

# Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

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## REGULAR TOWN MEETING

Tuesday, March 10, 2020 – 7:00 p.m.

### AGENDA

#### Call to Order

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

#### Approval of Meeting Minutes & Financial Reports

- Approval of the February 11, 2020 Regular Town Meeting minutes
- Approval of the February 25, 2020 Board Work Session minutes
- Approval of the Treasurer's Report, as of February 29, 2020.

#### Reports

- Department Reports — Public Safety, Public Works, Finance, and Clerk's Office
- Committee Reports — Historical, Events, Sustainable Communities, CERT
- Commissioner Reports

#### Business

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

- 1) Ordinance 2020-01 Amending ORD 04-01 to add Food Truck Ops: (Board vote)
- 2) Resolution 2020-05 Food Truck Hub Coordinator: (Board vote)
- 3) Resolution 2020-06 Food Truck Hub Fees: (Board vote)
- 4) Ordinance 2020-02 FY20 Budget Amendment: (Board vote)
- 5) Resolution 2020-07 Verizon Franchise Renewal Negotiations: (Board vote)
- 6) Resolution 2020-08 Parking Meter Rates / Gov Oden Bowie Dr: (Board vote)
- 7) Committee Appointments Green Team & Arts Council (Board approval)
- 8) Ordinance 2020-03 Personnel Guidelines & Compensation (Introduction)

#### Administrative Updates

- 9) Legislation, Projects and Initiatives
- 10) 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*

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**Kai Bernal-LeClaire**  
Commissioner/Treasurer

**Wanda Leonard**  
Commissioner

**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](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 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

February 11, 2020 • 7:00 p.m.

unApproved Minutes

### Call to Order

The meeting was called to order at 7:00 p.m.

Roll Call: Commissioner/Treasurer Kai Bernal-LeClaire; Commissioner Wanda Leonard; and, Linda Pennoyer/President, Board of Town Commissioners.

Staff present: M. David Williams, Town Clerk; Kyle Snyder/Chief of Staff; UMPD Chief Burse; UMPD Sgt Samuel Irby; William Morgan/Director of Finance; Superintendent Darnell Bond/Public Works; Vickie Stewart/Code Enforcement; and,

Also present: TUMHC Chair Patti Skews; TUMHC Archivist Brian Callicott; SCW Chair Evelyn Stephens; EC Chair Jeremy Gunnoe; Ray Feldman/Feldman Communications Strategies LLC; MVFD President Jeffrey Beavers; plus, various citizens and interested parties.

### Pledge of Allegiance

### Consent to the Agenda

The President received unanimous consent to the Agenda.

President Pennoyer then delivered the following public statement: During the Closed Session conducted on January 31<sup>st</sup>, 2020, for the purposes of an administrative matter under General Provisions Article 3-104, and personnel matters that affect one or more specific individuals under General Provisions Article 3-305(b)(1), the Board discussed the FY2019 Annual Audit by Lindsey & Associates LLC, and related (and separate) personnel issues. No votes were taken during this closed session. The following members present in the Closed Session were: Commissioner Wanda Leonard, Commissioner Kai Bernal-LeClaire, President Linda Pennoyer, Director of Finance William Morgan, Chief of Staff Kyle Snyder, as well as, Charles Harrison and Calvin Brown of C. Brown & Associates Inc.

### Approval of Meeting Minutes & Financial Reports

Commissioner Bernal-LeClaire motioned to approve the Organizational Meeting minutes from January 13, 2020, the Regular Town Meeting minutes from January 14, 2020, the Work Session minutes from January 28, 2020, the Special Work Session minutes from January 31, 2020, and, the Treasurer's Report as of January 31, 2020. President Leonard seconded. All minutes from January's Organizational Meeting, Regular Town Meeting, Regular Board Work Session and Special Work Session, plus, the January 2020 Treasurer's Report were unanimously accepted and approved as presented.

### Reports

#### Departments/Committees:

- Chief Burse delivered the UMPD report for the month of January 2020, a printed report was provided in the Commissioners' meeting binder. He noted that the Courthouse is preparing to enhance security over the next few months, and access will take longer for visitors and employees alike. He added that UMPD patrol officers are increasing their rounds in the residential areas.
- Superintendent Bond delivered the Public Works reports for January 2020, a printed report was provided in the Commissioners' meeting binder. He noted that he has only received one verbal quote from several contractors approached to provide quotes to address minor existing issues within Town buildings. He will reach out to others, as the single verbal quote seemed high. He added that, so far, roughly \$1,500 in operational cost savings have been realized in the past year as compared to FY19.

- Director of Finance Morgan reviewed highlights of the January Treasurer's Report noting revenues are exceeding expenses, however, the rate of income such as taxes is slowing down as anticipated. He added that all departments' rate of spending has been low, which is a positive trend at 7 months into FY20. He then reviewed the status of activities with Town Committees, Grants, and Auditing progress.
- MVFD President Beavers delivered updates concerning their operations and events, noting he will be staying on in the compacity of MVFD President for the duration of the year.
- TUMHC Chair Skews reported that CoS Snyder provided a Walking Tour Demo for the Committee at their January Archiving Session, and that County Historian Susan Pearl attended. She added that Ms. Pearl is planning a PGCHS symposium on *Education in Maryland* tentatively set at Town Hall for April 18<sup>th</sup> at 1:00 p.m. She noted that the TUMHC Quarterly Meeting will be February 15<sup>th</sup>, the rescheduled *Maryland Lynching Memorial Project* event will be February 22<sup>nd</sup> from 2-4:00 p.m., and the *Maryland Home & Garden Pilgrimage* for Prince George's County will be held on April 25<sup>th</sup>.
- EC Chair Gunnoe reported that they focused on the 2020 Marlboro Day Festival at their last meeting, tentatively scheduling for May 9<sup>th</sup> with a rain date of May 16<sup>th</sup>, adding that the Call For Vendors should go out within a couple of weeks. He noted that the EC is considering purchasing a projector and screen for the *Movie Night* events to help facilitate more frequent and reliable showings.
- SCW Chair Stephens reported the Town's Sustainable Community F.I.P. project has about \$15K left in the FY2017 grant funding, with prospects for 2-3 new clients that may be able to utilize those funds. It was noted other municipalities are also awaiting final approval by the State for their SC designations.

#### Commissioners:

- Commissioner Bernal-LeClaire: As the new Town Treasurer and a newly elected official, he announced his two priorities for the coming 2-year term, both of which push for better overall transparency: 1.) Develop best-practice Personnel policies and procedures to expand/improve on the hiring process, salary chart synced with annual budget, and the Town's organizational chart; and, 2.) Provide additional financial information via the Town's web portal, as well as, the monthly Treasurer's Reports.
- Commissioner Leonard: Reporting as CERT President, delivered details on the half-hour Emergency Preparedness presentation that CERT delivered at the District II Coffee Club last month, adding that breakout classes are planned for upcoming 3 months. Commissioner Leonard reported she attended the MML Legislative Reception, spoke with Rockville Mayor about their first mail-in ballot election; Spoke with resident who will interview with Ray Feldman/Feldman Communications Strategies LLC for article on Town history; Spoke with North Brentwood Administrator Goodall about establishing a CERT.
- President Pennoyer: Delivered updates on the following: 1.) Town Hall closed for Presidents' Day, Bulk & Yard Waste picked up Tuesday; 2.) February *Landings* published and distributed; 3.) Met with State legislators in Annapolis today with Greenwill Consulting and Feldmann Communications; 4.) Began interviews with Deputy Clerk candidates; 5.) Still awaiting M-NCPPC decision on Beltway BBQ & Wine Festival plans; 6.) Need volunteers for the Town's new Arts Council and Green Team; 7.) *Municipal Maryland* magazine featuring Town's MGA program article available; 8.) Rescheduled event *Maryland Lynching Memorial Project* set for February 22<sup>nd</sup> at Town Hall; and, 9.) Black History Month event "*Women of Freedom*" at Trinity Church, hosted by Darnall's Chance on February 22<sup>nd</sup>.

#### **Add Business**

- 1.) Resolution 2020-02 Establishing Town Arts Council: Clerk Williams read aloud the Resolution's introduction. There was no public comment offered to the Board at this time. Commissioner Bernal-LeClaire motioned to approve Resolution 2020-02, President Pennoyer seconded. The Resolution was approved unanimously.
- 2.) Resolution 2020-03 Establishing Green Team: Clerk Williams read aloud the Resolution's introduction. A resident asked if additional funding would be necessary and how that would affect the Town Budget. President Pennoyer replied that would depend on what projects were desired to get points, some of which are already in place. A minor edit to a preprinted date(s) was noted by

the Clerk. Commissioner Bernal-LeClaire motioned to approve Resolution 2020-03, President Pennoyer seconded. The Resolution was approved unanimously.

