

# Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

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## REGULAR TOWN MEETING

May 11, 2021 – 7:00 p.m.

### AGENDA

**This meeting will be conducted via Zoom Video Teleconference.** As the Town Hall remains closed to the public at this time, citizens may participate by video or phone (*please sign-in with the Clerk*): <https://us02web.zoom.us/j/85999615701> Meeting ID: 859 9961 5701; Dial-in only: 301-715-8592.

#### Call to Order

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

#### Approval of Meeting Minutes & Financial Reports

- Approval of the April 13, 2021 Regular Town Meeting minutes
- Approval of the April 20, 2021 Extra Board Work Session minutes
- Approval of the April 27, 2021 Board Work Session minutes
- Finance Report & Approval of the Treasurer's Report, as of April 30, 2021.

#### Reports

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

#### Business

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

- 1.) Resolution 2021-10: Employee Handbook (Board Vote)
- 2.) Resolution 2021-11: FY2022-24 Town Tax Rate Plan (Board Vote)
- 3.) Ordinance 2021-01: Business Licensing (Board Vote)
- 4.) Resolution 2021-13: Setting Business Licensing Fee (Board Vote)
- 5.) Resolution 2021-14: Accepting Greentree Proposal (Board Vote)
- 6.) Ordinance 2021-02: FY2021 Budget Amendment (Introduction)
- 7.) Ordinance 2021-03: FY2022 Town Operating Budget (Introduction)
- 8.) Ordinance 2021-04: Amending Personnel Standards (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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**Janice Duckett**  
Commissioner

**Sarah Franklin**  
Commissioner/Treasurer

**Linda Pennoyer**  
Commissioner/President

## PUBLIC COMMENT PROCEDURES

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

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

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

### III. Citizen Input

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

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

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

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

# Town of Upper Marlboro

## REGULAR TOWN MEETING

April 13, 2021 • 7:00 p.m.

unApproved Minutes

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

### Call to Order

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

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

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

Also present: Jacob Moore/Greenwill Consulting Group LLC; Ray Feldman/Feldman Communications Strategies LLC; TUMHC Chair Patti Callicott; TUMHC Archivist Brian Callicott; SCW Chair Evelyn Stephens; Joseph Hourclé /Board of Supervisors of Elections; Marlborough Towne HOA Board members Maritsa Stephenson and Monica Williams; plus, various citizens and interested parties.

### Pledge of Allegiance

### Consent to the Agenda

The President received unanimous consent to the Agenda.

### Approval of Meeting Minutes & Financial Reports

Commissioner Franklin motioned to approve the Regular Town Meeting minutes from March 9, 2021, the Extra Board Work Session minutes from March 16, 2021, the Board Work Session minutes from March 23, 2021, and the Treasurer's Report as of March 31, 2021. Commissioner Duckett seconded. All Board minutes from March's Town Meeting and Work Sessions, plus, the March Treasurer's Report were unanimously accepted and approved as presented.

### Reports

#### Departments/Committees:

- Jacob Moore of Greenwill Consulting Group delivered updates on the 2021 Legislative Session at the Statehouse, noting the number one priority in the House and Senate has been Police Reform and Sports Betting the second. He reported that the legislative interests of the Town are still intact and the Speed Cameras House Bill 619, and the \$450K funding for Town Streetscaping, were passed successfully thanks to Delegate Harrison and Senator Peters. He noted they will continue to track these items as well as Federal Stimulus Funding.
- Chief Burse delivered the UMPD report for the month of March 2021. The report was provided in the Meeting Package and on PowerPoint for those in attendance. He noted that 32 parking tickets, 70 speeding citations and 3 Code violation letters were issued in March.
- Superintendent Bond delivered the Public Works reports for March 2021. The report was provided in the Meeting Package and on PowerPoint for those in attendance. He noted the missing figures from the Refuse Accumulations report: Bulk/Solid Waste = 5.5 tons; Bulk/Yard Waste = 2.25 tons. He also noted that there were no weather-related events of any consequence during March 2021.

- Director of Finance Morgan reviewed highlights of the March Treasurer's Report noting the SONA Bank in Town has merged with PRIMIS and the Town account(s) will remain at that location. He stated Parking Fines and Tax revenues are doing very well. He then detailed expense line items noting costs have gone up and incoming invoices are still lagging behind. He said final figures received in May will be worked into the End-of-Year Budget Adjustments for FY2021 Ordinance to be passed in June.
- Clerk Williams announced that Parking Fines Revenues had reached 100 percent of the Budget in early April, and that he estimates the final total may reach \$5-\$6K overbudget by the end of FY2021.
- TUMHC Chair Callicott reported that Committee member Tom Cavanaugh is looking into acquiring paintings by Judge Powers wife. She added the next TUMHC Archive Session will be on April 17<sup>th</sup>.
- Commissioner Franklin reported for the EC Chair, stating that the committee met last Thursday where they discussed partnering with the Arts Council to develop a Fall Festival Event. It was noted the EC helped with the Blood Drive on April 9<sup>th</sup>. The next Blood Drive is scheduled for July 9, 2021.
- SCW Chair Stephens will deliver her report on the PAMC Mural Project later in the agenda.
- Chief Burse reported for the UM CERT stating that they held a meeting last Saturday where they discussed upcoming events that they could participate in. He added several members had been volunteering at a number of COVID vaccination sites in the County, and collectively put in 90+ hours of volunteer service. He added, a couple of new members earned their basic training certificates.
- TA Snyder reported for the MVFD stating the department had just laid to rest past Town President Jay Tucker who was also President, Past Chief, and Life Member of the Marlboro Volunteer Fire Department. He noted that the UMPD and the Town's Public Works helped with traffic control for the procession through Town and the full Board was there to pay their respects as well.
- Commissioner Duckett reported for the Arts Council stating the Call-For-Artists had been published and they are now working with the selection process for finalists who will then submit their proposals for the downtown murals. She noted their next meeting will be on May 17<sup>th</sup> at 6:30 p.m.
- Commissioner Franklin reported that the committee is partnering with the Arts Council to develop a "Farmer's Market" theme/attraction within the Fall Festival Event the 2 committees are planning. It was noted that such events will help the Town gain its "Sustainable Maryland Certified" designation.

#### Commissioners:

- Commissioner Duckett: Had no report at this time.
- Commissioner Franklin: Announced she continues to work with the County's Lynching Memorial Project (PGC/LMP) noting their first focus is on Piscataway and Thomas Juricks. After noting that there were three lynchings that had occurred in the Town, she urged that the Upper Marlboro community needs to continue to have more discussions facilitated on race, truth and justice. It was noted that the TUMHC will be assisting to add more Black History information to update the Town's Citizen's Guide, and that, recordings of the past Board Work Sessions will be posted for the public soon.
- President Pennoyer: Had no report at this time.

#### **Business**

- 1.) Public Comment / Rectory Lane Roadway & Parking Issues: The President asked for comment from the Board and residents, to which none was offered at this time. TA Snyder noted that other major issues exist other than just parking, such as, sidewalks, curbs and stormwater management. He also noted the Board had agreed to revisit these particular issues later at a Town-wide Forum when the Town-Roadways Project gets underway soon. The full Board will continue discussion concerning the results and methods of resident outreach during the Project.

