest: Clerk Williams read aloud the Ordinance's introduction. TA Snyder provided a history of the ordinance that supports both the Town's quest to achieve Tree City USA status, and the Town's most recent Property Standards ordinance. It was noted the draft will be posted for public input by this Thursday before its planned passage at the December Town Meeting. Discussion included utilizing a certified arborist.

Administrative Updates

- 8.) Legislation, Projects and Initiatives: TA delivered an overview of some of the Town's ongoing projects, providing updates on the following: 1.) Heritage Area Expansion has new acting ATHA Executive Director; 2.) Playground awaiting County's inspection process; 3.) Town Financial Policies being drafted; 4.) Eight PEPCO Charging Stations being installed at the Show Place Arena; 5.) First TOUM Arts Council meeting tomorrow. Grant will be utilized for artist selection for Mural Project; 6.) Streetscape Project grant still awaiting Right-of-Way applications review from the SHA; 7.) New HR firm to review Employee Handbook before publication; 8.) Solar Projects also in permitting process; 9.) Public Safety and Administration personnel evaluating recent meeting notes taken from IPS presentation; 10.) UM Levee & Western Branch Grading Project representatives to speak at future Board Meeting; 11.) Annexation II & III citizen sign-up paperwork necessary for legislation, is near successful completion; 14.) Started drafting Racial Equality Initiative policies; and, 15.) WSSC contacted to remove abandoned palettes.

A contract timeline extension request by Sparks@Play for the Playground Project was presented to the Board. After discussion, the Board agreed by consensus to approve the extension.

A CIP Plan for Streets & Sidewalk Infrastructure upgrades is currently being developed.
- 9.) General Commissioner & Staff items: Discussion included: 1.) Possible replacement for Speed Sign(s); 2.) 2020 Citizen's Guide ready to distribute; 3.) Updates on the Old Stone Building & the OMES Building(s) issues; and, 4.) Tractor Tractor traffic on Church Street.

Public Comment

Updates were requested on the Old Stone Building & the OMES Building(s) issues. It was noted a meeting is being set-up with Councilman Harrison to discuss the Old Stone Building status, but no communication has come back yet from the County to date. Concerning the OMES, the State has acknowledged receipt of the appeal submitted by the Town Attorney. Also, surveyors have visited the site recently, but the Town will keep an eye out on the site, should any work on the structure(s) appear to be eminent.

More concerns about tractor-trailer traffic on Church Street was brought up. The UMPD will investigate.

Adjournment

The meeting was adjourned at 9:11 p.m.

Respectfully submitted,

M. David Williams
Town Clerk

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772 • 301-627-6905

Work Session Minutes

November 24, 2020 - 7:00 p.m.

unApproved

This meeting was conducted via Zoom Video Conference: <https://us02web.zoom.us/j/85451683537>

Meeting ID: 854 5168 3537; Dial-in only: 301 715 8592

Call to Order

- Meeting was brought to order at 7:05 p.m.
- Roll Call – President Linda Pennoyer; Commissioner Janice Duckett; Commissioner/Treasurer Sarah Franklin; Town Clerk M. David Williams.
Also present: Town Administrator Kyle Snyder; UMPD Chief David Burse; Director of Finance William Morgan; UMPW Superintendent Darnell Bond; TUMHC Chair Patti Callicott; SCW Chair Evelyn Stephens; EC Chair Jeremy Gunnoe; Ray Feldman/Feldman Communications Strategies LLC; plus, interested Town citizen.
- Pledge of Allegiance

Business

- 1) DPW&T Western Branch Grading Project: The presentation from the DPW&T was postponed, however, President Pennoyer noted that the Town did receive a response letter from MDOT after their presentation to the County Council concerning the project. She added the Water Street Bridge Project's start date had been changed to 2022, with a cost estimate of \$6M.
- 2) Resolution 2020-24 Vacation PTO & Sick Leave Accrual: Clerk Williams read aloud a second reading of the Resolution's introduction. Two minor edits were noted by the Clerk. The Board discussed Option #1 and Option #2 rates of accrual, and the pay period start and end date choices, opting for Option #2 and the pay period time span of Sunday through Saturday. Commissioner Franklin motioned to approve the Resolution as amended. Commissioner Duckett seconded. With all in favor, Resolution 2020-24 was unanimously approved.
- 3) Contract Extension – Sparks@Play: TA delivered an overview on the contractor's requested deadline extension. Commissioner Franklin motioned to sign and approve the contract extension date request. Commissioner Duckett seconded. With no one opposed, the extension was unanimously approved.
- 4) Ordinance 2020-07 – Urban Forest: The Clerk read aloud a second reading of the Ordinance's introduction. After discussion, it was noted that Superintendent Bond will be assigned as "Tree Coordinator" and that the Ordinance will be voted on at the December Town Meeting. The draft has already been posted on the Town's website.
- 5) Racial Equality: The Board discussed how best to unveil existing issues and identify potential issues, and what changes to current Town operations can help with the initiative. It was noted this item will be on the next six Board Meeting Agendas for further discussion.
- 6) Historical Committee Appointments: A list of nominations was presented to the Board for the next TUMHC 2-year term. The Clerk noted a couple of edits. Commissioner Duckett motioned to approve the list of nominated Board members as presented and amended. Commissioner Franklin seconded the motion. With all in favor, the roster of appointments to the TUMHC Board was unanimously approved.

- 7) General Commissioner & Administrative Staff items: Board approval for a flooring contractor to make repairs to the Public Works Facility was added to this agenda, past publication. Superintendent Bond reviewed estimates from 3 vendors and gave his recommendation. Commissioner Duckett motioned to approve the Hutchinson proposal. Commissioner Franklin seconded the motion. With no one opposed, the motion was passed unanimously.
- 8) Closing of Open Meeting to enter into Closed Session: President Pennoyer informed attendees that the open Board Work Session would now be adjourned for the Board to meet in closed session on an unexpected urgent matter, citing the specific statutory authority to close the session found in the General Provisions Article, Section 3-104, and, Section 3-305, Subsection (b), Paragraph (1). The topics and purposes of this closed meeting are to discuss and preserve confidentiality of information concerning personnel . . . that affects one or more specific individuals.

She added that UMPD Chief Burse, Town Administrator Snyder and Finance Director Morgan would be in attendance for the closed session.