- 3.) Resolution 2020-04 Establishing Marlboro Day Date & Vendor Fees: Clerk Williams read aloud the Resolution's introduction. It was noted that the day before Mother's Day offered more advantages than other possible conflicts. Commissioner Bernal-LeClaire motioned to approve Resolution 2020-04, President Pennoyer seconded. The Resolution was approved unanimously.
- 4.) Ordinance 2020-01 Food Trucks: Clerk Williams read aloud the draft Ordinance's introduction. A resident asked how often would the Food Trucks be setting-up in the Town. CoS Snyder noted that schedule of frequency is not established by this Ordinance, but rather will be determined by the Board, possibly a couple of Food Trucks once a week primarily in the warmer months. It was noted the Ordinance will be posted online for public comment and discussed further at the next Board Work Session.
- 5.) Ordinance 2020-02 FY2020 Budget Amendment: Clerk Williams read aloud the draft Ordinance's introduction. Reasons for changes in certain departmental line items and how they necessitate republishing of the Budget Ordinance were discussed. It was noted the Ordinance will be posted online for public comment and discussed further at the next Board Work Session.
- 6.) Sparks@Play Playground Construction Contract: CoS Snyder noted a minor edit to page 3/ paragraph 9, just submitted prior to the meeting. It was noted the Board put out a competitive bid request for proposals and only one submission had been received. Commissioner Bernal-LeClaire motioned to approve the contract as amended, President Pennoyer seconded. The contract with Sparks@Play was unanimously approved.
- 7.) Property Surplus- 2011 Dodge Charger: It was noted by Commissioner Le-Claire that Board discussion from previous meetings resulted in acquiring 3 separate quotes for repair costs, and that this surplus property will now leave the Town inventory for sale or scrap, according to Town procedure for such items. Commissioner Leonard motioned to approve declaring the 2011 Dodge Charger as surplus inventory, Commissioner Bernal-LeClaire seconded. The said Public Safety police cruiser was unanimously declared as surplus inventory.

### **Administrative Updates**

- 8.) Legislation, Projects and Initiatives: CoS Snyder reviewed a spreadsheet included in the Board's Meeting Packet and available to those in attendance, providing updates on 14 ongoing projects. It was noted that this spreadsheet is posted on the Town's website.  
A resident asked for an update on the surplus of the Old Stone Building, CoS Snyder replied that the Town is working with PGC Councilman Sydney Harrison and Greenwill Consulting on establishing a date to get project going. The resident also inquired into the status of the OMES building(s), President Pennoyer replied that all who signed the petition should have received a letter with the most current update information, adding the Town is maintaining an overview.
- 9.) General Commissioner & Staff items: There were no items brought forth by the Board or the Staff members for discussion at this time.

### **Public Comment**

A Town resident reported that a van with an attached ladder on its roof was seen leaving the parking lot of the OMES building(s) today.

### **Adjournment**

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

M. David Williams  
Town Clerk/Administrator

# Town of Upper Marlboro

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

## Work Session Minutes

February 25, 2020 - 7:00 p.m.

unApproved

### Call to Order

- Meeting was brought to order at 7:02 p.m.
- Roll Call – President Linda Pennoyer; Commissioner Wanda Leonard; Commissioner Kai Bernal-LeClaire; Town Clerk M. David Williams. Also present: Chief of Staff Kyle Snyder; UMPD Chief David Burse; and, Director of Finance William Morgan.
- Pledge of Allegiance

### Business

- 1) Ordinance 2020-01 Food Truck: Copy sent to DPIE Deputy Director Cunningham for review. The Board discussed permit fees, site locations & operation frequency and timeslots. Will need two Town Resolutions for Fee Schedule & naming Coordinator authority.
- 2) Ordinance 2020-02 FY20 Budget Amendment: Mr. Morgan noted a decrease of \$431K for FY20 Budget Total. He highlighted major adjustments that included: 1.) Unrealized Park Conservation Grant -\$200K; Two to four-month gap in Parking Enforcement & Meters -\$140K; Payroll/Salaries/Pension -\$90K. May have additional \$3K adjustments before final.
- 3) Resolution 2019-02 Commission Meeting Regulations: The Board discussed additional edits needed to the draft submitted by Attorney Best, such as: Proof and edit Table of Contents page numbering, and, add Legal Sufficiency signature block. Resolution will be posted for public comment, allowing for introduction and 30-day adoption/approval schedule.
- 4) FY2021 Budget Planning: Mr. Morgan reviewed the Preparation Schedule handout provided, noting a first-draft review will be conducted at the April Board Work Session and a separate ordinance for setting tax rates will be done in tandem with the FY21 Budget Ordinance. An additional Closed Session may be needed to discuss personnel matters within the budget.
- 5) Verizon Franchise Agreement Renewal: Town Attorney Best cited cost savings in joining County negotiations. Town has two franchise agreements that includes Comcast, with i-Net negotiations still incomplete. Sample letter and resolution sent by i-Net to join coalition.
- 6) Draft Personnel Ordinance: A draft with tracked changes by Commissioner Bernal-LeClaire, and subsequently edited with tracked changes by the Attorney Best was reviewed and discussed by the Board and Department Heads present.  
Topics discussed included: Paygrade Step-Chart; Probationary/Benefits entitlement periods; Organizational Chart; Performance evaluations; Town Vehicle policy; Background checks/drug screening; Position job titles & descriptions; Setting Classified Ads procedures; Different employment policies for Police Department; Annual ordinance review synced with Budget process; and, Employee Handbook editing & approval.
- 7) Committee Appointments: Green Team & Art Council: A call for volunteers was sent out and a list of 4 volunteers per committee was including in the Board's Meeting Packet.
- 8) Annexation—Phase 2: The Board reviewed the second phase of annexation that would encompass 2 churches, 26 residential lots and 154 acres of undeveloped property was discussed by the Board and Staff members present. It was noted the plan would add an estimated \$16K in new property tax revenues (not including income taxes). Further discussion included: Requirements throughout procedure; Additional staff needs assessment; Annexation Phase(s) order of priority; Property owners notification process; and, Plan timeline(s).

- 9) Speed Limits & Parking Issues: The Board discussed concerns expressed by the residents of the Marlborough Towne community and HOA about speeding cars on Marlborough Drive. Questions were discussed by the Board, such as, Where in Town should speed zones less than 25 mph be?; How can these reduced speed limits become recognized by the County, State and other GPS systems?; and, Is successful enforcement feasible? Other options on addressing speeding, such as speed humps, etc. were also briefly discussed.

A letter was sent to the President from Senior Park Ranger Brooke Westby, asking if a waiver of parking meter fees could be afforded somehow for the tax-paying frequenters of the Schoolhouse Pond (especially the fishermen.) The Board engaged in a spirited discussion starting from making parking on Gov Oden Bowie Drive free or lowering rates on weekends, to keeping it just the way it is. The discussion went on to reevaluating the rate structure on Main Street, and, how and when meter violations after hours are enforced.

10) General Commissioner & Administrative Staff items:

- Citizen's Guide/Welcome Packet: The President proposed updating the booklet that had been used in 2012—2015 as a means of providing a handy reference for residents for Town refuse pick-up and Meetings schedules, and a component of a Welcome Package for new residents. The Board discussed reprint costs, mailing and web posting options.
- MML Summer Conference: The Board concurred the Town's attendance should be scaled back for the 2020 Conference and opted to not have an exhibit booth this year.
- The President noted that Councilman Harrison's Office said the Old Stone Building is "off the table" until the Fall at the earliest and she proposed that the Bond Bill funding be repurposed. The Board discussed other project options noting Greenwill consulting would need to know details of the project change for their communications with our Delegates in the Annapolis State House.

**Adjournment**

The meeting was adjourned at 9:22 p.m.

Respectfully submitted,

M. David Williams  
Town Clerk/Administrator



# Town of Upper Marlboro

Town Hall, 14211 School Lane  
Upper Marlboro, MD 20772

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Fax: (301) 627-2080

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www.uppermarlboromd.gov

## Town of Upper Marlboro Budget vs. Actuals July 2019 – February 2020

	Actual	Budget	% of Budget
<b>Revenue</b>			
Fines, Licenses, Permits	\$212,272.11	\$567,935.00	37%
Grants	\$38,259.15	\$750,829.00	6%
Intergovernmental	\$15,329.03	\$41,315.00	37%
Other Revenue	\$142,435.02	\$379,432.00	37%
Taxes	\$754,009.93	\$813,209.00	92%
<b>Total Revenue</b>	<b>\$1,162,305.24</b>	<b>\$2,552,720.00</b>	<b>46%</b>
<b>Expenses</b>			
General Government	\$786,250.86	\$1,624,167.00	48%
Public Safety	\$200,294.53	\$524,882.00	38%
Public Works	\$171,954.79	\$403,671.00	43%
<b>Total Expenses</b>	<b>\$1,158,500.18</b>	<b>\$2,552,720.00</b>	<b>45%</b>

### Committee Overview

Historical Committee	\$306.46	\$1,500.00	20%
CERT Team	\$238.45	\$1,500.00	16%
Events Committee	\$5,974.84	\$12,500.00	48%





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## MONTHLY NARRATIVE

We accomplished successful partnerships with businesses for their Façade Improvement projects. And were able to complete the reimbursement for our most recent applicant. Currently there is \$24k remaining for businesses to apply for the sustainable communities grant.