- 2.) Ordinance 2021-01: Business Licensing: The Ordinances' introduction was read aloud by Clerk Williams. TA Snyder reviewed the development of the ordinance that amends ORD 2018-07. After noting changes and additions, no further comments were offered to the Board at this time.
- 3.) Resolution 2021-13 Setting Business Licensing Fee: Clerk Williams read aloud the Resolutions' introduction noting the projected May 11<sup>th</sup> passage date. The Board briefly discussed possibly waiving the application fee for first-year businesses. There were no further comments.
- 4.) Resolution 2021-06: Supporting Planning Assistance-2: The Resolutions' introduction was read aloud by Clerk Williams. SCW Chair Stevens stated the PAMC Grant is being sought to make the Town a destination spot for visitors and a convenient place to shop for its' residents, and, she explained how the program is a key component to Economic Development in several areas. Passage of the resolution will enable submission of the grant application. After discussion, Commissioner Franklin motioned to approve Resolution 2021-06, to which Commissioner Duckett seconded. With all in favor, the Resolution was passed unanimously.
- 5.) Resolution 2021-08: Authorizing Establishment of a Bank Account: The Resolutions' introduction was read aloud by Clerk Williams. The President noted the account(s) will be dedicated to Corona Virus Recovery funding as a best-practice measure. It was noted that the banking institution's name had just recently changed from SONA to PRIMIS as a result of a merger. Commissioner Franklin motioned to approve Resolution 2021-08. Commissioner Duckett seconded the motion. With no one opposed, the motion was unanimously passed.
- 6.) Resolution 2021-11: Approving Town Tax Rate Step Program: Clerk Williams read aloud the Resolutions' introduction. President Pennoyer opted to proceed with agenda line-item #7 before taking public comment and further discussion.
- 7.) Presentation: FY2022-2024 Town Tax Rates: Director Morgan delivered his presentation via the PowerPoint slide-show for those in attendance. It included an overview of the Town's tax rate history and comparisons to other municipalities, plus, current issues necessitating an increase and a proposed Tax Rate Step Program to be implemented over the next 3 fiscal years. He noted that residential taxes had the smallest increase. Open discussion items included: Calculating tax rate by assessed property value; Replenishing Town's Reserve Funds; Allocate and complete infrastructure projects; and, Preparing for ongoing/annual cost increases. TUMHC Chair Callicott asked if tax rate increases would ever stop, or go down, if other sources of revenue increase. It was noted that one current source of revenue has permanently declined with the County agencies relocating to Largo, and that the pandemic has also caused additional permanent revenue losses. It was also noted that tax rate figures must be reviewed with every annual Town Operating Budget ordinance per Charter directive (where the rate is officially set year-to-year.) An attending resident stated he would rather see a tax increase than have services cut and agreed the Town can no longer rely on just parking and moving violation revenues. Marlborough Towne HOA Board members noted that they are experiencing the same problems, as all costs go up every year and reluctance to raise annual fees in the past have now caused dues increases.
- 8.) Resolution 2021-12: Authorizing Purchase of Electric Vehicle: The Resolutions' introduction was read aloud by Clerk Williams. TA Snyder reviewed how the \$10K MEA Grant awarded the Town supports the Town's current green initiatives and supports the UMPD fleet. It was noted that the MEA will also help with the installation of 4 charging stations at specific locations in Town. After a brief discussion, Commissioner Franklin motioned to approve Resolution 2021-12, to which Commissioner Duckett seconded. With no one opposed, the motion passed unanimously.

## **Administrative Updates**

- 9.) Legislation, Projects and Initiatives: TA Snyder provided the monthly updates from the Project Tracking spreadsheet that was provided in the PowerPoint slideshow for those in attendance and in the Board's Meeting Packet that was published online.

- 10.) General Commissioner & Staff items: It was requested by the Clerk's Office that the resolution number that had been assigned for the first draft of Resolution 2012-09 (Restricting Parking on Rectory Lane) be eliminated for record keeping purposes. Though not required, the Board was then asked if they could authorize the deletion of the resolution number by a vote for the permanent record. It was noted that the deletion is just for the number only as the subject and content of the draft will be revisited later in the calendar year. Commissioner Franklin motioned to approve the striking of the resolution number "2021-09". Commissioner Duckett seconded the motion. With all in favor, the motion was passed unanimously.

### **Public Comment**

TUMHC Chair Callicott stated she hopes the Board considers the ramifications the COVID pandemic has had on its residents and businesses as they are looking at the situation as it currently is.

### **Adjournment**

Commissioner Franklin motioned to adjourn the meeting. Commissioner Duckett seconded the motion. With all in favor, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

M. David Williams  
Town Clerk

# Town of Upper Marlboro

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

## Extra Work Session Minutes

**"FY2022 Town Operating Budget"**

**April 20, 2021 - 11:00 a.m.**

unApproved

This meeting was conducted via Zoom Video Conference:

<https://us02web.zoom.us/j/85451683537>

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

### Call to Order

- Meeting was brought to order at 11:00 a.m.
- Pledge of Allegiance
- Roll Call – President Linda Pennoyer; Commissioner Janice Duckett; Commissioner/Treasurer Sarah Franklin; Town Clerk M. David Williams. Also present: Town Administrator Kyle Snyder; UMPD Chief David Burse; PW Superintendent Darnell Bond; Finance and Human Resources Director William Morgan; and Deputy Clerk/A.A. Lucy Wade.
- Pledge of Allegiance

### Business

- 1) General Government FY22 Budget & Town Capital Improvement Plan (C.I.P.):  
TA Snyder delivered an overview with updates of existing and proposed projects and initiatives that included: Staffing & Consultant levels/development; Annexation Phases 2 & 3; Elections Charter Amendment Resolution; County, State and Federal Relationship building; Obtaining "Main Street Maryland" designation; Vacant property tax structure; Refuse-collection ordinance; Safely reinstating community events/post COVID; Town Financial Policies; Community outreach/communications upgrades; Sustainable Maryland Certified designation; Downtown "Social Justice Trail" development & trails connectivity; County Council Redistricting Commission; and, continued partnership with the Red Cross.  
  
Other C.I.P. items reviewed included: Town beautification initiatives; Cable Access & AV Broadcasting upgrades; Town roadway design & engineering study; Main Street pocket park; Economic Development/Circuit Manager Rider Program; Marlboro VFD C.I.P. Grant; Increasing Town Recycle Bin inventory; Codification; Electric vehicle for General Government use; and a "Green" redesign for the Church Street parking lot.  
Mr. Morgan noted American Rescue Plan funding may help supplement some projects. Commissioner Franklin asked how the Town could assist Marlborough Towne with street repaving. It was noted an assessment could be done through the engineering study.
- 2) Public Safety FY22 Budget & C.I.P.: Chief Burse gave an overview on future needs of the UMPD in anticipation of the growth of the Town through its annexation phases. Items put forth included: Additional officers to accommodate larger area and population; Extended hours of shifts to support 7 days per week day and evening coverage; Separate, secure IT network and Code Enforcement database; Larger vehicle for Parking Enforcement to house meters/parts and related hardware and supplies; Two large message boards for alerts (traffic, events, meetings, etc.); and consideration for a new Police Station to accommodate an expanded police department.

- 3) Public Works FY22 Budget & C.I.P.: Superintendent Darnell Bond delivered his overview of the department's 3 major needs as the Town approaches annexation: 1.) Long-bed dump truck with dump trailer, or Roll-off system dump-body and removable stake-body; 2.) Increase staffing to two 2-person teams; 3.) Increase department salaries to be more in line and competitive with similar municipalities. In addition to the 3 top priorities, a memo was provided in the meeting packet listing other equipment needs important to Town events, Town beautification, stormwater management and Town "Green" initiatives. Items included: 1.) Leaf vacuum system; 2.) Street Sweeper system; 3.) Gas/Electric Cart; and 4.) Paving of the current Public Works Facility. Mr. Bond noted the Public Works Facility would need to be expanded, if not relocated anew, when annexation occurs, and more crewmembers come aboard. The Board granted permission for the publishing of the PW crewmembers classified ad.

Before the closing the meeting, it was noted the Town's auditing firms and other consultants, including payroll and legal services, should be reviewed every 2 years by publishing new RFPs. Further discussion included current on-boarding assistance provided by the Town's Human Resources vendor, and timelines for staff training to be provided by consultants/providers.

### **Adjournment**

The meeting was adjourned at 12:13 p.m.

Respectfully submitted,

M. David Williams  
Town Clerk

# Town of Upper Marlboro

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## Work Session Minutes

April 27, 2021 - 7:00 p.m.

unApproved

This meeting was conducted via Zoom Video Conference:

<https://us02web.zoom.us/j/85451683537>

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

### Call to Order

- Meeting was brought to order at 7:02 p.m.
- Roll Call – President Linda Pennoyer; Commissioner/Treasurer Sarah Franklin; Commissioner Janice Duckett; and Town Clerk M. David Williams. Also present: Town Administrator Kyle Snyder; UMPD Chief David Burse; Public Works Superintendent Darnell Bond; Director of Finance & Human Resources William Morgan; Ray Feldman/ Feldman Communications Strategies LLC; and Marlborough Towne HOA Board members Maritsa Stephenson and Monica Williams.
- Pledge of Allegiance

### Business

- 1) Ordinance 2021-01 Business Licensing: Clerk Williams read aloud the ordinance's introduction, and it was noted that the official second reading would be delivered prior to the vote at the May Town Meeting. It was noted that no public comment from citizens or businesses had been received to date.
- 2) Ordinance 2021-02 FY2021 Budget Amendment: Director Morgan reviewed the Year-End-Adjustments process and noted line items that will most likely change within the month. To date, the Town has collected \$182K more than it has spent this fiscal year.
- 3) Ordinance 2021-03 FY2022 Town Operating Budget: Director Morgan presented an overview of key items concerning revenues, expenses, and the reserve funds within the FY22 proposed budget. TA reviewed Capital Improvement Projects next in line for FY22. It was noted the Extra Work Session on May 18<sup>th</sup> will be partially closed for the Board to discuss staff salaries.
- 4) Resolution 2021-11 FY2022-24 Town Tax Rates: It was noted that this resolution, due for a vote at the May Town Meeting, does not officially set the tax rates.
- 5) Ordinance 2020-03 Personnel Standards: It was noted the previously passed legislation will be amended in a new ordinance to be introduced at the May Town Meeting. Updates, additions and changes were reviewed and discussed.
- 6) 2021 Town Employee Handbook: TA Snyder reviewed the document's edits noting it had gone through inspection by the Town's HR firm, and any further edits will go to the Town Attorney before passage at the May Town Meeting. The Board discussed items such as: Harassment and Social Media policies; Temporary employees' status/duration of temporary projects; Dress code; inclusion of the Human Resources Departments' process and procedures with employees' issues; and Time keeping/timecards.
- 7) Pay Schedule Change: Director Morgan announced that the 2-week pay schedule will change from a Wednesday through Tuesday timespan to a Sunday through Saturday timespan. He noted the initial changeover will cause an initial advance to compensate.

