

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

REGULAR TOWN MEETING

Tuesday, April 16, 2019 – 7:00 p.m.

AGENDA

Call to Order

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

Approval of Meeting Minutes & Financial Reports

- Approval of the March 12, 2019 Regular Town Meeting minutes
- Approval of the March 19, 2019 Work Session minutes
- Approval of the Treasurer's Report, as of March 31, 2019.

Reports

- Departments Reports
- Commissioner Leonard
- Commissioner Pennoyer
- President Turner

Business

- 1) Ordinance 2019-02: Authorizing Town Committees (introduction)
- 2) Ordinance 2019-03: Establishing Rates for FY20 Tax Levy (introduction)
—presentation by Finance Director Morgan
- 3) FY2018 Annual Audit (presentation)
- 4) Resolution 2019-04: Rezoning 14520 Church Street (for approval)
- 5) Legislative Update (Greenwill Consulting)
- 6) General/Administration issues

Public Comment

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*

Wanda Leonard
Commissioner

Tonga Y. Turner
Commissioner/ President

Linda Pennoyer
Commissioner/ Treasurer

Town of Upper Marlboro

REGULAR TOWN MEETING

March 12, 2019

unApproved Minutes

Call to Order

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

Roll Call: Tonga Turner, President of the Board of Town Commissioners;
Wanda Leonard, Commissioner; Linda Pennoyer, Commissioner/Treasurer

Staff present: M. David Williams, Town Clerk/Administrator; UMPD Chief Washington

Also present: SCW Chair Evelyn Stephens; EC Chair Jeremy Gunnoe; and various citizens and interested parties.

Pledge of Allegiance

Approval of Meeting Minutes & Financial Reports

President Turner asked for consent to the Agenda. Approval was granted by all Commissioners present. The Town Meeting minutes from February 12, 2019, the Work Session minutes from February 26, 2019 and the February's Treasurer's Report were acknowledged by the Board as reviewed. President Turner motioned to approve both sets of minutes and the Treasurer's Report as of February 28, 2019, Commissioner Leonard Pennoyer seconded. The February Treasurer's Report plus the minutes from February's Town Meeting and Work Session were unanimously approved.

Reports

Staff/Committees: Finance Director Morgan reviewed the February Financial Report, noting that Fines, Licenses & Permits income, while still experiencing a gap with projections from the FY2019 Budget estimates, should increase to close the gap within the next 3-4 months. Grants such as State Aid for Police Protection, the Park & Planning Streetscape Improvements grant, and the Sustainable Communities F.I.P. program should be realized soon as well. Other tax related revenues generated from Public Utilities billing will bring in over \$100K from Potomac Electric and Verizon alone. He noted that with most expenditures having been spent in the first half of the fiscal year, February's expense rate was dramatically down and the Town is working to continue that trend. The final Annual Financial Audit Report is expected this Friday. Mr. Morgan said he has been contacting banks about the Town's investment CDs and is working to obtain the largest amount of interest with the lowest amount of penalties. President Turner added that departments are currently working to collectively trim back \$200K in forecasted expenditures to help balance out revenue actuals by the end of FY2019. She also noted that in efforts to gain a better assessment of the Town's financial health, the audit has taken an extra-long time due to the investigation of the past 4-5 years of audits. It was suggested that it is a best practice to change auditors every 3-4 years.

UMPD Chief Burse reported he attended the last CERT meeting to get familiar with their goals, plans and objectives. He suggested an upgrade of their radios to improve communications especially during events. He noted since his swearing-in ceremony on February 12, he has attended an Honors Ceremony for a fallen PGC officer on February 21st, received a warm welcome from his peers at the Public Safety Brunch that followed on the same day, and, has been in the interviewing process with 3 applicants looking for employment with the UMPD. He then delivered a report on findings from a Maryland State Police Audit conducted on UMPD procedural operations, noting a uniform report had not been done since August of 2018. The UMPD has since received confirmation of compliance. He then offered as an exhibit, a well-worn bullet-proof vest in less than acceptable condition that had been issued to a current UMPD

Officer, noting the liability risks for the Town. Chief also reported that the Office of Central Services (OCS) Fleet Management crew has agreed to maintain the Town's Public Safety vehicles under a temporary agreement, noting that only a few departments are able to participate in that arrangement. The President added that the restructuring of the UMPD was meant to properly address these inherited shortcomings and issues of the department.