1. Grants
2. Budget Amendment

## Town of Upper Marlboro

### Profit & Loss

February 2020

#### REVENUE

FINES, LICENSES, PERMITS	\$30,542.61
GRANTS	\$4,281.00
INTERGOVERNMENTAL	\$0.00
OTHER REVENUE	\$3,856.52
TAXES	\$43,558.76
<b>TOTAL REVENUE</b>	<b>\$82,238.89</b>

#### EXPENSES

GENERAL GOVERNMENT	\$167,774.88
PUBLIC SAFETY	\$31,819.96
PUBLIC WORKS	\$14,958.83
<b>TOTAL EXPENSES</b>	<b>\$214,553.67</b>



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## Town of Upper Marlboro Balance Sheet As of February 29, 2020

	<u>Total</u>
Cash on Hand and in Banks	0.00
1000 PGFSB Operating Checking	111,664.82
1001 Petty Cash	300.00
1010 PGFSB Payroll Account	0.00
1040 M&T Checking	25,391.05
1060 Sona CD 7977	0.00
1063 Sona CD 1577	0.00
1068 SONA Bank CD 8641	269,594.77
1117 Old Line Bank	102,610.72
1122 Congressional Bank CD 5756	212,310.55
1140 MLGIP	1,992.76
Total Cash on Hand and in Banks	<u>\$ 723,864.67</u>



# 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 February 2020

### Incidents Reported in Town:

House Alarm 1	Suspicious Vehicle 2	Found Property 1
Business Alarm 1	Check on the Welfare 1	Hit & Run Accident 1
Disorderly Person 1		

### Last Month Incidents:

Theft from Auto 4	Lost Property 1	House Alarms 4
Theft Report 1	Accident Report 1	Domestic Call 1
Drug Complaint 1	Disorderly 1	Suspicious Person 1
Sexual Assault 1		

Chief Burse attended the Swearing-In of Prince George's County Fire Chief Tiffany Green.

Chief Burse attended the Swearing-In of Police Chief Anthony Ayers for the Town of Cottage City.

Chief Burse attended the Swearing-In of Police Chief Tracy Stone for the Town of Colmar Manor.

Chief Burse attended and testified before the Maryland State Delegation on Senate Bill PG 313-20 Speed Monitoring Systems - Residential and School Zones.

Chief Burse attended the Prince George's Chiefs Association meeting.

Chief Burse, Sgt. Irby, and Cpl. deBarros assisted the Sheriff's Department and County Police with the monitoring of protesters at the Courthouse and on Main Street.

Chief Burse, Sgt. Irby, Cpl. deBarros, and Code Officer Stewart passed out flyers, 'Theft from Auto Prevention', to Town residents and business owners.

Chief Burse, Sgt. Irby, and Cpl. deBarros conducted high visibility traffic enforcement on MD 725.

Chief Burse, Cpl. de Barros, and CERT members attended the District 2 Coffee Club.

Chief Burse attended a Police Suicide Awareness Training.

Code Officer Stewart attended a Code Enforcement Seminar with members from around the State.

**Kai Bernal-LeClaire**  
Commissioner/Treasurer

**Wanda Leonard**  
Commissioner

**Linda Pennoyer**  
Commissioner/President



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

**Date:** Monday, March 2, 2020

**Subject:** Public Works' Status Report

**RE:** February 2020 – Monthly Status Report

**Capital Improvements** - Public Works Superintendent reached out to several area electricians to obtain quotes for work needed at TH. One verbal and two written quotes were received.

I also reached out to Maryland forestry to obtain info on potential savings for “Tree-mendous Maryland.” Also, I have reached out to local equipment rental businesses to obtain quotes for a multipurpose boom lift to complete several tasks around Town.

**Maintenance and Beautification** – Due to the amount of rain we experienced, our focus shifted to maintenance of equipment. In February, we continued with our tree pruning operations at TH. We began weeding, preening, and mulching of the Town entrance signs. Stanley Security came out to assess and fix a few issues we have been having with our doors.

**Street and Sidewalk Repairs** – A “No Thru Truck Sign on Church street” was ordered to allow us to make proper notification to trucks/busses prior to their arrival at Church Street. Multiple service requests were entered to Verizon for downed lines around Town. “No Parking Any Time” Signs were added to the entrance of Marlborough Drive to provide clearance near the stop sign.

**Refuse Accumulations** – Bulk day accumulations for solid wastes (Landfill) are: 4.50 tons. Bulk day accumulations for yard waste collections are: 3.51 tons.

Sincerely,

Darnell F. Bond III  
*Public Works Superintendent*

**Kai Bernal-LeClaire**  
Commissioner/Treasurer

**Wanda Leonard**  
Commissioner

**Linda Pennoyer**  
Commissioner/President

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

ORDINANCE: 2020-01  
SESSION: Regular Town Meeting  
INTRODUCED: February 11, 2020

**AN ORDINANCE TO AMEND ORDINANCE 04-01 REGARDING TRANSIENT OR ITINERANT MERCHANTS AND VENDORS, AND ASSIGN A TOWN FOOD TRUCK HUB COORDINATOR, TO ESTABLISH CERTAIN FEES, AND PERMIT FOOD TRUCK VENDING, AND DESIGNATE CERTAIN LOCATIONS OR HUBS USED FOR CLUSTERED OR MULTIPLE FOOD TRUCK VENDING SITES BY CERTAIN COUNTY-LICENSED MOBILE FOOD SERVICE FACILITIES OR UNITS CONDUCTING BUSINESS WITHIN THE CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO**

**WHEREAS**, the Town Board of Commissioners passed Ordinance 04-01 on September 14, 2004 defining and regulating transient merchants, itinerant merchants and itinerant vendors and providing penalties for the violation thereof; and

**WHEREAS**, said Ordinance 04-01 made it unlawful for any transient or itinerant merchant, or itinerant vendor to sell or deliver his or her goods within the town limits but provided exceptions for ice cream trucks, home hostess (e.g., Tupperware®) parties, and Board approved celebrations or functions; and

**WHEREAS**, Prince George's County has implemented a regulated Food Truck Hub Program administered by the County Department of Permits, Inspections and Enforcement ("DPIE") to increase access to food options, encourage economic development and community revitalization and promote innovative entrepreneurship; and

**WHEREAS**, rulemaking by the Maryland Department of Health and Mental Hygiene governs food service facilities as set forth in the Code of Maryland Regulations (COMAR Reg. 10.15.03 *et seq.*) and the Prince George's County Health Department inspects food trucks for compliance with said regulations; and

**WHEREAS**, a County Resolution (CR-73-2019) was passed on October 8, 2019 giving municipalities of the County the right to allow the operation of county-licensed food trucks within their respective jurisdictions without the need for a special resolution as mandated by Section 5-189.01 of the Prince George's County Code provided they agree to designate a coordinator and set locations for food truck vending and limit their food hub vendor fees to no more than \$75 per event; and

**WHEREAS**, pursuant to LG Art., § 5-202 of the Md. Ann. Code and § 82-16(1) of the Town

/

Charter, the Board of Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Town 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**, Section 82-16(2)(p) (Departments) of the Town Charter authorizes the Board to enact ordinances to create, change, and abolish offices, departments, or agencies, other than offices, departments, and agencies established by this Charter; to assign additional functions or duties to offices, departments or agencies, established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency, any function or duty assigned by the Charter to a particular office, department, or agency; and

**WHEREAS**, Section 82-16(2)(x) (Food) of the Town Charter authorizes the Board to pass ordinances to inspect and to require the condemnation of, if unwholesome, and to regulate the sale of any food products; and

**WHEREAS**, Section 82-16(2)(aa) (Garbage) of the Town Charter authorizes the Board to enact ordinances to prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal; and

**WHEREAS**, pursuant to § 82-16(2)(gg) of the Town Charter, the Board shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State and subject to any restrictions imposed by the public general laws of the State, the power to pass ordinances for the specific purpose of licensing and regulating all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of the Charter.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of The Town of Upper Marlboro sitting in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2020 the following:

## **THE TOWN OF UPPER MARLBORO**

### **MOBILE FOOD TRUCK ORDINANCE**

#### **Sec. 1. – Intent and Scope.**

- A. The intent of this Ordinance is to essentially compliment the Prince George's County Food Truck Hub Program, and supplement State and County regulations in order to further encourage mobile food vendors that operate locally to provide food service options in underserved areas, promote entrepreneurial activity, and increase vibrancy and culture within the Town of Upper Marlboro.