- 8) General Commissioner & Administrative Staff items: The Board discussed the state of needed road repairs with Marlborough Towne HOA officials. It was proposed the Town hold further discussions at the July Board Work Session on establishing an MOU with Marlborough Towne for repaving and also discuss MEA grants for lighting upgrades.

A troublesome curb-cut at the intersection of Church Street and Old Crain Highway was also discussed.

TA Snyder reported he is seeking an appraisal of the Church Street Lot for the State Bond Bill funding process, The Cruzin' Main Street Car Show is tentatively set for August 28<sup>th</sup>, Vaccine Event with the County on Monday, May 10<sup>th</sup>, Town participating with the County Executive's Office for a Clean-Up Event on Saturday, May 1<sup>st</sup>, Met with landscaping vendor to get quotes for tree work in preparation of the playground construction.

### **Adjournment**

The meeting was adjourned at 8:38 p.m.

Respectfully submitted,

M. David Williams  
Town Clerk



# Town of Upper Marlboro

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

### Income

Revenue		
<b>Fines, Licenses &amp; Permits</b>		
6154 Franchise Fee	\$10,704.86	\$16,000.00
6280 Trader's License Fees		\$1,000.00
6350 Permits/Rentals	\$2,484.66	\$15,500.00
6355 Parking Meters	\$78,529.76	\$290,666.00
6381 Parking Fines/Penalties	\$22,019.10	\$21,000.00
6550 Pub/Edu/Govt Broadcasting	\$6,752.38	\$2,500.00
<b>Total Fines, Licenses, Permits</b>	<b>\$120,490.76</b>	<b>\$346,666.00</b>

<b>Grants</b>		
6530 Grants	\$336.50	
6530.2020-03 State Police Aid	\$13,495.00	\$17,317.00
6530.2020-04 Community Open Space Grant	\$0.00	\$100,000.00
<b>Total 6530 Grants</b>	<b>\$13,831.50</b>	<b>\$117,317.00</b>

<b>Intergovernmental</b>		
6240 Financial Corporation Tax	\$0.00	\$9,145.00
6260 Highway User Fee	\$18,674.95	\$27,725.00
6310 Disposal Fee Rebate	\$1,702.00	\$2,000.00
<b>Total Intergovernmental</b>	<b>\$20,376.95</b>	<b>\$38,870.00</b>

<b>Other</b>		
6390 Interest Earnings	\$2,253.51	\$5,000.00
6392 Sale of Property	\$2,340.00	\$1,500.00
6394 Miscellaneous Revenue	\$9,888.44	\$6,500.00
6396 Special Events/Donations	\$0.00	\$2,500.00



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Taxes		
6100 Real Estate Taxes	\$334,827.71	\$295,000.00
6101 Personal Property Taxes	\$373,651.25	\$390,000.00
6230 Income Taxes	\$348,209.97	\$160,000.00
<b>Total Taxes</b>	<b>\$1,056,688.93</b>	<b>\$845,000.00</b>

<b>Total Revenue</b>	<b>\$1,225,870.09</b>	<b>\$1,363,353.00</b>
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Capital Improvement		
9000.2020-02 Transfer of Reserve	\$100,000.00	\$110,900.00
<b>Total Capital Improvement</b>	<b>\$100,000.00</b>	<b>\$110,900.00</b>

<b>Total Income</b>	<b>\$1,325,870.09</b>	<b>\$1,474,253.00</b>
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## Expenses

<b>General Government</b>		
8030 Salaries - Commissioners	\$3,235.32	\$11,400.00
8035 Salaries	\$185,834.19	\$268,280.00
8073 Accounting	\$13,183.23	\$18,500.00
8074 Audit	\$23,500.00	\$20,000.00
8075 Payroll Processing	\$3,469.99	\$5,000.00
8077 Public Notices	\$520.00	\$1,800.00
8080 Bank Charges	\$21,499.86	\$20,000.00
8086 Staff Development & Training	\$3,160.37	\$2,500.00
8090 Postage	\$1,718.97	\$1,200.00
8092 Printing	\$5,988.56	\$7,500.00
8095 Community Events & Recreations	\$1,389.22	\$10,000.00
8110 Legal	\$32,177.22	\$55,000.00
8115 Computer Software & Support	\$10,427.99	\$9,000.00
8120 Insurance	\$6,121.32	\$12,000.00
8130 Supplies	\$35,516.87	\$5,000.00
8131 Ofc Equipment R&M	\$996.46	\$1,000.00
8160 Telephone	\$4,746.22	\$8,000.00



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<b>8165 Utilities</b>	\$9,641.00	\$12,000.00
<b>8175 Public Property Maintenance</b>	\$9,321.54	\$8,000.00

<b>8180 Grants &amp; Awards</b>	\$8,568.09	<b>\$130,000.00</b>
<b>8185 Historical Committee</b>	\$19.95	\$750.00
<b>8187 Town Election</b>	\$873.00	\$0.00
<b>8191 CERT</b>	\$140.00	\$750.00
<b>8200 Other</b>	\$70.85	\$2,500.00
<b>8205 Consulting Fees</b>	\$44,985.00	\$46,000.00
<b>8210 Payroll Tax Expenses</b>	\$144,670.60	\$95,000.00
<b>8235 COVID-19</b>	\$23,975.48	\$0.00

<b>9001 Capital Improvement</b>		
<b>9000.2020-01 Technology Upgrades</b>	\$4,074.14	\$0.00
<b>9000.2020-02 Parking Meter Upgrades</b>	\$1,326.60	\$0.00
<b>9000.05 Annexation</b>	\$2,030.50	\$30,000.00
<b>Total 8230 Capital Improvement</b>	<b>\$7,431.24</b>	<b>\$30,000.00</b>

<b>Total 8000 General Government</b>	<b>\$ 603,182.54</b>	<b>\$781,180.00</b>
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<b>Public Safety</b>		
<b>8260 Salaries</b>	\$212,871.35	\$296,590.00
<b>8261 Overtime</b>	\$828.78	\$2,000.00
<b>8273 Uniforms</b>	\$176.01	\$750.00
<b>8274 Weapons &amp; Duty Equipment</b>	\$8,381.48	\$20,817.00
<b>8275 Staff Training</b>	\$150.00	\$300.00
<b>8277 Substance Testing/Pre Employment</b>	\$0.00	\$0.00
<b>8280 Supplies</b>	\$3,755.13	\$4,200.00
<b>8281 Association Dues</b>	\$540.00	\$500.00
<b>8282 PS Insurance</b>	\$4,744.00	\$5,000.00
<b>8290 Payroll Tax Expenses</b>	\$9,249.98	\$58,550.00
<b>8300 Vehicle Repairs</b>	\$0.00	\$750.00
<b>8301 Vehicle Maintenance</b>	\$0.00	\$3,000.00



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info@uppermarlbormd.gov  
www.uppermarlbormd.gov

<b>8302 Vehicle Fuel</b>	\$0.00	\$2,500.00
<b>8320 Other</b>	\$636.87	\$1,500.00

<b>8330 Capital Improvement</b>	\$ 23,766.00	
<b>8330.01 Technology</b>	\$0.00	\$0.00
<b>8330.03 Debt Service (FY2020)</b>	\$16,262.45	\$33,000.00
<b>Total 8330 Capital Improvement</b>	<b>\$ 40,028.45</b>	<b>\$33,000.00</b>