Adjournment

The open Board Work Session was adjourned at 9:12 p.m.

Respectfully submitted,

M. David Williams
Town Clerk



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Town of Upper Marlboro FY2021 Condensed Budget July 2020 - June 2021

Income

Revenue

Fines, Licenses & Permits

6154 Franchise Fee	\$5,085.88	\$16,000.00
6280 Trader's License Fees		\$1,000.00
6350 Permits/Rentals	\$1,390.98	\$15,500.00
6355 Parking Meters	\$57,344.96	\$290,666.00
6381 Parking Fines/Penalties	\$13,736.15	\$21,000.00
6550 Pub/Edu/Govt Broadcasting	\$3,613.18	\$2,500.00

Total Fines, Licenses, Permits	\$81,171.15	\$346,666.00
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Grants

6530 Grants	\$336.50	
6530.2020-03 State Police Aid	\$4,905.50	\$17,317.00
6530.2020-04 Community Open Space		

Grant	\$0.00	\$100,000.00
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Total 6530 Grants	\$5,242.00	\$117,317.00
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Intergovernmental

6240 Financial Corporation Tax	\$0.00	\$9,145.00
6260 Highway User Fee	\$8,978.92	\$27,725.00
6310 Disposal Fee Rebate	\$1,038.00	\$2,000.00

Total Intergovernmental	\$10,016.92	\$38,870.00
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Other

6390 Interest Earnings	\$334.85	\$5,000.00
6392 Sale of Property	\$2,340.00	\$1,500.00
6394 Miscellaneous Revenue	\$4,086.47	\$6,500.00
6396 Special Events/Donations	\$0.00	\$2,500.00



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Taxes

6100 Real Estate Taxes	\$249,725.28	\$295,000.00
6101 Personal Property Taxes	\$31,748.07	\$390,000.00
6230 Income Taxes	\$259,370.86	\$160,000.00
Total Taxes	\$540,844.21	\$845,000.00

Total Revenue	\$644,035.60	\$1,363,353.00
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Capital Improvement

9000 Capital Improvement		
9000.2020-02 Transfer of Reserve	\$100,000.00	\$110,900.00
Total Capital Improvement	\$100,000.00	\$110,900.00

Total Income	\$744,035.60	\$1,474,253.00
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Expenses

8000 General Government

8030 Salaries - Commissioners	\$808.83	\$11,400.00
8035 Salaries	\$104,881.31	\$268,280.00
8073 Accounting	\$6,000.00	\$18,500.00
8074 Audit	\$23,500.00	\$20,000.00
8075 Payroll Processing	\$1,661.69	\$5,000.00
8077 Public Notices	\$200.00	\$1,800.00
8080 Bank Charges	\$9,337.69	\$20,000.00
8086 Staff Development & Training	\$1,647.68	\$2,500.00
8090 Postage	\$572.99	\$1,200.00
8092 Printing	\$717.62	\$7,500.00
8095 Community Events & Recreations	\$889.22	\$10,000.00
8110 Legal	\$12,277.69	\$55,000.00
8115 Computer Software & Support	\$4,101.67	\$9,000.00
8120 Insurance	\$3,239.00	\$12,000.00
8130 Supplies	\$18,074.44	\$5,000.00
8131 Ofc Equipment R&M	\$661.99	\$1,000.00
8160 Telephone	\$2,693.11	\$8,000.00
8165 Utilities	\$3,871.67	\$12,000.00



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8175 Public Property Maintenance	\$1,460.98	\$8,000.00
8180 Grants & Awards	\$5,142.08	
8180.03 Community Open Space Grant		\$130,000.00
Total 8180 Grants & Awards	\$5,142.08	\$130,000.00
8185 Historical Committee	\$0.00	\$750.00
8187 Town Election	\$873.00	\$0.00
8191 CERT	\$199.49	\$750.00
8200 Other	\$0.00	\$2,500.00
8205 Consulting Fees	\$18,000.00	\$46,000.00
8210 Payroll Tax Expenses	\$46,722.80	\$95,000.00
8235 COVID-19	\$18,030.99	\$0.00
9001 Capital Improvement		
9000.2020-01 Parcel Acquisition	\$0.00	\$0.00
9000.2020-02 Construction & Maintenance	\$0.00	\$0.00
9000.05 Annexation	\$0.00	\$30,000.00
Total 8230 Capital Improvement	\$0.00	\$30,000.00
Total 8000 General Government	\$285,565.94	\$781,180.00

8250 Public Safety		
8260 Salaries	\$117,836.17	\$296,590.00
8261 Overtime	\$453.66	\$2,000.00
8273 Uniforms	\$20.06	\$750.00
8274 Weapons & Duty Equipment	\$6,017.31	\$20,817.00
8275 Staff Training	\$150.00	\$300.00
8277 Substance Testing/Pre Employment	\$0.00	\$0.00
8280 Supplies	\$2,017.57	\$4,200.00
8281 Association Dues	\$0.00	\$500.00
8282 PS Insurance	\$4,744.00	\$5,000.00
8290 Payroll Tax Expenses	\$229.40	\$58,550.00
8300 Vehicle Repairs	\$0.00	\$750.00
8301 Vehicle Maintenance	\$0.00	\$3,000.00
8302 Vehicle Fuel	\$0.00	\$2,500.00
8320 Other	\$0.00	\$1,500.00



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8330 Capital Improvement

8330.01 Technology	\$0.00	\$0.00
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8330.03 Debt Service (FY2020)	\$0.00	\$33,000.00
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Total 8330 Capital Improvement	\$0.00	\$33,000.00
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Total 8250 Public Safety	\$131,468.17	\$429,457.00
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8350 Public Works