- B. An additional intent of this Ordinance is that it be read together with relevant law governing food service facilities and particularly Section 5-189.01 *et seq.* (Mobile Units—Food Truck Hubs) of the Prince George’s County Code, and that said sections are considered incorporated herein by reference. Nothing herein, however, is intended to prevent the operation of mobile food service facilities, whether clustered together or operating alone, or other vendors or merchants operating within the Town’s corporate limits provided said merchants and vendors comply with all applicable State and local laws and regulations.
- C. In addition to the limited exemptions and exceptions provided under Ordinance 04-01 regarding transient or itinerant merchants, and itinerant vendors, this Ordinance amends Ordinance 04-01 and further permits the operation of Special Food Service Facilities (Mobile Units) at a designated Food Truck Hub. A Special Food Service Facility—Mobile Unit may not operate at an unauthorized location outside of a Food Truck Hub within the Town.
- D. Prince George’s County may not designate a Food Truck Hub within the Town’s corporate limits without the consent and approval of the Town Board of Commissioners.

## **Sec. 2. – Definitions.**

- (a) *County Food Truck Hub Oversight Committee* means a committee of the County government having county-wide jurisdiction and established to provide continuing oversight and support of the County Food Truck Hub Program. County law establishes the number of Food Truck Hubs allowed in the County, and this Committee recommends additional Food Truck Hubs to be specially designated by resolution of the County Council in addition to those already designated by county ordinance at certain parks and recreational facilities under the jurisdiction of the Park and Planning Commission or areas within close proximity to Metro and MARC stations. Municipal governing bodies may also designate Food Truck Hubs within their respective corporate limits without the need for a special County resolution.
- (b) *Depot* means a food service facility permitted by the County Health Department or other regulatory agency which provides services to mobile special food service facilities on a routine basis such as food, food preparation or storage, utensil wash facilities, potable water, or waste disposal facilities. A mobile unit is relocated following each day’s operation to an approved depot or other location acceptable to the approving authority pursuant to COMAR Regulations (Reg. 10.15.03 *et seq.*) and Section 12-103 *et seq.* of the County Code.
- (c) *Food Truck Hub*, as further defined in Section 5-189.01(a) of the County Code, means an outdoor area with an approved application certified by the County in which two or more mobile units may cluster in order to primarily sell freshly prepared foods or fresh fruits and vegetables. A Food Truck Hub shall only be located on an open area, parking lot or public right-of-way or other areas as designated by the Town Board of Commissioners and permitted by the property owner or entity having jurisdiction over the roadway.
- (d) *County Food Truck Hub License* means a County license issued on a yearly basis to a Food Hub Coordinator including the Town’s designated coordinator.

- (e) *Special Food Service Facility—Mobile Unit* means a licensed, motorized vehicle or mobile food unit or special food service facility that temporarily operates at a Food Truck Hub or other authorized location where food items are sold to the general public.
- (f) *Operate* means all activities associated with the conduct of business as a food truck vendor, including set up and take down and/or actual hours where the mobile food vending unit is open for business.
- (g) *Prince George's County Health Department Permit* means a health permit issued annually to a Special Food Service Facility – Mobile Unit vendor after an inspection and normally carries a fee of \$300.
- (h) *Proof of Review* means a document issued by the Prince George's County Fire Department to a Special Food Service Facility—Mobile Unit License applicant after an inspection and normally carries a fee of \$35.
- (i) *Town Food Truck Hub Coordinator* means the designated Town employee, official or volunteer who serves as a contact responsible for the operation and proper lawful functioning of food truck vending in Town, which includes but is not limited to litter, noise and disturbance control. The Coordinator is subject to a County citation that carries a fine for failure to ensure the proper operation of a Food Truck Hub.
- (j) *Town Food Truck Hub Vendor License* means a license issued by the Town to a County-licensed Special Food Service Facility—Mobile Unit to temporarily sell food items to the general public at a designated Food Truck Hub located within the Town.

### **Sec. 3. – Town License required.**

No mobile food unit vendor shall engage in vending within the Town's corporate limits without a license issued from the Town Clerk authorizing such vending. The Town Clerk shall prescribe the form of such licenses and applications for such licenses. All such Town licenses shall be prominently displayed on the mobile food vending unit's front window along with the Prince George's County Health Department Permit and any required County Food Truck Hub License. No vending through a mobile food vending unit of food and/or other human consumables shall be licensed unless the mobile food vending unit has been properly licensed and permitted by the County Health Department and, if applicable, the County Department of Permitting, Inspections, and Enforcement. Prior to obtaining a Town License, a Town Food Truck Hub Vendor or any other special food facility or mobile vendors applicants must prove that the subject mobile unit is properly permitted and licensed through Prince George's County.

### **Sec. 4. – Duration; non-transferability.**

Annual, event or daily licenses may be issued by the Town Clerk expiring at the end of each calendar year, event or day permitted. Licenses associated with a community event may also be issued. Such licenses may not be transferred to a new proprietor or business successor in interest or assignee. If for any reason, a County Food Truck Hub License is suspended, rescinded or lapses, any concurrent Town Food Truck Hub Vendor License shall likewise be considered suspended, lapsed or terminated. A



renewal of a County Food Truck Hub License shall not require the immediate renewal of a Town Food Truck Hub Vendor License provided there is time remaining on the Town license and the County renewal was obtained within thirty (30) days of its expiration.

## **Sec. 5 - Application.**

Every vendor desiring to engage in mobile Food Truck Hub vending shall make a written application to the Town Clerk for a license under this Ordinance. The applicant shall truthfully state, in full, all information requested by the Town Clerk and be accompanied by a fee set forth in Section 6 of this Ordinance, or as established by resolution of the Town Board of Commissioners. Additionally, the applicant shall provide all required documentation, such as proof of insurance and proof of County licensure, as required by this Ordinance.

## **Sec. 6 - Fees.**

An application for a Town Food Truck Hub Vendor License shall be accompanied by a fee in the amount established by this Ordinance or modified by separate ordinance or resolution of the Board of Town Commissioners. The fee may not exceed \$75.00 per event for each vendor, and unless modified by another ordinance or resolution the fee for a Town Food Truck Hub Vendor License shall be said amount. A fee schedule established by resolution or ordinance may provide for the payment of (i) an annual license fee, and (ii) a separate recurring fee for each separate Food Truck Hub operating day or event, or (iii) both annual and event or daily fees, provided any fee charged does not exceed \$75.00 per event for each vendor. There shall be no proration of fees. Fees are non-refundable once a license has been issued by the Town Clerk. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Ordinance.

## **Sec. 7 - Requirements.**

Any vendor engaging in mobile food vending at a designated Food Truck Hub shall comply with the following requirements:

- (1) Obtain a fire inspection of the food truck and obtain a County Fire Department approval as required by County law;
- (2) Obtain a County Mobile Food Service Facility Permit from the County Department of Permits, Inspections and Enforcement (“DPIE”) including a Prince George’s County Health Department health inspection approval as required by County law;
- (3) Contact the Town Food Truck Coordinator to arrange vending opportunities in the Town.
- (4) Obtain a County Special Food Service Facility—Mobile Unit License from DPIE to vend at an approved Food Truck Hub as required by County law;
- (5) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis;
- (6) Mobile food vending units may park on Town or public property, along a roadway, or in a metered parking space with the prior permission and authorization of the Town provided the area is duly designated as a Food Truck Hub;
- (7) No vendor may operate on public property within 300 feet of a Town-authorized street fair,

public festival, farmers market or event being conducted without authorization from the event sponsor and provided the area is duly designated as a Food Truck Hub;

- (8) No vendor may use flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward;
- (9) No vendor shall use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the Town.
- (10) Comply with all applicable federal, state, county and Town ordinances and regulations;
- (11) May have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within three feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety;
- (12) The hours, dates, and location of mobile food vending opportunities shall be set by the Town at least one week in advance to allow for a pre-designated number of mobile food units to sign up;
- (13) No mobile food vending unit may be left unattended for more than two (2) hours; and any mobile food vending unit not in operation shall be removed between the hours of 11:00 p.m. and 7:00 a.m.;
- (14) Mobile food vending units shall not utilize any electric or power without the prior written authorization of the power customer, and no power cable or similar device shall be extended across any Town street, alley or sidewalk;
- (15) Mobile units may not park overnight within a designated Food Truck Hub;
- (16) A food truck vendor must notify and obtain authorization from the Town of its intent to vend on private property within the Town limits and at a designated Food Truck Hub at least one week prior to the vending date; and
- (17) Provide a release and waiver of liability form for participation in the Town's Food Truck Program, as deemed appropriate by the Town.