<b>Total 8250 Public Safety</b>	<b>\$ 281,362.05</b>	<b>\$429,457.00</b>
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<b>Public Works</b>		
<b>8360 Salaries</b>	\$107,859.00	\$118,380.00
<b>8361 Overtime</b>	\$716.88	\$500.00
<b>8370 Payroll Tax Expenses</b>	\$19,815.04	\$35,000.00
<b>8375 Uniforms</b>	\$132.48	\$500.00
<b>8377 Dues</b>	\$0.00	\$200.00
<b>8380 Other</b>	\$1,498.83	\$750.00
<b>8383 PW Insurance</b>	\$4,508.00	\$6,500.00
<b>8390 Streets Maintenance</b>	\$1,288.21	\$3,000.00
<b>8391 Weather Related Expenses</b>	\$0.00	\$2,500.00
<b>8400 Highway Lighting</b>	\$14,857.03	\$21,500.00
<b>8405 Vehicle Repairs</b>	\$0.00	\$2,000.00
<b>8410 Vehicle Maintenance</b>	\$1,006.73	\$1,000.00
<b>8415 Vehicle Fuel</b>	\$0.00	\$2,500.00
<b>8487 Substance Testing</b>	\$0.00	\$0.00
<b>8490 Utilities</b>	\$4,428.75	\$3,000.00
<b>8491 PWF-Maint/Repairs/Beautificatio</b>	\$5,972.47	\$9,000.00
<b>8493 Portajohn</b>	\$1,200.00	\$1,200.00
<b>8545 Sanitation</b>	\$42,608.88	\$56,086.00



# Town of Upper Marlboro

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Upper Marlboro, MD 20772

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<b>8550 Capital Improvement</b>		
<b>8550.01 Annexation Upgrades</b>	\$0.00	\$0.00
<b>8550.03 Energy Conservation</b>	\$0.00	\$0.00
<b>Total 8550 Capital Improvement</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total 8350 Public Works</b>	<b>\$ 205,892.30</b>	<b>\$263,616.00</b>
<b>Total Expenses</b>	<b>\$ 1,090,436.89</b>	<b>\$1,474,253.00</b>
<b>Net Operating Income</b>	<b>\$ 135,433.20</b>	<b>\$0.00</b>



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## PROFIT & LOSS April 2021

	<u>Total</u>
<b>Income</b>	
<b>Revenue</b>	
Fines, Licenses, Permits	\$ 38,364.50
Intergovernmental	\$ 145.00
Grants	\$ 4,294.75
Other Revenue	\$ 0.00
Taxes	\$ 8,060.78
<b>Total Income</b>	<u><b>\$ 50,865.03</b></u>
<b>Expenses</b>	
General Government	\$ 50,516.46
Public Safety	\$ 45,514.96
Public Works	\$ 17,946.24
<b>Total Expenses</b>	<u><b>\$ 113,977.66</b></u>



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## Monthly Narrative

1. FY 2021 Year-end Adjustment
2. Town Business
3. Drafting of Policies
4. End Year Task

### **Bank Accounts**

#### **Cash on Hand and in Banks**

<b>1000 PGFSB Operating Checking</b>	<b>\$ 177,435.15</b>
<b>1001 Petty Cash</b>	<b>\$ 300.00</b>
<b>1010 PGFSB Payroll Account</b>	<b>\$ 2,148.17</b>
<b>1040 M&amp;T Checking</b>	<b>\$ 31,247.70</b>
<b>1117 Old Line Bank</b>	<b>\$ 103,275.93</b>
<b>1122 Congressional Bank CD 5756</b>	<b>\$ 214,124.12</b>
<b>1140 MLGIP</b>	<b>\$ 201.73</b>
<b>Total Bank Accounts</b>	<b>\$ 528,732.80</b>



# Town of Upper Marlboro Police Department

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

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## Monthly Town Police Department Report For the Month of April 2021

### Incidents Reported in Town:

Hit & Run 1	Business Alarm 3	Suspicious Auto 4
Assist Fire EMS 1	Check on Welfare 2	Ex Parte 1
House Alarm 1	Suspicious Person 5	Theft Report 2
Lost Property 1		

Chief Burse participated in conference call with the Prince George's Chiefs Association.

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

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

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

Chief Burse participated as a board panelist for the Maryland Park Police Captain interviews.

Chief Burse, Sgt. Irby, and Cpl. deBarros participated in the funeral procession and road closure for Marlboro Volunteer Fire Department President Jay Tucker.

Chief Burse participated in a virtual District 3 & 8 Coffee Club meeting.

Chief Burse participated in a virtual Carjacking Subcommittee meeting with the State's Attorney Office.

Chief Burse purchased the Town's first electric vehicle for Code Compliance.

Chief Burse participated in a virtual District 2 Coffee Club meeting.

Chief Burse, Sgt. Irby, Cpl. deBarros and Code Officer Stewart participated in a virtual Mental Health and Wellness training hosted by the City of Hyattsville Police Department.

Chief Burse and Mr. Snyder participated in a virtual meeting with IPS parking meter vender.

Chief Burse picked up PPE supplies donated by the Prince George's County Office of Emergency Management.



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[www.uppermarlboromd.gov](http://www.uppermarlboromd.gov)

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

**Date:** Thursday, May 6, 2021

**Subject:** Public Works' Status Report

**RE:** April 2021 – Monthly Status Report

## Public Works Related

- Continued working with Criswell Fleet and Moxley Inc on a proposal for a new bulk vehicle.
- Provided feedback to Town Administration on current and future budget needs and staffing.
- Signed up for the Counties Clean Up Green Up event; volunteer supplies picked up.
- Received quotes for a dump body trailer to assist PW.
- PWC assisted with traffic control for former Town president Jay Tucker's funeral.

## Maintenance and Beautification

- Continued litter patrols in high traffic areas.
- PWC sprayed remaining vines at TH that were previously cut with herbicide.
- Two of our three trailers sent to Truck-N-America to have minor issues resolved.
- Began spring site fertilizing of Town maintained properties.
- Spring Cleaning of PW yard and shop area completed.
- Zero-turn mower and chainsaw returned from Kohler Equipment after having minor issues resolved.
- Routine fixing and replacement of meters heads were also completed.

## Street and Sidewalk

- WSSC contractor Granite Inliner began scouting for water lines along Pratt St. and Old Crain Hwy.
- Began herbicide treatments of Town sidewalks.

## Refuse Accumulations

- Bulk day accumulations for solid wastes (Landfill) are 4.89 tons. Bulk day accumulations for yard waste collections are 3.83 tons. We had no dump body rentals for the month. **Note:** PW has increased tagging of unacceptable bulk items despite recent landings article outlining unacceptable items. Please see the Town website, contact TH, or email me directly at [DBond@UpperMarlboroMD.Gov](mailto:DBond@UpperMarlboroMD.Gov) if you are unsure about any item you may want to dispose of.

Sincerely,

Darnell F. Bond III  
*Public Works Superintendent*

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**Janice Duckett**  
Commissioner

**Sarah Franklin**  
Commissioner/Treasurer

**Linda Pennoyer**  
Commissioner/President

## **The Town of Upper Marlboro**

RESOLUTION: 2021-10

SESSION: Regular Town Meeting

DATED: May 11, 2021

### **A RESOLUTION FOR THE PURPOSE OF ADOPTING AN EMPLOYEE HANDBOOK AS A POLICY GUIDE FOR ALL OFFICERS AND EMPLOYEES OF THE TOWN OF UPPER MARLBORO (THE “TOWN”)**

WHEREAS: pursuant to Section 82-59 of the Charter of the Town of Upper Marlboro, the Town has the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Town Charter or State law and to operate the Town government; and

WHEREAS: the Town Commissioners find that it is in the best interest of the Town to adopt and publish an Employee Handbook that has been prepared to provide the Town’s officers and employees with a general understanding of Town personnel policies, work rules and benefits; and

WHEREAS: said Handbook should not be construed as an employment contract or agreement for employment and said Handbook should not be considered to alter or otherwise modify the at-will employment relationship established by State law.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this \_\_\_\_ day of \_\_\_\_\_, 2021, *The Town of Upper Marlboro Employee Handbook, 2021 Version* is hereby adopted by reference, as though set out herein word by word, as a general policy guide for all employees and officers of The Town of Upper Marlboro, and be it

FURTHER RESOLVED, that said Employee Handbook may be amended from time to time by the Board of Commissioners by a simple resolution or duly adopted motion read into the Journal and approved by the Town Commissioners provided that such amendments shall be set forth in writing and made part of an official master copy of said Employee Handbook maintained by the Town Clerk and kept on file in Town Hall as a public record available for inspection and reproduction pursuant to State law, and be it

FURTHER RESOLVED, that all officers and employees of the Town shall receive a copy of said Employee Handbook as certified by an appropriate entry made into each personnel record and shall receive copies of the original and any amendments thereto as they are adopted and published from time to time, however, failure to receive said copies or notice of said Handbook or any amendments thereto shall not relieve or otherwise absolve an employee of his nor her duties and responsibilities as stated in said Handbook, as amended, and be it

FURTHER RESOLVED, that all prior resolutions or parts of resolutions in conflict with this Resolution shall be considered repealed insofar as they conflict hereto.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk

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

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

\_\_\_\_\_  
Sarah Franklin, Commissioner

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

[Exhibit A – The Town of Upper Marlboro Employee Handbook, 2021 Version]

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 \_\_\_\_\_, 2021.