TUMHC Archivist and acting Secretary Brian Callicott reported that Tom Cavanaugh has been elected as a new member by the TUMHC at their last quarterly meeting in February. Mr. Callicott will be assuming the role of Secretary that was vacated last January. He noted their next event "Morsels & Memories on Main Street" will be held on the Saturday before Mother's Day starting at the Pedestrian Mall downtown, and that the group will hold their next Archival & Planning meeting this Saturday.

SCW Chair Stephens reported the final Sustainable Communities Renewal Application was submitted to the State, noting the Town should be receiving a 5-year Certificate of Designation soon. She said the SCW will be moving ahead with new clients for the Façade Improvement Project (FIP).

EC Chair Gunnoe reminded everyone that their "Poetry Slam" event will be held on April 13th from 3-7 p.m., noting the event was created in partnership with the UM Library who will be holding the contest. The new Marlboro Day event will be on May 18th from 11 a.m. to 4:00 p.m. with the Parade starting shortly before at 10:00 a.m. He added that the first Movie Event for 2019 will be held in June and added that the EC is currently planning events for FY2020.

Commissioner Leonard: Reported that the CERT has partnered with the PGC Public School system to conduct a "Pond Clean-Up" event on April 13, 2019 from 8:30 a.m. to 12 noon, noting the activity provides volunteer service hours for students looking to fulfill requirements for graduation. She also noted the CERT membership keeps growing, and CERT member, Alonzo Joy, has just received another certification in emergency management.

Commissioner Pennoyer: Reported that she has been talking with residents about forming a Senior Club. She also announced that she is looking into forming a "River Clean-up" for the Western Branch since the CERT has successfully established annual events at the Schoolhouse Pond.

President Turner: Delivered updates on the following topics: 1.) The March Work Session moved to March 19, 2019 at 7:00 p.m.; 2.) Received confirmation of a \$200K 3-year grant awarded by the State for the "Western Branch Community Park." The facility will feature a permanent fishing pier, kayak docking area, picnic area and historic wayside signage. Currently looking to establish a design team; 3.) A Bond Bill sponsored by Senator Peters and Delegate Watson was presented at the Senate this Saturday requesting funds for renovations to the Old Stone Building to establish an Upper Marlboro Welcome Center. Confirmation expected within 2-3 weeks; 4.) Reported on findings resulting from resident commentary delivered at the February Town Meeting concerning issues with the intersection of Water and Church Streets. Measures since taken to mitigate the issues included: Public Works has just striped the corner easement area at the 7-11 convenience store as "non-parking"; Chief Burse has discussed with Bank of America management about the various public safety issues concerning the ATM at the the Bank of America; Discovered snow pile-ups on the BoA sidewalk and curb along Church Street caused by County plows, PW Superintendent has discussed solutions with the County's Public Works; and, 5.) Town working with the County's "Employ Prince George's" Program to host 4 interns this summer to assist with the Public Safety, Public Works, Administration and Community Outreach departments.

The President then replied to a variety of concerns emailed to the Town last week on March 6, 2019 by a resident, adding that these replies orated tonight will be submitted in writing to the resident.

Business

Resolution 2019-01: Food Truck Fees: Seeing no additional discussion or comments offered on the Resolution, President Turner conducted a second reading and motioned to approve Resolution 2019-01, Commissioner Pennoyer seconded. Approval by the Board was unanimous.

Resolution 2019-02: New Rules of Order: The President opened the floor for comments on Draft 1 and noted the Resolution has also been posted online for public comment. No comments were put before the Board at this time.

Resolution 2019-03: Setting Fees Schedule: After a brief discussion the President motioned to approve the Resolution and accompanying Schedule of Fees, Commissioner Leonard seconded the motion. With no opposition, the Resolution passed unanimously.

Public Information Act Request package: The Board tabled approval for this item until fully reviewed by the Town's Attorney.

General/Administration issues: There were no new issues brought before the Board at this time.