#### **Sec. 8. – Duties and Responsibilities of the Town Coordinator.**

The duties and responsibilities of the Town Food Truck Hub Coordinator shall be vested in the duly appointed Town of Upper Marlboro Code Enforcement Officer as a collateral duty, or some other designee named by written resolution. The Food Truck Hub Coordinator may be appointed and removed by the President, in accordance with rules and regulations in any merit system which may be adopted by the Board. The Coordinator's duties and responsibilities shall include the administration and enforcement of this Ordinance and those enumerated in Section 5-189.04 of the County Code as well as any other duties as may be prescribed by the President/Mayor. The Town's Coordinator, on behalf of the Town, shall obtain any required licenses and any available fee waivers from the County or any necessary private property owners for the successful permitting and operation of the Town's Food Truck Hub Program or related food vending assemblies.

#### **Sec. 9. - Impoundment.**

Any equipment associated with food vending that is not in compliance with this Ordinance and left on public property may be impounded at the owner's expense.

## **Sec. 10 - Other licenses or Inspections.**

A license obtained under this Ordinance shall not relieve any vendor of the responsibility for obtaining any other license, inspection certificate, permit or authorization required by any other ordinance, statute or administrative rule. A person possessing a valid Town Food Truck Hub Vendor License shall not be required to obtain a Town business license, or any other Town issued vendor license.

## **Sec. 11. - Revocation.**

The Town Clerk shall revoke the license of any vendor engaged in mobile food vending who ceases to meet any requirement of this Ordinance or violates any other federal, state, county or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare. Immediately upon such revocation, the Town clerk shall provide written notice to the license holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the license shall become null and void.

## **Sec. 12. - Complaints; appeals.**

If a written complaint is filed with the Town Clerk alleging that a food vendor has violated the provisions of this Ordinance, the Town Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Town Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a license is denied or revoked by the Town Clerk, or if a written complaint is certified pursuant to this Ordinance, the applicant or holder of a license may appeal to and have a hearing before the Board of Town Commissioners. The Board of Town Commissioners shall make a written determination, after presentation by the applicant and investigation by the Town Clerk, as to whether or not the grounds for denial, revocation or complaint are legitimate. If the Board of Town Commissioners determines that such grounds are supported by a preponderance of the evidence, the action of Town Clerk or filing of the complaint shall be sustained and the applicant may file a petition for judicial review of the Board of Town Commissioners' decision to the Circuit Court for Prince George's County.

## **Sec. 13 - Violation and penalty.**

A violation of this Ordinance is declared to be a municipal civil infraction and is subject to a \$500 fine for the first violation, and a fine of \$1,000 for each subsequent municipal infraction citation.

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

AND BE IT FURTHER ENACTED AND ORDAINED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance 2020-01 shall change and amend Ordinance 04-01, which previously amended Ordinance 86-1.

AND BE IT FURTHER ENACTED AND ORDAINED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance 2020-01 shall further change and amend Ordinance 04-01 by rescinding Section 1-5 thereof, as the penalty clause and replacing it with Section 13 of this Ordinance thereby making a violation of this ordinance regulating mobile food vending and any previous ordinances regulating transient merchants, itinerant merchants and itinerant vendors to be a municipal (civil) infraction instead of a criminal misdemeanor.

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

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Attest:

THE TOWN OF UPPER MARLBORO,  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Linda Pennoyer, President

\_\_\_\_\_  
Kain Bernal-LeClaire, Commissioner

\_\_\_\_\_  
M. David Williams, Town Clerk

\_\_\_\_\_  
Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

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

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

## **The Town of Upper Marlboro**

RESOLUTION: 2020-05  
SESSION: Regular Town Meeting  
DATED: March 10, 2020

### **A RESOLUTION DESIGNATING A TOWN FOOD TRUCK HUB COORDINATOR**

**WHEREAS**, a County Resolution (CR-73-2019) was passed on October 8, 2019 giving municipalities of the County the right to allow the operation of county-licensed food trucks within their respective jurisdictions without the need for a special resolution as mandated by Section 5-189.01 of the Prince George's County Code provided they agree to designate a coordinator and set locations for food truck vending and limit their food hub vendor fees to no more than \$75 per event; and

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro passed Ordinance 2020-01, which under Sec. 8. – Duties and Responsibilities of the Town Coordinator, states that the duties and responsibilities of the Town Food Truck Hub Coordinator shall be vested in the duly appointed Town of Upper Marlboro Code Enforcement Officer as a collateral duty, or some other designee named by written resolution, and the Food Truck Hub Coordinator may be appointed and removed by the President, in accordance with rules and regulations in any merit system which may be adopted by the Board; and

**WHEREAS**, the Board finds that Section 3 of Ordinance 2016-04 (Public Ethics Ordinance) states that unless as permitted by statute or other ordinance, and except as otherwise stated in subsection (D) of said ordinance, a Town elected official shall be prohibited from simultaneously holding multiple Town offices or appointed positions in Town government; however, this prohibition does not apply to Town appointed or employee positions.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2020, that Mr. Kyle Snyder, in addition to his regular employment duties, shall serve as the Town's Food Truck Hub Coordinator, whose duties shall include the administration and enforcement of Ordinance 2020-01 and those enumerated in Section 5-189.04 of the County Code as well as any

other duties as may be prescribed by the President/Mayor, and the Town's Coordinator, on behalf of the Town, shall obtain any required licenses and any available fee waivers from the County or any necessary private property owners for the successful permitting and operation of the Town's Food Truck Hub Program or related food vending assemblies.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Linda Pennoyer, President

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

\_\_\_\_\_  
Wanda M. Leonard, Commissioner

\_\_\_\_\_  
Kai Bernal-LeClair, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
M. David Williams, Town Clerk

## **The Town of Upper Marlboro**

RESOLUTION: 2020-06  
SESSION: Regular Town Meeting  
DATED: March 10, 2020

### **A RESOLUTION FOR THE PURPOSE OF SETTING FEES FOR FOOD TRUCK VENDORS**

**WHEREAS**, pursuant to § 82-37 of the Town Charter, the Treasurer under, the supervision of the President, has the authority and is required to bill for and collect all taxes, special assessments charges, license fees, liens, and all other revenues (including utility revenues) of the Town, and all other revenues for whose collections the Town is responsible, and receive any funds receivable by the Town; and

**WHEREAS**, a County Resolution (CR-73-2019) was passed on October 8, 2019 giving municipalities of the County the right to allow the operation of county-licensed food trucks within their respective jurisdictions without the need for a special resolution as mandated by Section 5-189.01 of the Prince George's County Code provided they agree to designate a coordinator and set locations for food truck vending and limit their food hub vendor fees to no more than \$75 per event; and

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro passed Ordinance 2020-01, which in Section 6 allows the Town to establish a fee schedule by resolution or ordinance to provide for the payment of (i) an annual license fee, and (ii) a separate recurring fee for each separate Food Truck Hub operating day or event, or (iii) both annual and event or daily fees, provided any fee charged does not exceed \$75.00 per event for each vendor.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2020, that the below fees shall take effect immediately upon passage, and vendors shall be required to obtain a permit from the office of the Town Clerk.

- Annual Fee: \$750.00 (Town to provide at least ten (10) vending opportunities.)
- One-Day Fee: \$50.00

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Linda Pennoyer, President

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

\_\_\_\_\_  
Wanda M. Leonard, Commissioner

\_\_\_\_\_  
Kai Bernal-LeClair, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
M. David Williams, Town Clerk



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

ORDINANCE: 2020-02  
SESSION: Regular Town Meeting  
INTRODUCED: February 11, 2020  
DATE ENACTED: \_\_\_\_\_

**AN ORDINANCE RELATING TO ADOPTING AND APPROVING BUDGET  
AMENDMENTS FOR THE FISCAL YEAR 2020 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. 2019-04 on May 14, 2019, 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. 2019-04 by allocating and appropriating funds for the following reason: 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; and

**WHEREAS**, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2019-04 by reallocating Town funds and to limit expenditures in several Town Departments.

**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 2020 Budget Ordinance 2019-04, 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 20 BUDGET AMOUNT</u>	<u>AMENDED FY20 BUDGET AMOUNT</u>
Taxes	\$813,209	\$852,209
Intergovernmental	\$41,315	\$41,315
Fines, License and Permits	\$567,935	\$339,935
Other	\$32,450	\$19,950
Grants	\$750,829	\$550,829
From Designated Funds	\$346,982	\$321,482
<b>Total Revenues:</b>	<b>\$2,552,720</b>	<b>\$2,125,720</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 2020 Budget Ordinance 2019-04, as amended by this FY 2020 Amendatory Budget Ordinance 2020-02 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>FY19 ADOPTED BUDGET AMOUNT</u>	<u>FY 19 AMENDED BUDGET AMOUNT</u>
General Government	\$1,624,167	\$1,186,517
Public Safety	\$524,882	\$560,122
Highways and Streets	\$403,671	\$379,081
<b>Total Expenditures:</b>	<b>\$2,552,720</b>	<b>\$2,125,720</b>

**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 2020 Budget Ordinance 2019-04 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 2020 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 2020 Budget Ordinance 2019-04.