8360 Salaries	\$58,142.73	\$118,380.00
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8361 Overtime	\$0.00	\$500.00
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8370 Payroll Tax Expenses	\$5,629.57	\$35,000.00
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8375 Uniforms	\$132.48	\$500.00
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8377 Dues	\$0.00	\$200.00
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8380 Other	\$560.74	\$750.00
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8383 PW Insurance	\$4,508.00	\$6,500.00
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8390 Streets Maintenance	\$1,288.21	\$3,000.00
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8391 Weather Related Expenses	\$0.00	\$2,500.00
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8400 Highway Lighting	\$7,547.35	\$21,500.00
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8405 Vehicle Repairs	\$0.00	\$2,000.00
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8410 Vehicle Maintenance	\$238.25	\$1,000.00
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8415 Vehicle Fuel	\$0.00	\$2,500.00
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8487 Substance Testing	\$0.00	\$0.00
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8490 Utilities	\$2,588.23	\$3,000.00
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8491 PWF-Maint/Repairs/Beautificatio	\$2,429.71	\$9,000.00
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8493 Portajohn	\$600.00	\$1,200.00
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8545 Sanitation	\$19,470.45	\$56,086.00
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8550 Capital Improvement		
8550.01 Annexation Upgrades	\$0.00	\$0.00
8550.03 Energy Conservation	\$0.00	\$0.00
Total 8550 Capital Improvement	\$0.00	\$0.00
Total 8350 Public Works	\$103,135.72	\$263,616.00
Total Expenses	\$520,169.83	\$1,474,253.00
Net Operating Income	\$223,865.77	\$0.00

PROFIT & LOSS November 2020

	<u>Total</u>
Income	
Revenue	
Fines, Licenses, Permits	\$26,968.28
Intergovernmental	\$2,782.12
Grants	\$336.50
Other Revenue	\$49.70
Taxes	\$126,385.14
Total Income	\$ 156,521.74
Expenses	
General Government	\$45,753.66
Public Safety	\$18,428.39
Public Works	\$16,070.09
Total Expenses	\$80,252.14



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Monthly Narrative

1. CARES Act/COVID-19 Reimbursements
2. Financial Audit
3. Operating in the Black
4. Forecasting future scenarios

Bank Accounts

Cash on Hand and in Banks

1000 PGFSB Operating Checking	212,571.21
1001 Petty Cash	300.00
1010 PGFSB Payroll Account	5,059.68
1040 M&T Checking	24,048.28
1117 Old Line Bank	103,275.93
1122 Congressional Bank CD 5756	212,310.55
1140 MLGIP	26.30
Total Bank Accounts	\$ 557,591.95



Town of Upper Marlboro Police Department

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

Monthly Town Police Department Report For the Month of November 2020

Incidents Reported in Town:

Disorderly Report 2	House Alarm 1	Assault 1
Domestic Call 5	Property Damage 1	Domestic Standby 1
Business Alarm 2	Check on Welfare 4	Theft Report 1
Vehicle Accident 3	Suspicious Person 6	

Chief Burse participated in several conference calls with the Prince George's Chiefs Association discussing issues related to COVID-19.

Chief Burse participated in several conference calls with Prince George's County Office of Emergency Management and the Maryland State Police related to COVID-19.

Chief Burse, Sgt. Irby, and Cpl. deBarros conducted high visibility patrols throughout the Town during the Stay at Home Order.

Chief Burse participated in a conference call with the Maryland Chief's Association.

Chief Burse participated in a virtual call with the Prince George's County State's Attorney office.

Chief Burse, Sgt. Irby, and Code Officer Stewart participated in a virtual call with the Towns Parking Vendor.

Chief Burse participated a virtual meeting with the CERT members.



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

Date: Thursday, December 3, 2020

Subject: Public Works' Status Report

RE: November 2020 – Monthly Status Report

Public Works Related - In November, I joined the Maryland Dept of Transportation Clean Truck Planning Framework webinar where potential mandates for future ZEV MHD (Zero Emission Vehicle Medium Heavy Duty) vehicles were discussed. I also attended the first ever DPW&T Virtual Snow Summit where we had presentations from various members of WSSC, PGCFEMS, and DPW&T.

Maintenance and Beautification – November began with PW crews performing our last round of site cuts Town-wide. In addition to the site cuts, we are aerating, seeding, and fertilizing these sites as we close them out. We received a complaint from one of our vendors about low lying trees along the alley side of Old Crain Hwy. To rectify this, two trees were removed, and the canopy of three trees were pruned to provide clearance. Lastly, our zero-turn mower was returned from Kohler with all issues resolved and hazard lights fixed.

Street and Sidewalk Repairs – The pedestrian upgrade of the intersection at Main and Water Streets was wrapped up with the completion of the sidewalks. During November, we had two parking meters struck by motorists. One remains operational and was quickly erected; whereas, the other had a new pole erected and the sidewalk repaired.

Weather Related Activities – November had two large scale rain events, one of which flooded the Public Works' office. We had Servpro come in and mitigate any potential issues. Both rain events closed the Water St Bridge for an extended period. November also had a series of high wind days which resulted in downed limbs along Old Crain Hwy.

Refuse Accumulations – Bulk day accumulations for solid wastes (Landfill) are 5.45 tons. Bulk day accumulations for yard waste collections are 3.80 tons. We also had two dump body rentals for the month.

Sincerely,

Darnell F. Bond III
Public Works Superintendent

Janice Duckett
Commissioner

Sarah Franklin
Commissioner/Treasurer

Linda Pennoyer
Commissioner/President

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

ORDINANCE: 2020-07
SESSION: Regular Town Meeting
INTRODUCED: November 10, 2020
DATE ENACTED: December 8, 2020

**AN ORDINANCE TO ESTABLISH URBAN FOREST REGULATIONS
FOR THE TOWN OF UPPER MARLBORO.**

AN ORDINANCE relating to the protection, preservation and to promote the Urban Forest of Upper Marlboro as part of a larger ecosystem which contributes to air, noise and visual pollution control, moderates climate extremes, promotes energy conservation, and has aesthetic value affecting property values and the community quality of life. This Ordinance is also enacted to establish a Shade Tree Board to be responsible for the tree program which regulates the planting and maintenance of trees in public places, and to advise, provide continuity, act as an advocate and coordinate contributions and interests in urban greenery.