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

## The Town of Upper Marlboro

RESOLUTION: 2021-11  
SESSION: Regular Town Meeting  
DATE: May 11, 2021

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO APPROVE A MULTI-YEAR TOWN TAX RATE STEP PROGRAM**

WHEREAS, according to the Maryland Legislative Handbook Series, Volume VI (2014), property taxes are the largest revenue source for most municipalities in Maryland, accounting for 37.0% of total revenues and that the dependence on property taxes is 57.9% on average for municipalities in Prince George's County; and

WHEREAS, the Board of Commissioners on December 21, 2020 discussed and found in a staff report that the Town of Upper Marlboro had the lowest residential property tax rate of the County's 27 municipalities by \$0.09, with the next 2nd lowest being the City of College Park, which does not have its own police department, and the Town staff had further researched but could not find the last date that the Town's residential property tax rate was adjusted and it concluded, therefore, that it had been at least several decades since the tax rate was changed; and

WHEREAS, pursuant Sections 82-48 and 82-16(2)(v) of the Town Charter, municipal taxes must be levied by ordinance and the levy must be done each year in June as opposed to being set for multiple years; and

WHEREAS, after discussion at the recent March 16th Budget Work Session, it was determined that the Board wished to explore a "step" tax rate increase spread out over the next three years, with set small increases every two years afterwards to account for cost of living and inflation, and that this tax step policy, although subject to a formal levy by ordinance enacted each year, would remain in place unless a future Board intervenes and passes a new Town Tax Rate Step Program Resolution and/or superseding ordinance; and

WHEREAS, this plan places the larger increase in FY22, with smaller increases for FY 23 and FY 24 as indicated in the table below:

<b>Classification</b>	<b>Current Rates (FY 21)</b>	<b>FY 22 Rates</b>	<b>FY 23 Rates</b>	<b>FY 24 Rates</b>	<b>Total Change</b>
Residential Property Tax	\$0.24	\$0.30	\$0.34	\$0.38	\$ 0.14
Commercial Property Tax	\$0.52	\$0.54	\$0.56	\$0.57	\$0.05
Business Personal Property	\$0.45	\$0.50	\$0.53	\$0.55	\$0.10
Public Utility Tax	\$0.75	\$1.50	\$1.75	\$2.00	\$1.25

WHEREAS, after FY 2024, the residential tax rates could then continue to increase at a rate of \$0.005 per \$100 assessed value every other year (starting in FY2026) to account for cost of living and inflation, in other words, it would take 8 years for the residential property tax rate to increase from \$0.38 to \$0.40 with these gradual increases; and

WHEREAS, below is a chart outlining the estimated Town tax rate and payment the average household will pay in Town taxes with this step rate:

## The Town of Upper Marlboro

<b>Residential Property Value</b>	<b>FY 21 (Current)</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 26</b>	<b>FY 28</b>	<b>FY 30</b>
		\$0.30	\$0.34	\$0.38	\$0.385	\$0.39	\$0.395
\$200,000	\$480	\$600	\$680	\$760	\$770	\$780	\$790

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the Board, supports and approves the Town Tax Rate Step Program as described hereinabove and in a Memorandum regarding a “Town Tax Rate Step Program Discussion” dated March 19, 2021, attached hereto and incorporated by reference herein as Exhibit 1, as an official policy of the Town; and

BE IT FURTHER RESOLVED and this tax rate step plan will remain in place unless a future Board intervenes and passes a new Town Tax Rate Resolution or Budget/Tax Levy Ordinance; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage and that the President/Mayor is authorized to execute the subject application and any related documents.

**PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

BOARD OF COMMISSIONERS OF THE TOWN  
OF UPPER MARLBORO, MARYLAND

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

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

\_\_\_\_\_  
Sarah Franklin, Commissioner

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

### CERTIFICATION

I, the undersigned, hereby certify that I am the 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 \_\_\_\_\_, 2021.

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

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

ORDINANCE: 2021-01 **FINAL DRAFT**  
SESSION: Regular Town Meeting  
INTRODUCED: April 13, 2021

**AN ORDINANCE AMENDING ORDINANCE 2018-07 BY CONTINUING TO PROVIDE FOR THE LICENSING OF ASSOCIATIONS, BANKS AND FINANCIAL INSTITUTIONS, BUSINESS ESTABLISHMENTS, CORPORATIONS, PROFESSIONS AND OTHER BUSINESS ENTITIES DOING BUSINESS IN THE TOWN OF UPPER MARLBORO; AND TO REPEAL THE ANNUAL MUNICIPAL LIQUOR LICENSE FEE; AND TO CHANGE THE TERM OF LICENSURE FROM ANNUAL TO BIENNIAL RENEWALS; AND TO MAKE CERTAIN STYLISTIC AND OTHER NECESSARY CHANGES TO SAID ORDINANCE; AND GENERALLY RELATING TO BUSINESS REGULATION AND LICENSURE**

**WHEREAS**, pursuant to LG Art., § 5-202 of the State 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 this 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**, 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; and

**WHEREAS**, pursuant to § 26-104 of the Alcoholic Beverages Article of Md. Ann. Code, a municipal corporation in Prince George's County may require any liquor license holder for any place of business situated in the municipal corporation to pay to that municipal corporation an additional

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

annual license fee not exceeding 20 percent of the fee payable under the provisions of said Article; however, the Board finds it to be in the best interest of the Town to rescind this specific Town license as previously approved in Ordinance 2018-07; and

**WHEREAS**, the Board of Commissioners finds that the regulation of businesses located within the Town's corporate limits pursuant to this Ordinance is necessary for regulatory purposes in the interest of the health, welfare, safety or morals of the public, and that it is in the best interest of the Town to further amend Ordinance 2018-07.

**NOW, THEREFORE**, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does ordain and re-enact Ordinance 2018-07, as changed and amended herein below:

### **Section 1. Purpose and Authority.**

A. Purpose – The purpose of this Ordinance is to license any and all associations, corporations, industrial, institutional, rental, research, retail or service business establishments, limited liability corporations or partnerships, and professional associations or corporations doing business in the Town of Upper Marlboro ~~[A further purpose of this Ordinance is to require any business owner or establishment who is a holder of a County liquor license to obtain a special supplemental municipal liquor license issued by the Town.]~~

B. Authority – The authority to license business entities operating within the Town of Upper Marlboro and charge a fee is provided for in Section 82-16(2)(gg) of the Town of Upper Marlboro Charter and in Sections 5-204(e) and 5-205(d) of Md. Ann. Code, LG Article. ~~[Furthermore, the authority to require any County liquor license holder for any place of business situated in Town to pay to the Town of Upper Marlboro an additional annual license fee is provided for in § 26-104 of the Alcoholic Beverages Article of Md. Ann. Code.]~~

### **Section 2. Business Licenses Required; ~~[Liquor License]~~**

~~[A.]~~ Business Licenses. No association, business entity, commercial or residential property management association, corporation, entity, industrial, institutional, rental, retail, or service business establishment, limited liability association, corporation or partnership, organization, person or professional association, corporation or partnership shall sell, offer for sale, or otherwise dispose of for any valuable consideration any goods or services or engage in the dispensation of professional services within the Town without first obtaining a business license for such purpose. Excepted are activities conducted by Town organizations for fund-raising, exclusively religious, charitable or educational fund-raising organizations, AND yard sales. ~~[, and home-based businesses operating in compliance with municipal, county and state laws.]~~

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~~[B. Municipal Liquor License. In addition to obtaining a business license, any place of business located in the Town that holds a liquor license issued by the Board of License Commissioners for Prince George's County shall be required to pay an annual fee to the Town equal to twenty (20) percent of the license or license renewal fee charged by the Board of License Commissioners for Prince George's County. This fee shall be due on or before July 1 of each calendar year. Upon receipt of the fee a Town Supplemental Liquor License will be issued.]~~

### **Section 3. Multiple establishments.**

A. If multiple businesses are conducted on any premises, lot or parcel within the Town, a separate license and fee shall be required for each separate business establishment, unit or use described herein or by resolution adopted pursuant to this Ordinance that is operated on any single premises, lot or parcel located within the Town.

B. If a business conducted on any premises is also conducted on any other premises within the Town, a separate license shall not be required for each branch or separate establishment, provided that warehouses and distribution facilities used in connection with a business are incidental to a business licensed under the provisions of this Ordinance and shall not be deemed to be separate places of business or branch establishments.