**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 2020 Amendatory Budget Ordinance 2020-02 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_:

\_\_\_\_\_  
Town Clerk

**ORDAINED, APPROVED AND** finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

Attest:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
M. David Williams, Town Clerk

\_\_\_\_\_  
Linda Pennoyer, President

\_\_\_\_\_  
Wanda M. Leonard, Commissioner

\_\_\_\_\_  
Kai Bernal-LeClaire, Commissioner

Reviewed and Approved for Legal Sufficiency

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

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

**TOWN OF UPPER MARLBORO  
FY2020 BUDGET ADJUSTMENT (MID-YEAR)**

**Income**

<b>Revenue</b>	<b>ORIGINAL</b>	<b>AMENDED</b>
6154 Franchise Fee	25,000.00	16,000.00
6280 Trader's License Fees	1,200.00	1,200.00
6350 Permits/Rentals	41,000.00	17,500.00
6355 Parking Meters	439,235.00	291,235.00
6381 Parking Fines/Penalties	50,000.00	10,000.00
6550 Pub/Edu/Govt Broadcasting	11,500.00	4,000.00
6530.01 FIP	59,510.00	59,510.00
6530.02 MNCPPC=Grant	40,140.00	40,140.00
6530.03 Assigned Fund Municipal Capital	30,000.00	30,000.00
6530.04 Conservation Energy Grant	25,000.00	25,000.00
6530.05 State Police Aid	19,179.00	19,179.00
6530.06 State Bond Bill	175,000.00	175,000.00
6530.07 Police Body Armor	2,000.00	2,000.00
6530.08 Park Conservation Grant	200,000.00	-
6530.09 Community Open Space Grant	200,000.00	200,000.00
6240 Financial Corporation Tax	9,145.00	9,145.00
6260 Highway User Fee	30,094.00	30,094.00
6310 Disposal Fee Rebate	2,076.00	2,076.00
6390 Interest Earnings	15,000.00	5,000.00
6392 Sale of Property	2,500.00	1,000.00
6394 Miscellaneous Revenue	8,950.00	7,950.00
6396 Special Events/Donations	6,000.00	6,000.00
6100 Real Estate Taxes	298,239.00	307,239.00
6101 Personal Property Taxes	335,475.00	365,475.00
6230 Income Taxes	179,495.00	179,495.00
<b>Total Revenue</b>	<b>2,205,738.00</b>	<b>1,804,238.00</b>
9000 Capital Outlay Balance	346,982.00	321,482.00
<b>Total Capital Outlay</b>	<b>346,982.00</b>	<b>321,482.00</b>
<b>Total Income</b>	<b>2,552,720.00</b>	<b>2,125,720.00</b>

**Expenses**

**General Government**

8030 Salaries - Commissioners	3,600.00	3,600.00
8035 Salaries	419,153.00	325,403.00
8073 Accounting	9,500.00	27,750.00
8074 Audit	16,000.00	2,750.00
8075 Payroll Processing	5,200.00	5,700.00
8077 Public Notices	3,100.00	3,850.00
8080 Bank Charges	11,000.00	32,250.00

**TOWN OF UPPER MARLBORO**  
**FY2020 BUDGET ADJUSTMENT (MID-YEAR)**

8083 Official Use	15,000.00	2,500.00
8086 Staff Development & Training	12,000.00	12,000.00
8090 Postage	3,000.00	2,000.00
8092 Printing	10,000.00	7,000.00
8095 Community Events & Recreations	18,000.00	18,000.00
8110 Legal	30,000.00	30,000.00
8115 Computer Software & Support	7,500.00	7,500.00
8120 Insurance	4,000.00	14,000.00
8130 Supplies	4,000.00	6,300.00
8131 Ofc Equipment R&M	3,000.00	1,300.00
8160 Telephone	7,000.00	9,000.00
8165 Utilities	8,500.00	8,500.00
8175 Bldg Maintenance - Town Hall	7,000.00	7,000.00
8180 Grants & Awards (FIP)	459,510.00	259,510.00
8185 Historical Committee	1,500.00	1,500.00
8191 CERT	1,500.00	1,500.00
8200 Other	2,500.00	7,000.00
8205 Consulting Fees	45,000.00	45,000.00
8210 Payroll Tax Expenses	109,604.00	152,604.00
8230 Capital Outlay - Assigned Municipal Capital Fund	288,000.00	148,000.00
8231 Contingency Fund	120,000.00	45,000.00
<b>Total 8000 General Government</b>	<b>1,624,167.00</b>	<b>1,186,517.00</b>

**Public Safety**

8260 Salaries	331,000.00	329,000.00
8261 Overtime	5,000.00	5,000.00
8273 Uniforms	9,000.00	7,000.00
8274 Weapons & Duty Equipment	5,000.00	24,179.00
8275 Staff Training	2,000.00	1,261.00
8277 Substance Testing/Pre Employment	2,000.00	1,000.00
8280 Supplies	2,500.00	7,500.00
8281 Association Dues	1,000.00	800.00
8282 PS Insurance	17,641.00	17,641.00
8290 Payroll Tax Expenses	57,741.00	74,741.00
8300 Vehicle Repairs	6,000.00	4,000.00
8301 Vehicle Maintenance	6,000.00	4,000.00
8302 Vehicle Fuel	6,000.00	10,000.00
8320 Other	2,000.00	2,000.00
8330 Capital Outlay - Other		
8330.01 Capital Outlay - Technology	12,000.00	12,000.00
8330.02 Capital Outlay - Vehicles	60,000.00	60,000.00
<b>Total 8330 Capital Outlay</b>	<b>72,000.00</b>	<b>72,000.00</b>
<b>Total 8250 Public Safety</b>	<b>524,882.00</b>	<b>560,122.00</b>

**TOWN OF UPPER MARLBORO  
FY2020 BUDGET ADJUSTMENT (MID-YEAR)**

**Public Works**

8360 Salaries	163,920.00	133,080.00
8361 Overtime	6,000.00	6,000.00
8370 Payroll Tax Expenses	56,381.00	69,381.00
8375 Uniforms	3,500.00	1,500.00
8377 Dues	750.00	500.00
8380 Other	1,500.00	1,500.00
8383 PW Insurance	8,000.00	8,000.00
8390 Streets Maintenance	5,000.00	4,500.00
8391 Weather Related Expenses	3,000.00	3,000.00
8400 Highway Lighting	26,000.00	26,000.00
8405 Vehicle Repairs	2,000.00	1,000.00
8410 Vehicle Maintenance	2,000.00	2,000.00
8415 Vehicle Fuel	6,000.00	6,000.00
8487 Substance Testing	200.00	200.00
8490 Utilities	1,000.00	1,000.00
8491 PWF-Maint/Repairs/Beautificatio	14,000.00	18,500.00
8493 Portajohn	1,200.00	1,200.00
8545 Sanitation	58,220.00	58,220.00
8550 Capital Outlay (Hwys & Streets)		
8550.01 Capital Outlay -Street&Sidewalk	5,000.00	5,000.00
8550.02 Capital Outlay - H&S Equipmnt	15,000.00	7,500.00
8550.03 Energy Conservation	25,000.00	25,000.00
<b>Total 8550 Capital Outlay (Hwys &amp; Streets)</b>	<b>45,000.00</b>	<b>37,500.00</b>
<b>Total 8350 Public Works</b>	<b>403,671.00</b>	<b>379,081.00</b>
<b>Total Expenses</b>	<b>2,552,720.00</b>	<b>2,125,720.00</b>
<b>Net Operating Income</b>	<b>-</b>	<b>-</b>

## **The Town of Upper Marlboro**

RESOLUTION: 2020-07  
SESSION: Regular Town Meeting  
DATED: March 10, 2020

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO AUTHORIZE NEGOTIATION OF THE VERIZON CABLE TELEVISION FRANCHISE RENEWAL, AND TOGETHER WITH PRINCE GEORGE'S COUNTY AND OTHER MUNICIPALITIES, TO JOINTLY NEGOTIATE THE RENEWAL OF THE VERIZON FRANCHISE

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro has authority pursuant to §1-708 of Local Government Article, Annotated Code of Maryland; §82-16(2)(y) of the Town Charter; and Ordinance 06-05 (Cable Ordinance) adopted November 28, 2006, to regulate cable television franchises within the Town; and

**WHEREAS**, pursuant to Resolution 2006-2 approved on October 10, 2006, the Town subsequently entered into a nonexclusive franchise agreement with Verizon Maryland, Inc. ("Verizon") as part of a municipal coalition; and

**WHEREAS**, the term of the franchise agreement ends in 2022; and

**WHEREAS**, the Town has received a letter from Verizon invoking the formal renewal provisions of Section 626 of the 1984 Cable Communications Policy Act, which also indicates a desire to engage in an informal process of negotiation; and