WHEREAS, Maryland's Roadside Tree Law was passed in 1914, whereby said Law and its regulations were developed to protect roadside trees by ensuring their proper care and protection and to ensure their compatibility with an efficient and dependable public utility system; and

WHEREAS, the Maryland Department of Natural Resources Forest Service (DNR Forest Service) protects trees along all public road rights-of-way, regardless of ownership, through enforcement of the Roadside Tree Law; and

WHEREAS, before a roadside tree is trimmed or cared for in any way, a Tree Care Permit must be obtained from the DNR Forest Service, and a permit is also required when underground construction, such as tunneling, trenching, or boring, impact the root zone of a roadside tree, and planting a tree within the public road right-of-way also requires a permit; and

WHEREAS, any work performed on a roadside tree must be done by a Roadside Tree Care Expert, employed by a public agency, or a Maryland Licensed Tree Expert and when tree care is performed on a roadside tree without a permit, a fine may be assessed or more severe actions taken by the DNR Forest Service (or a local municipality); and

WHEREAS, Section 5-403(d) of NR Art. of Md. Ann. Code authorizes, with certain exceptions involving public utilities, a county or municipality to adopt an ordinance for the planting, care, and protection of roadside trees that is more stringent than the requirements of Maryland Roadside Tree Law if the law or ordinance does not conflict with said State law; and

WHEREAS, pursuant to Section 82-16(1) of the Town Charter, the Board shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health,

safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

WHEREAS, the Town Board of Commissioners finds that it is in the best interest of the Town to designate and regulate the Town's urban forest, including certain trees located on private property, for the health, safety, and welfare of the public.

NOW, THEREFORE, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does ordain and enact the following:

URBAN FOREST REGULATIONS FOR THE TOWN OF UPPER MARLBORO

Section 1. Definitions

A. "Right-of-Way of a Public Road" means that land the title to which, or an easement for which, is held by the State, Prince George's County, or the Town of Upper Marlboro for use as a public road.

B. "Street Tree" or "Roadside Tree" means a plant that has a woody stem or trunk that grows all, or in part, within the right-of-way of a public road. This definition includes trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Town. For the purposes of this Ordinance, this definition and the other definitions found herein, they shall be consistent with the definitions found in Maryland's Roadside Tree Law, Natural Resources Article §§5-401 to 5-423 of the Annotated Code of Maryland, and regulations made thereto found in the Code of Maryland Regulations (COMAR), Reg. 08.07.02.01 *et seq.* A roadside tree is any tree whose trunk grows all or in part within a public road right-of-way, regardless of ownership of the physical property.

C. "Street tree care" means: (i) removal of a roadside tree; (ii) planting or maintenance, or both, of a roadside tree; (iii) application of pesticide to a roadside tree; or treatment that may affect the health or growth of a Roadside Tree, and (iv) any other activity or behavior regulated by this Ordinance.

D. "Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual park names and all open areas owned by the Town, or to which the public has free access as a park. All street trees and park trees under the jurisdiction of the Town, by law or intergovernmental agreement, are considered as part of the Town's Urban Forest and are subject to the provisions of this Ordinance.

E. "Town Roadside Tree Care Expert" means an individual representing the Town who: (i) is designated to supervise that government's roadside tree planting and maintenance operations; (ii) has passed the Forest Service's examination for Roadside Tree Care Experts; and (iii) has been approved by the Forest Service as qualified to supervise the Town's tree care program.

Section 2. Establishment of a Shade Tree Board and the Board's Oversight

A. There shall be created a Board to be known and designated as the "Shade Tree Board" composed of no less than three members appointed by the President with the approval of the Board. The majority of the Tree Board shall be made up of Town residents. It shall be the responsibility of the Tree Board to study, investigate, advise, inventory and develop and/or update and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such a plan will be presented to the Town Board of Commissioners and

upon its acceptance and approval shall constitute the official comprehensive tree plan for the Town. The Tree Board shall choose its own officers, make its own rules and regulations for the conduct of meetings and keep records of its proceedings.

B. A majority of the members shall be a quorum for the transaction of business. In the case that there are not enough interested residents to serve on a Tree Board or said Board is unable to convene a quorum or function due to lack of members for a period of six weeks or more, the Director of Public Works, or the Town Board of Commissioners' designee, shall serve as the Town's Urban Forest Coordinator who shall oversee the program. If there is a Tree Board in place and functioning, the Public Works representative shall serve as the Town's designee to assist the Tree Board as needed.

C. Where applicable and not contrary to this Ordinance, the Shade Tree Board shall be further governed by Ordinance 2019-02 (The Town of Upper Marlboro Committee and Other Appointed Bodies Practices and Procedures Ordinance).

Section 3. Public Tree Care

A. To the extent permitted by the Maryland's Roadside Tree Law and this Ordinance, the Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the boundaries of all streets, avenues, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town Shade Tree Board may recommend to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

B. It shall be unlawful as a normal practice for any person, firm, or Town department to top or prune any Street Tree, Park Tree or other tree on public property to such a degree so as to remove the normal canopy and disfigure the tree. It shall be unlawful for any person other than the Town to cut down any Street Tree or Park Tree without written consent of the Town. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Ordinance as determined by the Tree Board. Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such view of any street intersection and so that there shall be a clear space of fourteen feet (14') above the surface of the street or nine feet (9') above the surface of the sidewalk, as is consistent with Ordinance 2017-03. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign. The street tree species to be planted shall be determined by the Shade Tree Board.

C. This Ordinance does not apply to (i) other governmental entities having jurisdiction over park lands within the Town, (ii) routine maintenance of public utility rights-of-way by public utility companies or their contractors, or (iii) the cutting or clearing of public utility rights-of-way for new transmission of distribution lines.

Section 4. Dead or Diseased Tree Removal on Private Property

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town, when such trees constitute a hazard to life and property, or harbor insects or disease which

constitute a potential threat to other trees within the Town. The Town will notify in writing the owners of such trees. Removal shall be accomplished by said owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal to the owners to be collected in the same manner as property taxes. The Town Code Enforcement Officer(s) are charged with this enforcing this Ordinance.

Section 5. Approval required to Take Action affecting the Urban Forest

No person shall remove or destroy or cause removal or destruction of a tree on any public property or undertake construction or other action that may significantly and prematurely detract from the health or growth of a tree located on public property without first having obtained written permission from the Town Administrator which shall only be issued upon the presentation of an application bearing the approval of the State Forester assigned to the Town or the Town's duly authorized Roadside Tree Care Expert. Any violation of this Ordinance shall constitute a municipal infraction for which a citation may be issued.

Section 6. Review by Board of Town Commissioners

The Town Board of Commissioners shall have the right to review the conduct, acts, and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Board of Town Commissioners who may hear the matter and make a final decision.