### **Section 4. BI-Annual Renewal of Licenses.**

Business Licenses shall be valid for ~~[one year]~~ TWO YEARS, from July 1 through June 30, and must be renewed BI-annually. The Town shall notify all business establishments operating within the Town of the business license application requirement and fee in writing. An application not filed and/or fees not paid within 30 days from the date of the letter sent to the business establishment will be subject to a penalty of \$50.00 and will be subject to an additional penalty of \$25.00 for each month or partial month the business license application is not filed and/or fee is not paid after 60 days from the date of the letter sent to the business establishment. Any business establishment that fails to file an application or pay the business license fee may be reported to the Maryland Office of the Comptroller, Maryland State Department of Assessment & Taxation Personal Property Tax Division, and the Clerk of the Circuit Court in Prince George's County. A business license is not transferable to a new owner or operator of an existing business. Licenses granted for a period after December 31 will be prorated at one-half the scheduled rate.

### **Section 5. Fees.**

A. The fee schedule for this Ordinance as it pertains to certain enumerated businesses shall be set from time to time by resolution of the Board of Town Commissioners.

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B. The fee schedule shall become effective [~~December 31, 2018 for the business licensing year beginning July 1, 2019.~~] JULY 1, 2021, AND WILL SUPERSEDE ANY PRIOR APPROVED FEE SCHEDULES.

## **Section 6. Business License Application.**

A. Each business establishment subject to the provisions of this Ordinance shall file a Business License Application as part of the licensing procedure and shall provide on the application its Maryland State Department of Assessment & Taxation (SDAT) number and its Federal Employer Identification Number. Failure to provide this information shall be considered a violation of this Ordinance. [~~The holder of a liquor license shall file a copy of the issued liquor license of the Board of License Commissioners along with proof of payment of such license fees.~~]

B. Each business establishment subject to the provisions of this Ordinance that owns the property from which the business is operated and fails to file a business license application and/or pay business and/or liquor license fees, fines or penalties imposed by this Ordinance shall result in the amount of any fee, fine or penalty imposed being recorded as a lien against the property and collected in the same manner as delinquent taxes.

C. No application for a business [~~or municipal liquor license~~] will be approved for a business or activity which is in violation of the ordinances or laws of the Town, County or State or which is a nuisance or constitutes a danger to the welfare, health or safety of the Town or the public.

D. All business [~~or municipal liquor~~] licenses issued shall be subject to revocation by the Town if it is shown that the manner in which such business is conducted constitutes a nuisance to the public, or if such business is being conducted in violation of any law or ordinance, or if such business otherwise constitutes a danger to the public health, safety or welfare of the residents of the Town.

## **Section 7. Property Owner, Property Manager and/or Rental Agent Notification.**

The property owner or duly authorized property manager or agent shall be required to notify the Town of the name, address, telephone number, and date a new tenant moves in or an existing tenant relocates to another location owned by the property owner or of the date when a tenant ceases to be a tenant. Failure of the property owner to provide this information within thirty (30) days of the event will be in default and subject to a reasonable penalty as provided in Section 9 of this Ordinance and failure to pay any fine or penalty imposed will result in the amount of any fine or penalty imposed being recorded as a lien against the property and collected in the same manner as delinquent taxes.

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## Section 8. Violation; Enforcement.

A. Violation of any provision of this Ordinance shall be a municipal infraction. The penalty for a violation shall be \$50.00 for each initial offense and \$250.00 for each repeat offense. Failure to apply for a Town business license and pay the required fees within the specified time frame as indicated in this Ordinance shall constitute a violation. Such violation shall not be considered corrected until the required application is filed, and the proper fee paid. If an application has not been filed, nor the proper fees paid after the elapse of a 30-day period following the initial due date as stated in the letter of notification, this event shall constitute a separate offense. The Board of Town Commissioners shall have the authority to change the penalties of this Ordinance from time to time by resolution.

B. In addition to the other remedies or penalties provided herein, the Town may institute an action for injunctive, mandamus, or other appropriate action or proceedings to enforce the provision of this Ordinance.

\* \* \*

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

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

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that it hereby authorizes the Town Administrator and Director of Finance to utilize technology to the Town's advantage in establishing an online database to manage this licensure program.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance hereby readopts and ratifies the previously enacted Ordinance 2018-07 with the amendments stated hereinabove along with any resolutions still in effect regarding any fee changes therewith approved by the Board since the enactment of said Ordinance 2018-07 unless the above amendments state otherwise.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

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

\_\_\_\_\_  
Sarah Franklin, Commissioner

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

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

Reviewed and Approved for Legal Sufficiency by the Town Attorney

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

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

Ordinance Timeline:

Board Discussion:	Tuesday—March 23, 2021	Board Work Session
Introduction & Public Comment:	Tuesday—April 13, 2021	Regular Town Meeting
Board Discussion:	Tuesday—April 27, 2021	Board Work Session
Public Comment & Board Approval:	Tuesday—May 11, 2021	Regular Town Meeting
Effective Date:	Monday— June 1, 2021	

\_\_\_\_\_  
CAPITALS : Indicate matter to be added to existing law  
[Brackets] : Indicate matter to be deleted from existing law  
Asterisks \* \* \* : Indicate that text is retained from existing law but omitted herein.

## **The Town of Upper Marlboro**

RESOLUTION: 2021-13  
SESSION: Regular Town Meeting  
DATE : May 11, 2021

### **A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS MODIFYING THE LOCAL STATE OF EMERGENCY ORDER INITIALLY ISSUED ON MARCH 25TH, 2020, AS AMENDED, AND HEREBY PROMULGATING PURSUANT TO ORDINANCE 2021-01 CERTAIN ADJUSTED BUSINESS LICENSE FEES PURSUANT TO THE NEWLY MODIFIED TIMEFRAMES RELATING TO LICENSURE OF BUSINESSES LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO**

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro, a body politic and corporate of the State of Maryland as a municipal corporation is duly empowered by state law 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; and

WHEREAS, the Board of Commissioners is authorized pursuant to Ordinance 2021-01 to license any and all associations, corporations, industrial, institutional, rental, research, retail or service business establishments, limited liability corporations or partnerships, and professional associations or corporations doing business in the Town of Upper Marlboro.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS that as of the effective date of this Resolution, the below fees hereby are set for a Town Business license:

- Residential/Home Based Businesses- \$45 for a 2-year permit
- Regular Commercial Business- \$300 for a 2-year permit.

AND BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS that any previous references made in prior resolutions regarding lottery sales including the fee schedule stated in Resolution 2020-21 are hereby stricken and repealed pursuant to the exemption provided in §9-102 of the State Government Article of Md. Ann. Code.

**PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a Public Meeting held on May \_\_\_\_, 2021.

## The Town of Upper Marlboro

Attest:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

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Linda Pennoyer, President

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Sarah Franklin, Commissioner

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M. David Williams, Town Clerk

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Janice Duckett, Commissioner

### CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this 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 \_\_\_\_\_, 2021.

---

M. David Williams, Town Clerk

## **The Town of Upper Marlboro**

RESOLUTION: 2021-14

SESSION: Regular Town Meeting

DATED: May 11, 2021

### **A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO APPROVE A PROPOSAL FROM GREENTREE FOR TREE WORK AT THE OLD CRAIN HIGHWAY PLAYGROUND AND CAHN MEMORIAL SITES**

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro has authority pursuant to §§82-83 and 82-84 of the Town Charter to construct, operate, and maintain any buildings and structures it deems necessary for the operation of the Town government, and to do whatever may be necessary to protect Town property and to keep the same in good condition; and

**WHEREAS**, Ordinance 2011-02 (Procurement), Section 4(b) states that upon having obtained three (3) quotes or proposals “[a]ll procurements between \$10,000 and \$ 2,000 shall be approved by the Board,” and

**WHEREAS**, the Town Board of Commissioners hereby finds that sufficient funds have been appropriated for the Community Playground Project, which includes the scope of the subject proposal, and ELSWICK & ELSWICK, INC., a Virginia Corporation, t/a Greentree, is a local, responsible offeror, in good standing with the State, whose proposal is the most advantageous to the Town taking into consideration price and the other evaluation factors.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2021, that the Town Board of Commissioners hereby authorizes the President to execute a Proposal dated April 26, 2021 from ELSWICK & ELSWICK, INC., t/a Greentree, for the amount not to exceed \$5,000 and to execute any relevant contract documents.