Public Comment

A resident requested that an audit be conducted on the Town's use of the reserve funds during the previous administration. More concerns about bills for the Town Hall Project being paid from the Reserve Account in 2018 were also expressed. The President acknowledged the request as valid and stated there might be an additional cost for the audit if not already included in the current audit.

Another resident expressed thanks for the Town's professional handling of a downed tree from the right-of-way along his property on Church Street, adding that matters could have been worse handled otherwise.

Closed Session

After stating that the evening's business agenda had been completed, President Turner asked for a motion to close the Work Session, under statutory authority to close session General Provisions Article §3-305(b)(8), to discuss confidential and pending litigation. Commissioner Pennoyer motioned to approve the Board to go into closed session, Commissioner Leonard seconded the motion. With all in favor, the March Regular Town Meeting was closed to the public at 8:28 p.m. A "Written Statement for Closing a Meeting Under the Open Meetings Act"—Appendix C, was prepared by the Clerk and signed by the Presiding Officer, President Tonga Turner.

Reopening of Regular Town Meeting

The President stated the closed session's purpose and reported that all three Board members and Chef of Staff Kyle Snyder were present for the Closed Session. The President then asked for a motion to reopen the Regular Town Meeting. Commissioner Leonard motioned to reopen the March Regular Town Meeting, Commissioner Pennoyer seconded the motion. With all in favor, the March Regular Town Meeting was resumed at 8:42 p.m.

Adjournment

Commissioner Pennoyer made a motion to adjourn, Commissioner Leonard seconded the motion. With all in favor, the meeting was adjourned at 8:43 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator

Town of Upper Marlboro

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

Work Session Minutes

Tuesday, March 19, 2019 - 7:00 p.m.

unApproved

Call to Order

- Meeting was brought to order at 7:02 p.m.
- Roll Call – President Tonga Turner; Commissioner Wanda Leonard; Commissioner Linda Pennoyer; Town Clerk/Administrator M. David Williams, and Chief of Staff Kyle Snyder.
- Pledge of Allegiance

Reports

Commissioner Leonard: Reported she attended the Marlboro Fire Department's Station 20 Installation with Chief Burse last Saturday. She said the MVFD enthusiastically acknowledged their working relationship with the Town. It was noted that Town Administrative Assistant Benay Walker has recently enrolled in the PGC Police Academy.

Commissioner Pennoyer: Reported that she had talked to the new owner of the properties next to Annie's Cleaners (nearest Rte. 202) about joining the Façade Improvement Program to renovate the buildings for offices. She noted the owner was invited to the next SC Workgroup meeting. She added that she is also in discussions with other new business and property owners about the Town's F.I.P. project.

President Turner: Delivered updates on the following topics: 1.) A year-to-date overview is being conducted with each Department Head in preparation for the draft FY2020 Town Operating Budget Ordinance. A first draft will be discussed at the April Work Session, to introduce at the May Regular Town Meeting; 2.) An ordinance to establish Commercial and Utility Tax Rates will be passed before June 1st; 3.) Marlboro Community Day is scheduled for May 18, expecting 800-1,000 participants; 4.) Had meeting with Councilmember Harrison about the County establishing a County-run Food Truck Hub before June, and, plans and procedures for the allocation of the County's Budget appropriation to the Town; 5.) Had final draft discussions on the Annual Audit, a high number of delinquent business taxes was noted, and, recommendations were made to adopt more effective policies and procedures for accounting processes; 6.) President to be sworn-in as a non-voting member of the UM Chamber of Commerce tomorrow; 7.) Public Works Superintendent Bond has been managing a Spring-cleaning effort around Town; and, 8.) Just received confirmation of \$175K grant for the "Upper Marlboro Welcome Center", groundbreaking being planned for July.

Clerk's Office: Clerk Williams suggested the Board entertain passing a Marlboro Community Day Proclamation. Chief of Staff Snyder reported that the Town has about 140 sign-ups for the Town's Alert notification program.

Business

Resolution 2019-02: New Rules of Order: The President reviewed public comments submitted in an email by a Town resident. The President's replies were recorded to be entered into a public comment & input spreadsheet. The Board also discussed procedures for citizens requesting to submit Agenda line items for discussion at meetings of the Board.