Section 7. Administrative and Judicial Review

A. A decision of the Shade Tree Board or other official of the Town under this Ordinance may be appealed for error to the Town Board of Commissioners. Any municipal infraction citation issued under this Ordinance shall be stayed from judicial adjudication pending a final decision by the Board.

B. Except as stated herein, any person aggrieved by a decision of the Board of Commissioners with regard to an application for a permit, consent or permission filed under the provisions of this Ordinance and who appeared before the Board in person, by an attorney, or in writing, shall have the right to appeal the decision of the Board to the Circuit Court for Prince George's County, Maryland under the provisions of Title 7, Chapter 200 of the Maryland Rules of Procedure.

Section 8. Penalty

Except as otherwise stated in this Ordinance, any violation of any section of this Ordinance shall be deemed a municipal infraction and any person upon conviction thereof shall be fined not more than One Thousand Dollars (\$1,000.00).

Section 9. Severability

Should any part of this Ordinance be held invalid, all remaining parts shall remain in effect.

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 a fair summary of it shall be published once in a newspaper of general circulation in the Town and effective 20 days after passage by the Board.

AYES: _____

NAYES: _____

ABSENT: _____

INTRODUCED in a public session of the Board of Commissioners on this _____ day of _____, 2020.

ORDAINED, APPROVED AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this _____ day of _____, 2020, by:

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Linda Pennoyer, President

Sarah Franklin, Commissioner

M. David Williams, Town Clerk

Janice Duckett, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarlboromd.gov
www.uppermarlboromd.gov

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

**THE TOWN OF UPPER MARLBORO, MARYLAND JOINT DECLARATION OF A
LOCAL STATE OF EMERGENCY (TOWN EMERGENCY ORDER NO. DOE 2020-05) AND
RESOLUTION (NO. 2020-26 RES) OF THE TOWN BOARD OF COMMISSIONERS OF
THE TOWN OF UPPER MARLBORO EXTENDING THE LOCAL STATE OF
EMERGENCY INITIALLY ISSUED ON MARCH 25TH, 2020 THROUGH FEBRUARY
28TH, 2021**

WHEREAS, on March 5th, 2020, Maryland Governor Larry Hogan initially declared a state of emergency in response to concerns about the novel Coronavirus (COVID-19); and

WHEREAS, in accordance with the Md. Code Ann., Public Safety Art., Section 14-111, a local State of Emergency may be declared by the principal executive officer of a political subdivision; and

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

WHEREAS, an initial Emergency Declaration was declared on March 25th, 2020, with extensions approved by the Board of Town Commissioners at the April 28th and September 15th, 2020; and

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

WHEREAS, on November 2, 2020, Prince George's County Executive Angela Alsobrooks announced, "[s]imilar to other jurisdictions across our State, we have seen concerning increases in the number of new COVID-19 cases in our community, which requires us to take actions that will limit the spread of this virus and save lives," said Alsobrooks, [and] "I know that we are all growing weary, but we must continue to take all necessary safety precautions like wearing a mask, exercising restraint and avoiding crowds to protect ourselves and others from this virus..."; and

WHEREAS, Ernest L. Carter, MD, PhD, the County Health Officer, has issued a Directive and Order for Enhanced Consumer and Employee Safety on November 15, 2020 providing that starting Sunday, November 15 at 5:00 PM, all indoor public businesses or establishments that are already open under the County's phase 2 of reopening, with the exception of essential businesses and retail stores, must reduce capacity limits to a maximum of 25% capacity, and restaurants will be limited to 25% capacity indoors and 50% capacity outdoors, and essential businesses (grocery stores, specialty food stores, big box stores) and retail stores may operate at 50% capacity but with all safety protocols adhered to; and

WHEREAS, the most recent order further states that in addition, large gatherings indoors are limited to one person/family unit per 200 square feet or a maximum of 10 persons, whichever is lower. Outdoor gatherings are limited to one person/family unit per 200 square feet or a maximum of 25 persons, whichever is lower, unless otherwise specified in the Health Order, and finally, face coverings are now required outdoors in any public location in Prince George's County. Face coverings are still required for all indoor public locations and on public transportation; and

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

NOW THEREFORE, be it resolved that on this 8th day of December 2020, President Linda Pennoyer of the Board of Commissioners for the Town of Upper Marlboro, hereby declares:

1. As of 5:00 p.m. a State of Local Emergency continues to exist within the boundaries of the Town of Upper Marlboro because of ongoing concerns about the possible spread of the Coronavirus (COVID-19) existing on December 8th, 2020.
2. That the Local (County Health) Order known as a Directive and Order for Enhanced Consumer and Employee Safety issued on November 15, 2020 by the County Health Officer is hereby adopted by reference herein as if written word for word herein below and shall be applicable and enforced by the Upper Marlboro Police Department within the corporate limits of the Town.
3. The State of Local Emergency shall extend through February 28th, 2021, unless terminated or modified earlier.
4. All Town-owned buildings and facilities are closed to the public until the cancellation of this State of Local Emergency. Town General Government staff shall shift to one-person manning Town Hall for each business day to handle telephone calls.
5. The Town shall follow the COVID-19 Response Policy and Directive for Town personnel and visitors to Town facilities, and the Town Response Plan for Courthouse Reopening, each hereby attached hereto and incorporated by reference herein, until the cancellation of this declaration. All prior emergency orders issued remain in effect except as modified by this Order.
6. A copy of Governor's Order (NUMBER 20-09-01-01) and a Directive and Order for Enhanced Consumer and Employee Safety on November 15, 2020 shall be made available to all occupants or attendees at any Town building and facility where public business is permitted.
7. The Town shall covert no more than 4 on-street metered parking spaces in downtown Upper Marlboro to 15-minute "carry-out" spaces to help support our business community.
8. During this State of Local Emergency, the President and Board of Town Commissioners shared responsibilities include but are not limited to taking actions authorized by the Town Charter, Town Ordinances, and State and Local Executive or Health Officer Orders issued to protect the public's health, safety, and welfare.

BE IT FURTHER RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session on this 8th day of December 2020, that the Town Board of Commissioners agrees that the COVID-19 pandemic continues to endanger the Town, and hereby approves, ratifies,

Sarah Franklin
Commissioner/Treasurer

Janice Duckett
Commissioner

Linda Pennoyer
Commissioner/President

and authorizes this Order and the extension of the Local State of Emergency to remain in effect and to extend through February 28th, 2021 for a period of 41 additional days, unless terminated or modified earlier.