**AND, BE IT FURTHER RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, that the Town Administrator shall obtain proof of insurance and a reasonable release and waiver of liability form signed by the Contractor as deemed necessary to protect the Town and carry out the performance of the project or tasks described herein prior to the execution of the proposal or contract approved herein.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk

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

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

\_\_\_\_\_  
Sarah Franklin, Commissioner

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

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this 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 \_\_\_\_\_, 2021.

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

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

ORDINANCE: 2021-02  
SESSION: Regular Town Meeting  
INTRODUCED: May 11, 2021  
DATE ENACTED: \_\_\_\_\_

**AN ORDINANCE RELATING TO ADOPTING AND APPROVING BUDGET  
AMENDMENTS FOR THE FISCAL YEAR 2021 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. 2020-05 on June 9, 2020, 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. 2020-05 passed on June 9<sup>th</sup>, 2020, by allocating and appropriating funds for the following reason(s): To adjust revenue line items with more accurate estimates, and enhancing or decreasing allocations between departments of expenditure line items due to the elimination of certain staff positions.

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

**Section 1.** The Fiscal Year 2021 Budget Ordinance No. 2020-05, 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 21 BUDGET AMOUNT</u>	<u>AMENDED FY21 BUDGET AMOUNT</u>
Taxes	\$845,000.00	\$1,073,000.00
Intergovernmental	\$38,870.00	\$33,500.00
Fines, License and Permits	\$346,666.00	\$160,545.00
Other	\$6,500.00	\$14,950.00
Grants	\$117,317.00	\$17,654.00
From Designated Funds	\$110,900.00	\$110,900.00
<b>Total Revenues:</b>	<b>\$1,474,253.00</b>	<b>\$1,410,549.00</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 2021 Budget Ordinance No. 2020-04, as amended by this FY 2021 Amendatory Budget Ordinance No. 2021-02, 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>FY21 ADOPTED BUDGET AMOUNT</u>	<u>FY 21 AMENDED BUDGET AMOUNT</u>
General Government	\$781,180.00	\$748,400.00
Public Safety	\$429,457.00	\$393,233.00
Highways and Streets	\$263,616.00	\$268,916.00
<b>Total Expenditures:</b>	<b>\$1,474,253.00</b>	<b>\$1,410,549.00</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 2021 Budget Ordinance 2020-04 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 2021 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 2021 Budget Ordinance 2020-04

**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 2021 Amendatory Budget Ordinance No. 2021-02 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 \_\_\_\_\_, 2021.

**ORDAINED, APPROVED AND** finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this \_\_\_\_ day of \_\_\_\_\_, 2021, by:

Attest:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

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

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

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Sarah Franklin, Commissioner

---

Janice Duckett, Commissioner

Reviewed and Approved for Legal Sufficiency

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Kevin J. Best, Esq.

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

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

ORDINANCE: 2021-03  
SESSION: Regular Town Meeting  
INTRODUCED: May 11, 2021  
DATE ENACTED: \_\_\_\_\_

AN ORDINANCE relating to adopting and approving the budget for the fiscal year 2022 along with the corresponding tax levies, and to set forth compensation for employees and officers, and to establish certain procedures for reviewing and amending same, as more particularly set forth herein.

WHEREAS, the legislative body of every incorporated municipality in this State pursuant to the Local Government (“LG”) Article, § 5-205 of the Annotated Code of Maryland (“State Code”) is delegated express ordinance making powers to expend municipal funds for any purpose deemed to be public and which affects the safety, health, and general welfare of the municipality and its occupants; and

WHEREAS, every municipal legislative body is further expressly delegated ordinance making powers pursuant to said section of the State Code to expend municipal funds provided that any funds not appropriated at the time of the annual levy, shall not be expended, nor shall any funds appropriated be expended for any purpose other than that for which appropriated, except by a two-thirds vote of all members elected to said legislative body; and

WHEREAS, the Town of Upper Marlboro for fiscal year 2022 is exempt from the notice and hearing requirements of the Maryland Constant Yield Tax Rate Law (Code, Tax-Property Art., Section 6-308) for all classes of real property; and

WHEREAS, the Charter of the Town of Upper Marlboro (“Charter”) prescribes that the President of the Board of Commissioners (“President”) at least thirty days before the beginning of the fiscal year shall submit a budget to the Board of Commissioners (“Board”); and

WHEREAS, the fiscal year for each municipal corporation in the State of Maryland is mandated by Code, LG Article, Section 16-101, and Charter, Section 82-39 to begin on July 1 of a calendar year and end on June 30 of the next calendar year; and

WHEREAS, Charter, Section 82-40 further prescribes that the budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year; and

WHEREAS, Charter, Section 82-41 prescribes that before adopting the budget the Board may hold a public hearing thereon upon such notice as may be deemed appropriate and that the Board may increase, decrease or eliminate any item in the budget and may add new items thereto; and

WHEREAS, Charter, Section 82-41 further 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, 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, Charter, 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, 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, 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, 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, Charter, Section 82-48 mandates that prior to June 30<sup>th</sup> in each and every year the Board shall determine the tax rates for the ensuing fiscal year, which determination shall constitute the tax levy for such year.

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

**Section 1.** The Fiscal Year 2022 Budget Ordinance (“FY2022 Budget Ordinance”) shall be divided into the following major anticipated revenue funds or groups having the estimated amounts as indicated below:

<u>REVENUE SOURCE</u>	<u>BUDGET AMOUNT</u>
Taxes	\$1379,261
Intergovernmental	\$38,620
Fines, License and Permits	\$209,950
Other	\$7,250
Grants	\$187,317
From Designated Funds	\$0
<b>Total Revenues</b>	<b>\$1,822,398</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 FY2022 Budget Ordinance shall equal or exceed the total of the proposed expenditures within the following general classifications of expenditures as set forth in the appropriations with the amounts as indicated below:

<u>EXPENDITURES</u>	<u>BUDGET AMOUNT</u>
General Government	\$1,063,263
Public Safety	\$449,830
Public Works Department	\$309,305
<b>Total Expenditures</b>	<b>\$1,822,398</b>

**Section 3.** Notwithstanding this budget ordinance, the FY2022 Budget shall be presented and discussed in further detail by enumerating additional sub-categories or detailed items pertaining to either revenues or expenditures as deemed necessary and expedient by the President and/or the Board (the “Detailed Budget”). Although not considered incorporated by reference or formally part of this FY2022 Budget Ordinance, the Detailed Budget, unless subsequently modified by the President, with approval of the Board as set forth in Section 4 below, shall reflect the various items discussed therein and shall remain substantially uniform throughout the fiscal year having essentially the same format and items as presented to the Board at the Town meeting wherein the FY2022 Budget was approved.

**Section 4.** All budget amendments transferring monies between general classifications of expenditure or appropriations as reflected in this FY2022 Budget Ordinance shall be submitted to the Board for approval, from time to time, by ordinance. Budget changes or amendments occurring within certain specified sub-categories or the various detailed items not reflected herein but shown in the Detailed Budget shall be approved from time to time by the President subject to review and approval by the Board as recorded in the journal of its proceedings.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the levy for Fiscal Year 2022 for the Town of Upper Marlboro shall hereby be set at \$0.30 per \$100 of assessed valuation of residential real estate; \$0.50 of assessed valuation for business personal property; \$0.54 of assessed valuation for commercial property; and \$1.50 of assessed valuation for public utility, subject to taxation by the Town of Upper Marlboro for general fund purposes, including debt service purposes; and

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the levies for Fiscal Year 2022 for the Town of Upper Marlboro shall be liens from and after July 1, 2021 and shall be due and payable as specified in Title 14 of the Tax Property Article of the Code, as amended, and Charter Section 82-50; and that all tax rates currently in effect, or as to be established by this Ordinance 2021-03, shall remain so unless changed at a future date by the Board of Commissioners; and

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that it hereby finally sets, ratifies and establishes the compensation of all regular Town staff positions, as prescribed by Section 82-60 of the Town Charter, via this annual budget ordinance enacted herein, in accordance with the pay chart below:

Paygrade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	32,000	32,960	33,920	34,880	35,840	36,800	37,760	38,720	39,680	40,640
2	35,000	36,050	37,100	38,150	39,200	40,250	41,300	42,350	43,400	44,450
3	39,000	40,170	41,340	42,510	43,680	44,850	46,020	47,190	48,360	49,530
4	44,000	45,320	46,640	47,960	49,280	50,600	51,920	53,240	54,560	55,880
5	50,000	51,500	53,000	54,500	56,000	57,500	59,000	60,500	62,000	63,500
6	57,000	58,710	60,420	62,130	63,840	65,550	67,260	68,970	70,680	72,390
7	65,000	66,950	68,900	70,850	72,800	74,750	76,700	78,650	80,600	82,550
8	74,000	76,220	78,440	80,660	82,880	85,100	87,320	89,540	91,760	93,980

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 this FY 2022 Budget Ordinance or a fair summary of it shall be published once in a newspaper of general circulation in the Town.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**ORDAINED, APPROVED AND** finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by:

Attest:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

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

\_\_\_\_\_  
Sarah Franklin, Commissioner

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

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

Reviewed and Approved for Legal Sufficiency

\_\_\_\_\_  
Kevin J Best, Town Attorney

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

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

ORDINANCE: 2021-04  
SESSION: Regular Town Meeting  
INTRODUCED: May 11, 2021  
DATE ENACTED: \_\_\_\_\_

**AN ORDINANCE TO AMEND ORDINANCE 2020-03 TO RE-ESTABLISH AND CHANGE CERTAIN ASPECTS OF A PERSONNEL SYSTEM WITH CERTAIN GUIDELINES, PAYGRADES, SALARIES, 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 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); and

**WHEREAS**, the Board previously approved Ordinance 2020-03 on May 12, 2020 to establish a personnel system with certain guidelines, paygrades, salaries, standards, and procedures for the employees of the Town of Upper Marlboro.