Public Information Act Request package: The Town's MPIA Policy Statement, Guidelines for Submitting Requests and the MPIA Request Form were acknowledged as reviewed by the Town's Attorney. Commissioner Pennoyer motioned to approve the Town's MPIA Request Package, Commissioner Leonard seconded. With all in favor, the MPIA package in its entirety was unanimously approved.

Resolution 2019-04: Property Rezoning/14518 Church Street: The President suggested that a Resolution of support for the resident property owner's application for rezoning be drafted and presented for passage at the April Town Meeting.

Resolution 2019-05: Conference Room Rental Fees: The Board discussed items to be addressed in the next draft: 1.) Alcoholic beverages; 2.) Police/Staff attendance; Certificate of Occupancy (conference room and entire facility.) For passage at May Regular Town Meeting.

General/Administration issues: Items discussed included: 1.) Possibly holding a second Town "Business Mixer/Forum" to move business community to the next level; 2.) Playground grant award confirmation expected sometime in April or May; 3.) 5436 Old Crain Hwy property and building, and, the old Trading Post property on Rte 725; and, 4.) Holding a Public Forum in April to discuss with Town residents about possible Town Charter Amendments.

Adjournment

Commissioner Leonard motioned to adjourn, Commissioner Pennoyer seconded. With all in favor, the meeting was adjourned at 8:32 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Town of Upper Marlboro Budget vs. Actuals July 2018 - March 2019

	Actual	Budget	% of Budget
Revenue			
Fines, Licenses, Permits	\$71,036.77	\$174,000.00	41%
Grants	\$50,803.25	\$150,453.00	34%
Intergovernmental	\$25,277.48	\$50,925.00	50%
Other Revenue	\$477,846.39	\$477,847.00	100%
Taxes	\$484,587.02	\$474,658.00	102%
Total Revenue	\$1,107,637.08	\$1,327,883.00	83%
Expenses			
General Government	\$513,134.96	\$619,163.00	83%
Public Safety	\$156,577.61	\$266,191.00	59%
Public Works	\$269,016.24	\$442,529.00	61%
Total Expenses	\$ 938,728.81	\$ 1,327,883.00	71%

Committee Overview			
Historical Committee	\$16.98	\$1,500.00	1%
CERT Team	\$482.03	\$1,500.00	32%
Events Committee	\$6,226.52	\$13,000.00	48%



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarlboromd.gov
www.uppermarlboromd.gov

MONTHLY NARRATIVE

The Town has is making an effort in recouping its aging personal property taxes from local business. The delinquent taxes estimates at \$52,000 dating back to the year of 2013. Outside of expected revenues, such as, fiscal year 2019 personal property taxes and grant monies the Town will not expect many big deposits. Additionally, with the recently approved fee schedule, the Town has begun receiving new revenues for future community events.

Lastly, as mentioned in previous Town hall meetings, the Town has put its major expenditures in the past. This highlights another month where its revenues exceeded the Towns expenses.

1. Fiscal Year 2018 Financial Statement
2. Real Property Tax

TOWN OF UPPER MARLBORO PROFIT & LOSS MARCH 2019

REVENUE

FINES, LICENSES, PERMITS	\$7,082.96
GRANTS	\$0.00
INTERGOVERNMENTAL	\$0.00
OTHER REVENUE	\$1,489.23
TAXES	\$64,563.60
TOTAL REVENUE	\$73,135.79

EXPENSES

GENERAL GOVERNMENT	\$42,908.63
PUBLIC SAFETY	\$12,068.85
PUBLIC WORKS	\$8,670.48
TOTAL EXPENSES	\$63,647.96



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Town of Upper Marlboro Balance Sheet As of March 31, 2019