ATTEST:

THE TOWN OF UPPER MARLBORO

Clerk

Linda Pennoyer, President

Date: _____

Sarah Franklin, Commissioner

Janice Duckett, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Joint Declaration of a Local State of Emergency (Town Emergency Order No. DOE 2020-05) and Resolution (No. 2020-26 RES), and that said Joint Resolution and Order is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this _____ day of _____, 2020.

M. David Williams, Town Clerk

Sarah Franklin
Commissioner/Treasurer

Janice Duckett
Commissioner

Linda Pennoyer
Commissioner/President



TOWN OF UPPER MARLBORO

BUDGET OVERVIEW

Presented By:
William T. Morgan

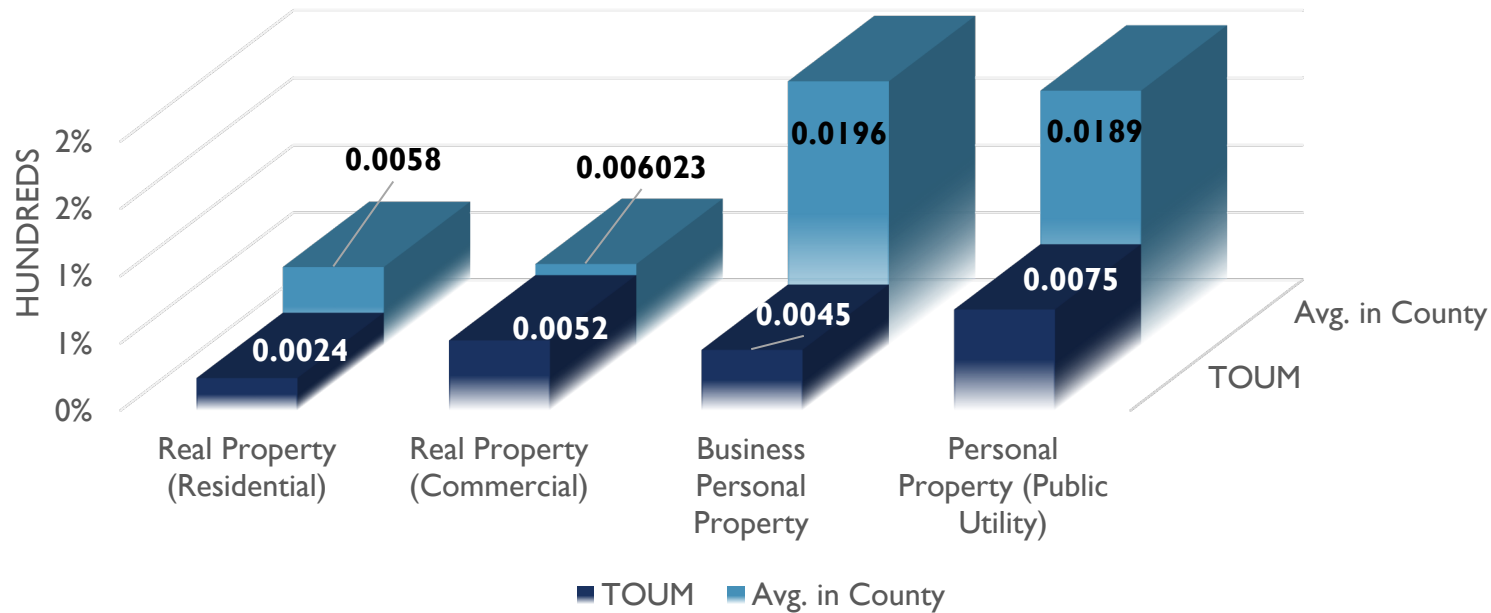
PRESENTATION OVERVIEW

- History and Highlights
- Current Positioning
- Next Steps...

IMPORTANT HIGHLIGHTS

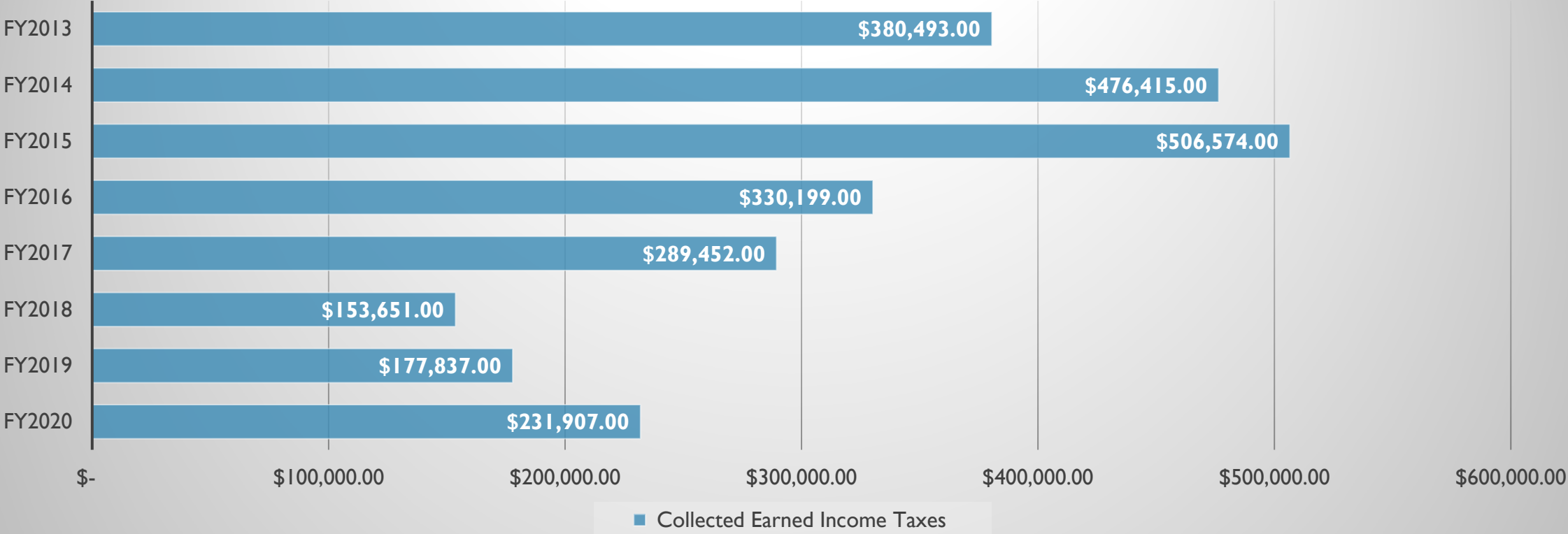
- As required by the state of Maryland and Charter, historically the Town has passed a balanced budget
- Reviewing actual financials from FY2013 through FY2020
 - On average revenues \$929K
 - On average expenses \$1.2 million
- Income tax errors
- Fixed tax rates (residential & commercial)
- Lack of grant and/or bond support
- Annual expense increases – utilities, insurances, capital improvement