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CAPITALS	:	Indicate matter to be added to existing law
Strike	:	Indicate matter to be deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

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

### **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, the Board of Supervisors of Elections, independent contractors, persons employed on projects of limited duration, unpaid volunteers (including interns and Town committee members), and other persons appointed to serve without pay.
- B. All employees who have served less than ~~six (6)~~ three (3) months, and all new employees of the Town except police, will serve a probationary period of ~~six (6)~~ three (3) months. Police employees will serve a probationary period of one year. The probationary period may be extended for cause AS DEFINED IN THE EMPLOYEE HANDBOOK 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. This subsection shall apply prospectively and shall not apply to any valid employment contracts approved prior to the effective date of this Ordinance.
- E. NO CHANGE TO THE TOWN HANDBOOK SHALL REDUCE THE VACATION ACCRUALS OF ANY CURRENT EMPLOYEE.

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

The annual operating budget shall fund the appointed offices and positions listed below. No other regular Town staff positions or appointed 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

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CAPITALS	:	Indicate matter to be added to existing law
Strike	:	Indicate matter to be deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

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:

- Town Administrator (Supervisory) (~~Paygrade 6-7~~) (PAYGRADE 6-8)
- Director of Finance & Human Resources (Paygrade 5-~~6-7~~)
- Town Clerk (Supervisory) (Paygrade 4-6)
- ADMINISTRATIVE ASSISTANT/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~~)(PAYGRADE 2-4)
- Police Clerk (Paygrade 1-3)

C. Positions within the Town's Public Works Department:

- DIRECTOR ~~Superintendent~~ of Public Works (Supervisory) (~~Paygrade 3-5~~) (PAYGRADE 6-8)
- FORMAN (PAYGRADE 3-5)
- SENIOR CREWMEMBER (PAYGRADE 2-4)
- Three (3) Crewmembers (Paygrade 1-3)

#### Section 4. Hiring and Dismissal 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. IF HIRING FOR A POSITION FOR WHICH THERE IS NO BOARD APPROVED POSITION DESCRIPTION THE ENTIRE BOARD MUST APPROVE THE POSITION DESCRIPTION BEFORE THE POSITION CAN BE ADVERTISED.

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

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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). ANY COMMISSIONER EXPRESSING A DESIRE TO REVIEW AND RANK APPLICATIONS WILL NOTIFY THE PRESIDENT AND TOWN ADMINISTRATOR. ANY COMMISSIONER NOTIFYING THE PRESIDENT AND TOWN ADMINISTRATOR THAT THEY WISH TO BE PART OF THIS HIRING PROCESS SHALL BE INCORPORATED INTO THE PROCESS PROVIDED THAT THE MD. OPEN MEETINGS ACT IS FOLLOWED WHEN REQUIRED BY LAW. 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 and the cognizant department head. ANY COMMISSIONER DESIRING TO BE PRESENT FOR INTERVIEWS SHALL NOTIFY THE PRESIDENT AND TOWN ADMINISTRATOR. ANY COMMISSIONER THAT HAS NOTIFIED THE PRESIDENT AND TOWN ADMINISTRATOR SHALL BE INCLUDED IN THE INTERVIEW PROCESS PROVIDED THAT THE MD. OPEN MEETINGS ACT IS FOLLOWED WHEN REQUIRED BY LAW.
- (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 or other certifications by promptly obtaining an official transcript or other certification directly from the educational institution or other certifying authority. 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.
- (4) ALL EFFORTS WILL BE MADE TO ENSURE THE HIRING PROCESS IS NON-DISCRIMINATORY ON THE BASIS OF RACE, SEX, RELIGION, NATIONAL ORIGIN, OR POLITICAL AFFILITATION. OUTSIDE HIRING ASSISTANCE MAY BE REQUIRED TO ENSURE CURRENT BEST PRACTICES IN NON-DISCRIMINATORY HIRING PRACTICES ARE FOLLOWED.
- (5) ~~TERMINATION FOR ANY REGULAR TOWN STAFF POSITIONS THAT ENTAILS THE HEAD OF ANY OFFICE, DEPARTMENT, OR AGENCY OF THE TOWN~~

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~~GOVERNMENT AS ESTABLISHED BY THE CHARTER OR BY ORDINANCE  
REQUIRES THE APPROVAL BY MAJORITY VOTE OF THE BOARD OF  
COMMISSIONERS.~~

## 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 a 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 or employment 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 by including a pay chart with the annual budget ordinance enacted in conjunction with the annual operating budget, in accordance with this Section. The pay chart will include eight (8) paygrades, with ten (10) steps in each paygrade as outlined below:
- B.

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 +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%

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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. The annual base pay (Step 1) for Fiscal Year 2021 for each paygrade is as follows: Paygrade 1: \$32,000; Paygrade 2: \$35,000; Paygrade 3: \$39,000; Paygrade 4: \$44,000; Paygrade 5: \$50,000; Paygrade 6: \$57,000; Paygrade 7: \$65,000; and Paygrade 8: \$74,000. The complete Fiscal Year 2021 pay chart will be included in the Fiscal Year 2021 Budget Ordinance.

D. Each fiscal year, the pay chart will be updated and included in the annual budget ordinance, beginning in Fiscal Year 2022, to include a cost-of-living adjustment (COLA) for all paygrades and steps. The Town COLA for each fiscal year will be equal to the total pay increase received at the beginning of the same calendar year by United States Government General-Schedule (GS) civilian employees in the Washington-Baltimore-Arlington-DC-MD-VA-WV-PA Locality Pay Area. If said GS total pay increase is less than 1%, the Town COLA will be 1% for that fiscal year. If said GS total pay increase exceeds 3%, the Town COLA will be 3% for that fiscal year.

(1) Part-time employees will be paid by the hour, at an hourly rate (equal to 1/2000 of the annual rate), as a full-time employee with the same position. Part-time employees will have the same minimum and maximum salaries, eligibility for step and paygrade increases, and annual pay increases as their full-time counterparts for computing their hourly rate.

(2) Employee pay will increase by one step after completing a period of satisfactory service (in a particular paygrade and step) with the Town as follows: Increasing one step after one year of satisfactory service in steps 1 through 3, increasing one step after two years of satisfactory service in steps 4 through 6, and increasing one step after 3 years of satisfactory service in steps 7 through 9. Thus, an employee would take 18 total years to move from step 1 to step 10 within a paygrade. Employee pay will increase by one paygrade (for positions that have multiple paygrades) after 2 years of satisfactory service in a paygrade. They will be placed in the higher paygrade 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. If any employee becomes eligible for a paygrade increase and a step increase at the same time, they only receive

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the step increase (for example, an employee that began employment in paygrade 3, step 4 would be eligible for both a paygrade increase and a step increase upon two years of employment, so they would receive a promotion to paygrade 4, step 2).

- (3) Town employees shall receive compensation only as outlined 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.
- (4) Upon the approval of the Town's annual budget ordinance, each employee shall be issued a letter signed by the President and Treasurer stating the employee's annual salary, paygrade, step, and COLA increase for the upcoming fiscal year. A copy of this letter shall also be placed in the employee's personnel file. Employees will also receive such a letter when they receive a paygrade or step increase.
- (5) ~~EMPLOYEE PAY SHALL NOT BE REDUCED NOTWITHSTANDING ANY CHANGES TO THIS ORDINANCE.~~

## **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 the pay chart in 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.

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AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**INTRODUCED** in a public session of the Board of Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**ORDAINED, APPROVED AND** finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by:

Attest:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

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

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

\_\_\_\_\_  
Sarah Franklin, Commissioner

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

Reviewed and Approved for Legal Sufficiency

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

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

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