	<u>Total</u>
Bank Accounts	
Cash on Hand and in Banks	
1000 PGFSB Operating Checking	125,118.66
1001 Petty Cash	300.00
1010 PGFSB Payroll Account	201.77
1040 M&T Checking	34,510.07
1060 Sona CD 7977	108,205.71
1063 Sona CD 1577	0.00
1068 SONA Bank CD 8641	267,121.14
1075 Sona CD 8153	168,944.55
1076 Sona Bank CD 1697	0.00
1077 Sona Bank CD 9681	0.00
1078 SONA CD 2705	0.00
1079 Sona Bank CD 9137	0.00
1084 SONABANK CD 5101	0.00
1117 Old Line Bank	100,639.52
1119 Community Bank of Tri-County	0.00
1120 Old Line Bank/Washington Savings	0.00
1121 Arundel Federal Savings Bank	0.00
1122 Congressional Bank CD 5756	209,724.87
1123 Severn Savings Bank	0.00
1140 MLGIP	11,475.87
Total Cash on Hand and in Banks	\$ 1,026,242.16



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Date: April 1, 2019

To: Board of Town Commissioners

From: David A. Burse, Chief of Police

Reference: March Monthly Police Report

The purpose of this memorandum is to advise the Town Commissioners on the progress of the Upper Marlboro Police Department for the month of March. Accomplishments are as follows:

- On March 1, 2019, Chief Burse accompanied the Mayor, Kyle Snyder, and a group of developers on a tour of the Town to explore opportunities to re-develop the downtown area.
- On March 5, 2019, Chief Burse attended the swearing-in of Anthony Morgan as the new Chief of Police for the City of Mount Rainier.
- On March 6, 2019, Chief Burse was accepted into the Maryland Chiefs of Police Association by a unanimous vote.
- On March 13, 2019, Chief Burse attended the Prince George's County Police Leadership Development Course for Municipalities. The training focused on leadership characteristics for the future.
- On March 14, 2019, Chief Burse meet with a vendor about security upgrades inside Town Hall.
- On March 20, 2019, Chief Burse attended the Criminal Justice Coordinating Meeting with Judge Sheila Adams. Chief Burse advised the District Court Administrative Clerk about the excessive amount mail coming to Town Hall for other County Government agencies.
- Chief Burse attended the Maryland Chiefs of Police Association Conference in Ocean City, Maryland from March 25-27, 2019 for newly appointed Chiefs.

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Date: Monday, April 1, 2019
Subject: Public Works Department Status Report
RE: March 2019 – Monthly Status Report

Capital Improvements – Received two MOU's for emergency tree and snow removal.

Maintenance and Beautification – Truck #2 had airbag module replaced due to wiring malfunction. All Town maintained properties were aerated, seeded, and straw coated to promote growth during the early spring season. Walk-behind hydrostatic mower purchased to keep up with weekly site cuts over increased Town cut sites. Estimates for larger Landscape trailer received. Old wood planter box at Cahn Memorial removed due to weathering, seven rose bushes were planted in its place.

Street and Sidewalk Repairs – Permanent sidewalk repairs on Church St completed after downed tree and three downed telephone poles in February. Striping of 7-11 “No Parking” area completed to ease access on to Church St. Water St pedestrian island end cap curbing painted yellow for increased visibility.

Weather Related Activities – March had 2 wintry weather events none of which required de-icing treatments on Town streets/ sidewalks.

Trainings – Public Works supervisor and staff identified 7 potential trainings for Pw crewmembers to develop their skills and working knowledge for day to day operations. Public Works Superintendent trained on Carrier RTU HVAC system care and operation.

Sincerely,

Darnell F. Bond III
Public Works Superintendent

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner

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

ORDINANCE: 2019-02 **DRAFT-1**
SESSION: Regular Town Meeting
INTRODUCED: April 16, 2019

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE APPOINTMENT AND GOVERNANCE OF ALL COMMITTEES AND OTHER BODIES NOT OTHERWISE PRESCRIBED BY THE CHARTER OR OTHER LAW TO PROVIDE FOR CERTAIN PRACTICES, PROCEDURES AND GOVERNANCE OF SUCH BODIES; BY PRESCRIBING AND PROVIDING FOR THE MEMBERSHIP, CREATION AND COMPOSITION OF CERTAIN BODIES; BY PROVIDING FOR CERTAIN APPOINTMENT PROCEDURES, COMPENSATION AND BUDGETING, TERMS OF APPOINTMENT AND REMOVAL, CONDUCT OF MEETINGS, APPOINTEE LIABILITY AND INDEMNIFICATION, COMMUNICATIONS; AND GENERALLY RELATING TO THE PRACTICES, PROCEDURES AND REQUIREMENTS FOR APPOINTED BODIES OF THE TOWN OF UPPER MARLBORO