TAX RATE COMPARISON

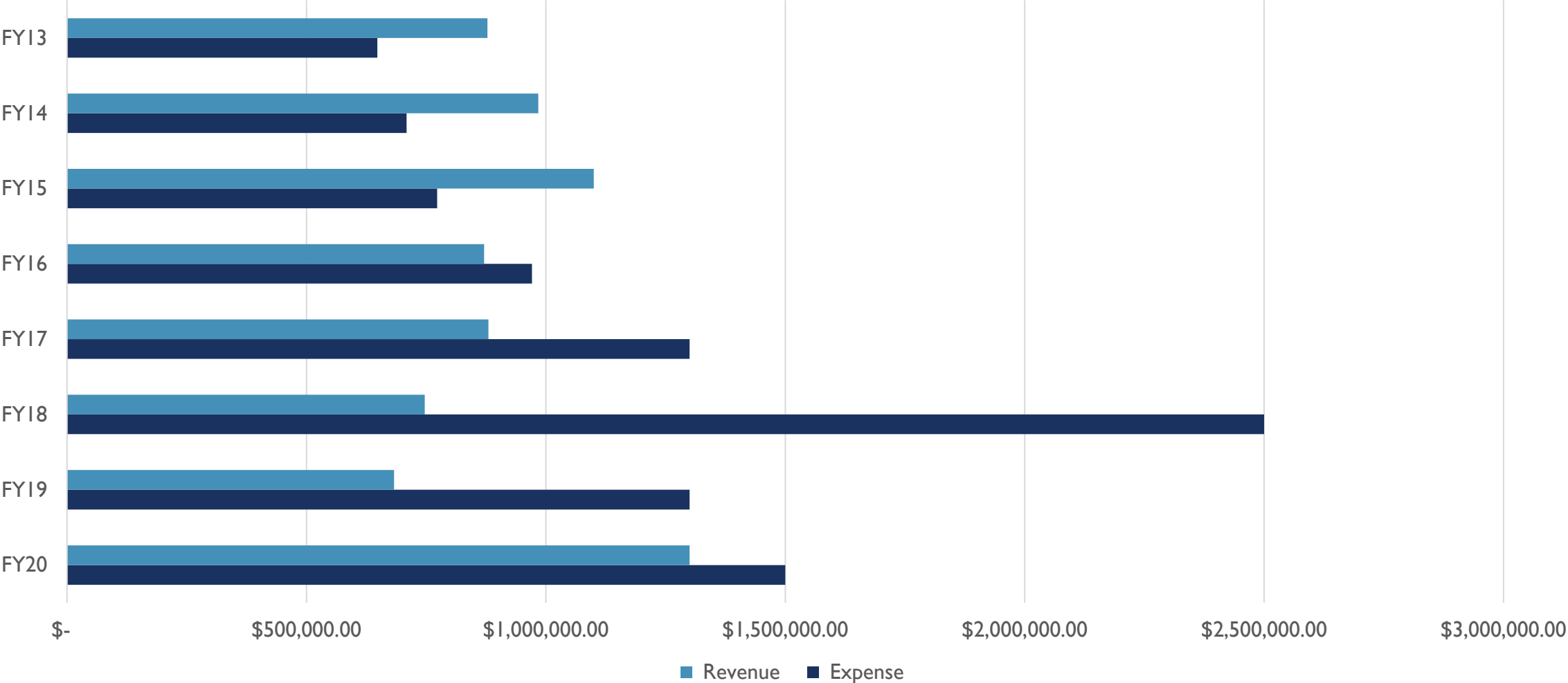


1	Upper Marlboro	0.2400
2	College Park	0.3250
3	Glenarden	0.3579
4	Capitol Heights	0.3920
5	Bowie	0.4000
6	Brentwood	0.4150
7	North Brentwood	0.4400
8	Fairmount Heights	0.4600
9	Eagle Harbor	0.4727
10	Cheverly	0.5100
11	Landover Hills	0.5200
12	Berwyn Heights	0.5300
13	Forest Heights	0.5473
14	Cottage City	0.5702
15	Edmonston	0.5748
16	Seat Pleasant	0.5800
17	University Park	0.5830
18	Hyattsville	0.6300
19	Riverdale Park	0.6540
20	New Carrollton	0.6652
21	Laurel	0.7100
22	Bladensburg	0.7400
23	Morningside	0.7800
24	District Heights	0.8000
25	Mt. Rainier	0.8100
26	Greenbelt	0.8275
27	Colmar Manor	0.9784
	Average rate	0.5746