**WHEREAS**, the Town is required to perform a needs assessment as part of any renegotiation of a franchise agreement; and

**WHEREAS**, it is in the public interest that the Town enter into franchise renewal negotiations with Verizon; and

**WHEREAS**, the Town has been invited to be part of a joint negotiation, together with Prince George's County and other municipalities, to negotiate the renewal of the Verizon franchise; and

**WHEREAS**, the Town participated in a similar joint negotiation with the County and municipalities when the original Verizon franchise agreement was reached and received the benefit of pooling its financial and other resources to reach an agreement that was acceptable to the Town; and



**WHEREAS**, the Board of Town Commissioners have determined that it is in the public interest to join with Prince George's County and other municipalities, to allow the Town the benefit of pooling its financial and other resources to perform the needs assessment, and to negotiate the renewal of the Verizon franchise.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2020, that:

1. The Town Board of Commissioners have determined that it is in the public interest to perform a needs assessment and negotiate the renewal of the Verizon franchise agreement, and to join with Prince George's County and other municipalities in the need's assessment and joint negotiation process.
2. That the Town staff is authorized to take those steps necessary to participate and collaborate in the joint negotiation to obtain a franchise agreement that may be entered into between the parties including the Town upon approval of the Board.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Linda Pennoyer, President

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

\_\_\_\_\_  
Wanda M. Leonard, Commissioner

\_\_\_\_\_  
Kai Bernal-LeClair, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
M. David Williams, Town Clerk

## **Town of Upper Marlboro**

RESOLUTION: 2020-08  
SESSION: Regular Town Meeting  
DATE : March 11, 2020

### **RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO CHANGE AND ADOPT PARKING METER RATES**

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro, a body politic and corporate of the State of Maryland under its Charter, and as a municipal corporation is duly empowered by state law to regulate parking and collect parking meter fees; and

**WHEREAS**, the Board of Commissioners is authorized pursuant to Ordinance 2016-02, as amended, to establish parking meter zones and to set from time to time by resolution the amount to be deposited in the parking meters of the Town, and to further establish or amend any other fees authorized under said ordinance; and

**WHEREAS**, the Board of Commissioners has determined that there is a need to set new parking meter hours of operation, rates and consequent after-hours rates.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of The Town of Upper Marlboro that it hereby approves, adopts and establishes the following:

1. That as of March 13, 2020, the hourly parking meter fees for Town installed and maintained meters along Main Street, Pratt Street, Water Street, Judges Drive, and Elm Street shall be two and a half (\$2.50) U.S. dollars per hour, 24-hours per day with the exception of all day Sunday and observed Federal Holidays, whereby the hourly fee shall be waived.
2. That as of March 13, 2020, the hourly parking meter fees for Town installed and maintained meters along Governor Oden Bowie Drive shall be two and a half (\$2.50) U.S. dollars per hour, Monday thru Friday from 6:00 a.m. until 6:00 p.m., with the exception of observed Federal Holidays, whereby the hourly fee shall be waived. The hourly fee shall also be waived all day on both Saturdays and Sundays.
3. That these fees shall supersede any previously established parking meter fees that conflict with this Resolution and will be remaining in effect until a new resolution or ordinance is passed.

**AND BE IT FURTHER RESOLVED** that the hourly fees set by this resolution shall be marked or otherwise displayed on the Town's parking meters, and this Resolution shall be posted on the Town's website and in a conspicuous place in the Town Hall for a period of at least 30 days after its passage.

**PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2020

## Town of Upper Marlboro

ATTEST:

BOARD OF COMMISSIONERS OF THE TOWN  
OF UPPER MARLBORO, MARYLAND

\_\_\_\_\_  
M. David Williams, Town Clerk

\_\_\_\_\_  
Linda Pennoyer, President

\_\_\_\_\_  
Wanda Leonard, Commissioner

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

\_\_\_\_\_  
Kai Bernal-LeClaire, 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  
\_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
M. David Williams, Town Clerk

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

ORDINANCE: 2020-03  
SESSION: Regular Town Meeting  
INTRODUCED: March 9, 2020  
DATE ENACTED: \_\_\_\_\_

**AN ORDINANCE TO ESTABLISH A PERSONNEL SYSTEM WITH CERTAIN GUIDELINES,  
PAYGRADES, STANDARDS AND PROCEDURES FOR THE EMPLOYEES OF THE TOWN  
OF UPPER MARLBORO.**

**WHEREAS**, Section 82–59 of the Town Charter (authority to employ personnel) states that the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or state law and to operate the Town government; and

**WHEREAS**, Section 82–60 of the Town Charter (compensation of employees). States that the compensation of all officers and employees of the Town shall be set from time to time by an ordinance; and

**WHEREAS**, Section 82-15 a of the Town Charter states the President, with the approval of the Board, shall appoint the heads of all offices, departments, and agencies of the Town government as established by this Charter or by ordinance, and all office, department, and agency heads shall serve at the pleasure of the President, and all subordinate officers and employees of the offices, departments, and agencies of the town government shall be appointed and removed by the president, in accordance with rules and regulations in any merit system which may be adopted by the Board; and

WHEREAS, the Board finds that a merit system is a personnel system created “...to secure the appointment of persons, after examination, suitable and qualified for the positions or offices to which they are applicants, and, second, when after appointment, their efficiency and worth are shown to exist, to place their removal beyond the control of the appointing power, who might, for political, ..., or other insufficient reasons, be disposed to remove them, and to appoint unsuitable and inefficient persons as their successors to the injury and detriment of the public...” *Lilly v. Jones*, 158 Md. 260, 148 A. 434 (1930).

**Section 1. Declaration of Policy**

- A. This personnel or merit system is established for all present and future employees of the Town, and shall provide the means to recruit, select, develop, advance, and maintain an effective and responsive work force on the basis of relative ability, knowledge requirements of the citizens of the Town.
- B. All personnel actions shall be taken without regard to race, sex, religion, national origin, or political affiliation and shall be based on merit and performance.

**Section 2. Scope and Intent**

- A. The classifications, definitions, policies and procedures outlined in this ordinance apply to all regular Town staff positions. Regular Town staff positions include all Town positions, including offices, except the following: elected officials, independent contractors, persons employed on projects of limited duration, unpaid volunteers (including interns and Town committee members), or other persons appointed to serve without pay.
- B. All employees who have served less than six (6) months, and all new employees of the Town except police, will serve a probationary period of six (6) months. Police employees will serve a probationary period of one year. The probationary period may be extended for cause by the Town.
- C. This Ordinance shall be read in conjunction with any employee handbook as duly approved by the Board, and this Ordinance shall control or supersede any conflicting provision in said handbook.
- D. Unless a valid employment contract approved unanimously by the full Board states otherwise, nothing in this Ordinance shall be deemed to modify or alter the Town's at-will employment relationship with any employee.

### **Section 3. Regular Town Staff Positions**

The annual operating budget shall fund the offices and positions listed below. No other regular Town staff positions or offices may be included or authorized in the annual operating budget unless approved within the budget ordinance or an amendment thereto or by an amendment to this Ordinance. In addition to the Town Charter and any previously enacted ordinances in effect, the supervisory positions and named departments or heads thereof enumerated below are considered to be created and duly authorized by law or otherwise ratified by this Ordinance as existing in conformance with Subsection 82-15(b) of the Town Charter. The paygrades referenced in this Section are further described in Section 7, below.

- A. Positions within the Town General Government Department:
  - Chief of Staff (Supervisory) (Paygrade 6-7)
  - Director of Finance & Human Resources (Paygrade 5-6)
  - Town Clerk (Supervisory) (Paygrade 4-6)
  - Deputy Town Clerk (Paygrade 1-3)
- B. Positions within the Town's Public Safety Department:
  - Chief of Police (Supervisory) (Paygrade 6-8)
  - Sergeant (Paygrade 4-6)
  - Corporal (Paygrade 3-5)
  - Three (3) Patrol Officers (Paygrade 2-4)
  - Code Enforcement Officer (Paygrade 1-3)
  - Police Clerk (Paygrade 1-3)
- C. Positions within the Town's Public Works Department:
  - Superintendent of Public Works (Supervisory) (Paygrade 3-5)
  - Three (3) Crewmembers (Paygrade 1-3)

### **Section 4. Hiring of Town Employees**

- A. **Positions Requiring Board Approval:** Hiring for any regular Town staff position that entails the head of any office, department, or agency of the Town government as established by the Charter or by ordinance requires approval by majority vote of the Board of Commissioners, as required by the Charter. The President shall give the Board notice of the hiring of any non-regular position as listed in Section 2.A at least one week prior to the start date of the non-regular employee.
- B. **The process for hiring regular Town staff positions that does not include the head of any office, department, or agency of the Town government is as follows:**
- (1) Any opening for a regular Town Staff position should be advertised for at least thirty (30) days on a publicly accessible job-posting website, the Town website, and all Town social media sites. The position advertisement must include, at a minimum, the education and experience requirements for the position, the major responsibilities for the position as outlined in the Position Description, the salary range for the position, required documents to be submitted for an application, and the closing date for applications. All applications must be reviewed and ranked by at least the cognizant department head and one Commissioner (or at least a Commissioner and the President in the case of a department-head position). Rankings shall be made without regard to race, sex, religion, national origin, or political affiliation
  - (2) If no applications meet the minimum education and experience requirements for the position, the position must be re-advertised for at least fourteen (14) days. If three or more applicants meet the education and experience requirements for the position, then at least the top three qualified applicants must be interviewed within thirty (30) days of the closing of the position advertisement. If less than three (3) applicants meet the education and experience requirements, then all qualified applicants should be interviewed. Interviews must be conducted by at least one Commissioner the cognizant department head.
  - (3) After conducting interviews, the interviewers must select an interviewee within 30 days of the last interview. Once the individual selected has been notified of selection and accepted the position, the Director of Finance & Human Resources will verify any educational requirements by promptly obtaining an official transcript directly from the educational institution. The Director of Finance & Human Resources must also ensure that all selected candidates undergo criminal background checks and drug screening procedures prior to starting employment.