WHEREAS, the Board of Commissioners of the Town of Upper Marlboro has authority pursuant to state law and Section 82-17 (Exercise of Powers) of the Town Charter to create committees and other bodies to further the public interest of the Town; and

WHEREAS, Section 82-16(2)(p) (Departments) of the Town Charter authorizes the Board to create, change, and abolish offices, departments, or agencies, other than offices, departments, and agencies established by said Charter; to assign additional functions or duties to offices, departments or agencies, established by said Charter, but not including the power to discontinue or assign to any other office, department, or agency, any function or duty assigned by said Charter to a particular office, department, or agency; and

WHEREAS, Section 82-16(2)(l) (Community Services) of the Town Charter authorizes the Board to provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of The Town of Upper Marlboro sitting in regular session this _____ day of _____, 2019

the following:

TOWN OF UPPER MARLBORO COMMITTEE AND OTHER APPOINTED BODIES PRACTICES AND PROCEDURES ORDINANCE

SECTION 1: AUTHORITY, PURPOSE, SCOPE AND DEFINITIONS.

A. Authority. Pursuant to Title 5, Subtitle 2 of the Local Government Article of the Md. Ann. Code, and Sections 82-16(2)(p) and 82-17 of the Town Charter, the Board of Commissioners and the President shall be authorized pursuant to this Ordinance or any other duly enacted ordinance to create and establish certain offices, committees and other appointive bodies as deemed necessary to serve the best interests of the Town.

B. Purpose. In addition to authority stated in Subsection A, the purpose of this Ordinance is to authorize and set forth the practices, procedures and requirements for all Town appointed bodies serving the Town. Every committee or other appointed body shall have a specific statement of purpose and function as approved by the Appointing Authority or otherwise prescribed by law. Unless otherwise prescribed by Charter, ordinance or resolution, the size of each body shall be dictated by its duties and responsibilities as determined by the appointing authority or bylaws approved by the Board of Commissioners.

C. Scope. Unless otherwise provided elsewhere in the ordinances of the Town, the Town Charter or by authorized resolution, the provisions of this Ordinance shall apply to all committees or other appointed bodies established by Charter, separate legislation of the Board of Commissioners, or by order of the President, as permitted by law.

D. Definitions. The following definitions shall apply to this Ordinance:

- (1.) "Appointing authority" means the Board of Commissioners or the President, as permitted by the Town Charter or State law.
- (2.) "Appointed official" means a person designated by an Appointing Authority to occupy a Town office or perform some delegated power, function or duty on behalf of the Town government.
- (3.) "Committee" means an ad hoc or standing body or individual to whom either the President or the Board of Commissioners have delegated or committed a particular duty in the expectation of their acts or recommendations being confirmed by the Appointing Authority. A committee's purpose may be solely advisory in nature. A committee may also include a standing group of persons with managerial, supervisory, governmental, planning or investigatory functions having certain expressly delegated powers or functions.

SECTION 2: PRACTICES, PROCEDURES AND GOVERNANCE.

A. General. All appointees of the various committees and other appointed bodies of the Town, shall abide by the rules, policies and practices stated in this Ordinance or by any other duly approved ordinance, resolution, including any approved organizational bylaws, or order to ensure the proper conduct of Town business, proper administrative interaction with agencies outside of the municipality, and proper administration of employees, appointees and other bodies of the Town of Upper Marlboro.

B. Reports. At each Town regular or other designated meeting, a report from each committee or other appointed body shall be made by the chairperson or other proper designee to the Board of Commissioners.

C. Limitations. Unless otherwise provided by State law, the Town Charter, an ordinance or written resolution, including any organizational bylaws passed pursuant to this Ordinance, or another enabling ordinance, a committee or other appointed body shall not have any authority to act on behalf of the Board of Commissioners or the President, nor shall such committees or other appointed bodies conduct hearings or take testimony or public comment unless specifically authorized by resolution or recorded motion of the Board of Commissioners or as otherwise permitted by law. Organizational bylaws shall be approved by the Board of Commissioners.