Collected Earned Income Taxes



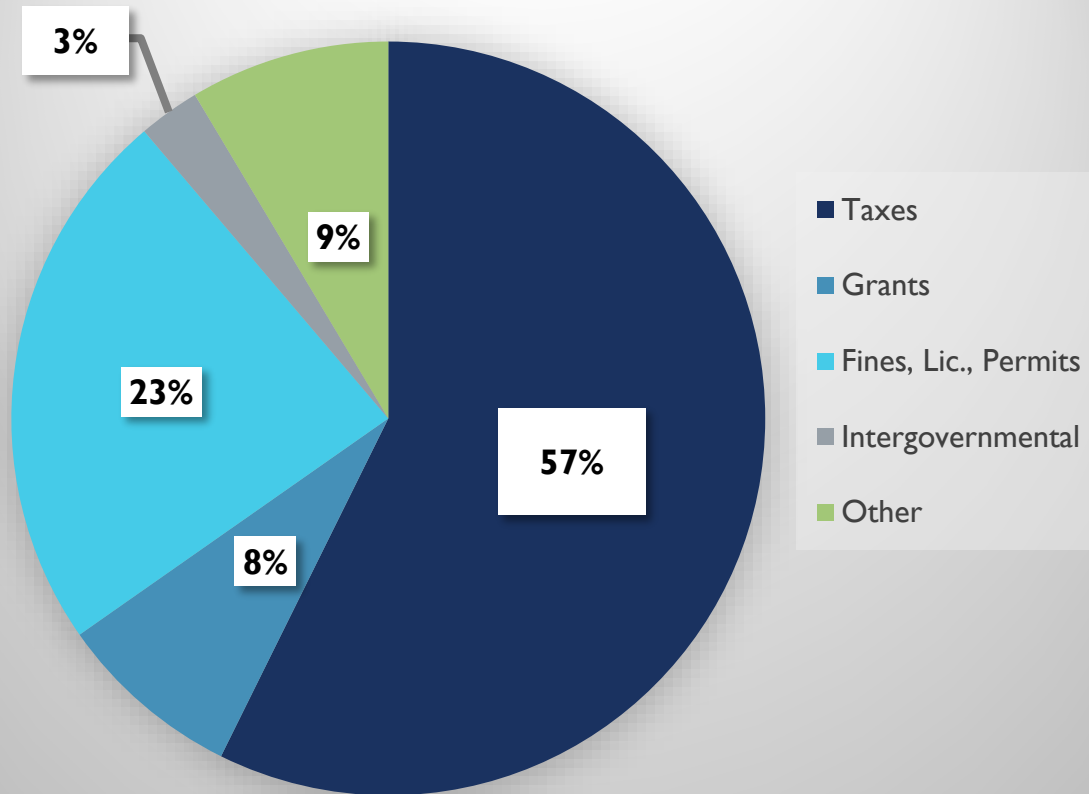
ACTUAL HISTORICAL DATA



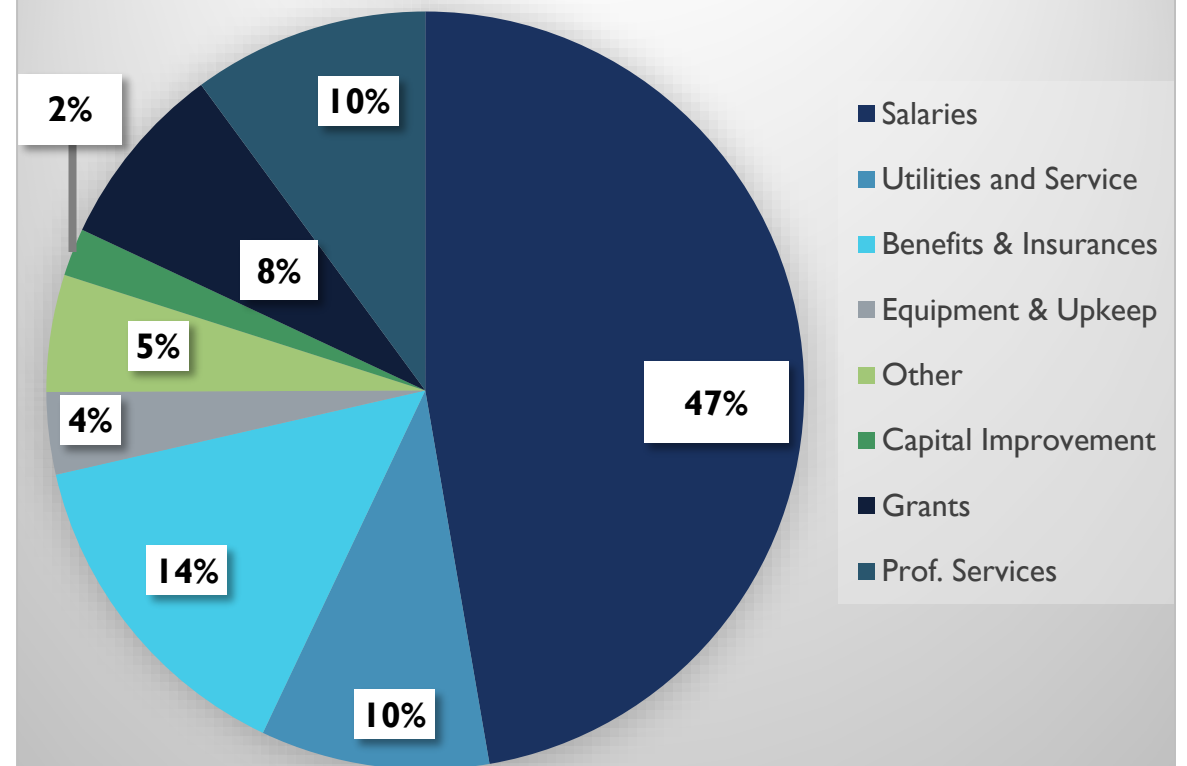
CURRENT POSITION

- Like most government budgets, revenues in the first half of the budget year are great
 - Real property obligations are met
 - Businesses pay their annual fees for service
- Due to the pandemic some things have changed
 - Monthly decreases in parking meter/violation revenue (estimate loss of revenue \$150K since March 2020)
 - Adjustment to business license certification
 - Late assessments from SDAT
 - Reserve fund assistance
 - COVID-19 expenses (reimbursable)

Revenue



Expense



FORECASTING UNTIL YEAR END

	January	February	March	April	May	June
Revenue	\$ 74,000.00	\$ 175,000.00	\$ 118,000.00	\$ 20,500.00	\$ 61,000.00	\$ 54,000.00
Expense	\$ 110,200.00	\$ 98,000.00	\$ 102,650.00	\$ 93,100.00	\$ 98,000.00	\$ 103,000.00
Variance	\$ (36,200.00)	\$ 77,000.00	\$ 15,350.00	\$ (72,600.00)	\$ (37,000.00)	\$ (49,000.00)

NEXT STEPS

- Take a hard look at current expenses
 - Contracts/Agreements
 - Utilities
 - Shop for better insurance/benefit rates
- Create revenue opportunities
- Discuss options with Board of Commissioners
- First draft budget for FY2022 in March