## **Section 5. Political Activities**

- A. No regular Town staff employee shall hold an elected office or more than more than one (1) appointed office; however, nothing herein shall prevent an officer from holding an *ex officio* office or position.
- B. No official or employee of the Town shall solicit any contributions or service for any political purpose from any Town employee.
- C. Nothing herein contained shall affect the right of any employee to hold membership in the support of political party, to vote as he/she chooses, to express himself publicly or privately on all political

subjects and candidates, to maintain political neutrality, and to actively participate in political meetings. Such activities must be engaged in as a private citizen and on the employee's own time.

## **Section 6. Unlawful Acts**

- A. No person shall make any false statements with regard to any test, certification, or appointment made under any provisions of this Ordinance, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Ordinance and policies.
- B. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment under this Ordinance, or furnish to any person any special privileged information for the purpose of affecting the rights or prospects of any person with respect to employment with the Town.

## **Section 7. Compensation.**

- A. The Board of Commissioners shall set the compensation of all regular Town staff positions via the annual budget ordinance in enacted in conjunction with the annual operating budget, in accordance with the pay chart below. The pay chart should be published in conjunction with the annual budget. The chart includes eight (8) paygrades, with ten (10) steps in each grade. The base pay for each paygrade must be least 10% higher than next lowest paygrade. Part-time employees will be paid by the hour, at an hourly rate (1/5000) of the annual rate, as a full-time employee with the same position. Part-time employees will have the same minimum and maximum salaries (and same eligibility for step increases) as their full-time counterparts for computing their hourly rate.
- B. Employees increase by one step after completing a period of satisfactory service (in a particular grade and step) with the Town as follows: Increasing one step after one year of satisfactory service for steps 2 through 4, increasing one step after two years of satisfactory service for steps 5 through 7, and increasing one step after 3 years of satisfactory service from steps 8 through 10. Thus, an employee would take 18 total years to move from step 1 to step 10 within a paygrade. Employees may increase in grade (for positions that have multiple paygrades) after 2 years of satisfactory service. They will be placed in the higher pay grade at one step lower than their step in their current paygrade (For example, an employee in paygrade 5 step 3 would be placed in paygrade 6 step 2).

Paygrade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step10
1	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
2	base	base	base	base	base	base	base	base	base	base

		+3%	+6%	+9%	+12%	+15%	+18%	+21%	+24%	+27%
3	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
4	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
5	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
6	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
7	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
8	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%

- C. Town employees shall receive compensation as outlined above in this Section, and any other financial compensation including a pay increase, bonus, or incentive pay must be approved by a majority of the Board of Commissioners as appropriated in the annual budget ordinance and approved by the detailed budget document.

#### **Section 8. Penalties**

Violation of any provision of this Ordinance may result in disciplinary action on the part of the Board of Commissioners up to and including dismissal.

#### **Section 9. Town Employee Handbook**

The Board of Commissioners shall set further personnel policies and procedures through approval of the Town Employee Handbook. The handbook shall be reviewed annually and updated at least every three (3) years by Resolution.

#### **Section 10. Position Descriptions and Organization Chart**

The Board of Commissioners shall set, by Ordinance or written resolution, position descriptions for all regular town staff that include major duties, minimum education and experience requirements, minimum and maximum pay in accordance with Section 7—,as well as, the organizational chain(s) of reporting and responsibilities, including supervisory and/or oversight responsibilities, for each position by separate Ordinance or written resolution adopted from time to time.

#### **Section 11. 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

\_\_\_\_\_  
Wanda Leonard, Commissioner

\_\_\_\_\_  
M. David Williams, Town Clerk

\_\_\_\_\_  
Kai Bernal-LeClaire, 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](http://www.uppermarlboromd.gov)

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

## Request for Proposals DRAFT

### Town of Upper Marlboro Accounting Firm

RFP # UM 2020-04

**Project Overview:** The Town of Upper Marlboro is requesting proposals from qualified firms of public accountants (hereafter referred to as "Firm(s)") to perform general accounting services in accordance with the provisions included in this request for proposal. The firm will assist the Town's Director of Finance with routine bookkeeping and financial records on a monthly basis and assist with annual audit preparations.

**Scope of Work:** Qualified applicants should be able to provide the below services to the Town:

- Review and recommend accounting recording processes (current fiscal year and moving forward)
- Accounting principles for month to month records
- Clean up and input (QuickBooks) the scheduled fixed asset inventory
- Ongoing assistance with accounting principle concepts
- Assist in implementing an internal control policy
- Cleaning up of current and previous entries that may still be incorrectly relevant

**Level of Experience:** Applicant firms must have the following experience:

- High level of experience with government accounting, book keeping, and auditing.
- Ability to manage multiple issues and priorities on deadline.
- Individual or firm must have a thorough understanding of local, state, and/or federal government operations, including the legislative process.
- Individual or firm must have prior experience working within the Washington, DC region, including Prince George's and/or Montgomery counties.
- Individual or firm must be able to work independently, but also thrive as part of a fully functional team
- Expert familiarity with using QuickBooks software.

**Budget:** The annual budget for this service shall not exceed \$20,000 per year.

**Deadline:** Responses to this RFP are to be submitted by **Friday XXXXXX, 2020** at 5pm. By Mail: Town of Upper Marlboro P.O. Box 280 Upper Marlboro MD 20773. By Email: [Info@UpperMarlboroMD.gov](mailto:Info@UpperMarlboroMD.gov). In-Person: Upper Marlboro Town Hall 14211 School Lane Upper Marlboro MD 20772.

**Selection Process and Criteria:** This RFP is for a 24-month contract with the Town, with the option for renewal beginning July 1<sup>st</sup>, 2020. Town Elected Officials will participate in the process of selecting the appropriate firm. Proposals will be evaluated based on:

1. The firm's understanding of bookkeeping and auditing for municipal governments
2. The firm's availability to render services to the Town every month
4. Three references (with link) for past financial experience with government organizations.
5. Budget, to be broken down into a monthly retainer fee.

**Overview of the Town:** Settled around 1695 and named after the first Duke of Marlborough, the Town of Upper Marlboro is among the oldest of the surviving Southern Maryland towns dating back to colonial times. It was established as a port town for tobacco shipments in 1706, when the Western Branch of the Patuxent River was still navigable. It has been the county seat of Prince George's County since 1721.

The Town is governed by three elected Town Commissioners, one of which serves as the President/Mayor who are elected every two years. The Town government maintains a Police Department, Public Works Department, and Town Administration Department, along with several volunteer committees. Though the Town's resident population is around 700, the Town's downtown historic Main Street is home to one of the largest Courthouses in the State, which attracts over 1.5 million visitors per year.

The Town of Upper Marlboro is growing in size, economically, and in community outreach. This past year the Town successfully completed phase 1 of its annexation plan which grew the Town's landmass for the first time in its over 300-year history. The Town's continued growth through annexation plays an important role in influencing the economic growth, environmental protection, quality of life, and municipal fiscal well-being of the Upper Marlboro community. The Town is also working to revitalize its historic downtown Main Street through streetscape initiatives, upgrades to its parking infrastructure, and attracting new small businesses to fill any commercial storefront vacancies. Communication and community outreach have been a large focus of the Town over the past few years, with the introduction of new community events including successfully resurrecting Marlboro Day in 2018. The Town also maintains a strong social media and web presence to stay engaged with its residents.

**Point of Contact:** William Morgan, Director of Finance for the Town, can be reached at 301-627-6905 or [wmorgan@UpperMarlboroMD.gov](mailto:wmorgan@UpperMarlboroMD.gov) with any questions.

*Thank you for your interest in this Request for Proposals from the Town of Upper Marlboro.*