D. Compensation and budget.

(1.) Appointed body members shall receive no compensation, although they may be reimbursed for actual expenses incurred in the performance of their duties in accordance with appropriations for the various bodies or purposes as made by the Board of Commissioners.

(2.) In general, an individual committee or other body may not always have a defined budget. If a committee or other appointed body anticipates a need to expend funds not currently budgeted, it may request such funds through the President's office. Such a request is subject to a review and evaluation of need, availability of funds, and approval by the President and Board. For those bodies having budgeted funds set aside for their purposes, no contract shall be entered into except as authorized by Town procurement law.

E. Qualifications. The President shall appoint all members of any appointed bodies created by ordinance or authorized resolution unless otherwise prescribed by other law. Unless prescribed otherwise by law including any approved bylaws of the body, all bodies shall have appointees who shall meet the following qualifications for appointment: (i.) A member shall be a resident of the Town, (ii.), a member shall not be a person employed by or under contract to the Town except as a non-voting member or liaison, and (iii.) a member shall not be a convicted felon, unless otherwise waived by a unanimous vote of the Board of Commissioners.

F. Terms of appointment and removal. Unless otherwise prescribed by law, the terms of appointment for the various appointed bodies shall generally be one year; however, certain appointments may be for two years. Bodies formed for specific purposes may not have definite terms and may exist only until the ordained or ordered purpose is accomplished. The following requirements shall also apply to terms of appointment, and removal or suspension of members:

- (1.) Upon appointment and as a condition thereof, an Appointed Official shall take and subscribe to the oath or affirmation of office as provided for in Section 82-85 of the Town Charter;
- (2.) Members are free to resign at any time, should their personal circumstances prevent continued effective service. A letter of resignation or other writing shall be submitted to the Town Clerk but the resignation shall not become effective until approved by the Appointing Authority; and
- (3.) Excessive absenteeism, excluding short term illness or necessary travel, is cause for removal of a committee member or other appointee. Unless otherwise prescribed by law, a body's appointee may be removed from office for cause or without cause by the President.

G. Meetings. The body or committee chairperson shall be responsible for setting the proposed meeting agenda, unless the body decides on another procedure. A commissioner may be assigned to coordinate with each body and may assist in drafting the agenda, scheduling meetings, and in the preparation and distribution of meeting materials. The following operating policies and procedures shall also apply:

- (1.) Except for those committees and other bodies that have adopted their own bylaws or rules of procedure, as approved by the Board of Commissioners, and unless otherwise specified by law, the most recent edition of Robert's Rules of Order shall generally be followed when conducting meetings;
- (2.) All committee and other body meetings shall be open to the public after reasonable notice is given and conducted in accordance with the State of Maryland's Open Meetings Law. A body may convene in closed session only for those reasons set forth in State Government Article, Section 10-508(a) of the Annotated Code of Maryland and a body should consult with the Town Clerk prior to considering doing so;
- (3.) Certain bodies may have standing meeting times, while others may meet on an "as needed" basis. Unless otherwise prescribed by law, each committee or body may meet as frequently as necessary to carry out its responsibilities. A body may also cancel a meeting from time to time if there are no agenda items in need of consideration or if a quorum cannot attend. A quorum for conducting business shall be a simple majority of the membership of the committee or other body;
- (4.) Minutes should be brief and essentially reflect decisions, motions, consensus, votes or recommendations of the body. A copy of the minutes should be sent to the Town Clerk for custodial purposes, who shall forward a copy to the Appointing Authority; and

(5.) The Board of Commissioners recognizes the importance of civil discourse at all levels of the government including for those who volunteer their time and services on behalf of the Town. Bodies and committees should conduct themselves so as to maintain public confidence in their municipal government and in the performance of the public trust. Disruptive behavior may result in removal by the chair of any person responsible for such behavior.

SECTION 3: LIABILITY AND INDEMNIFICATION; COMMUNICATIONS.

A. Member liability. Appointed officials or members of a Town appointed body are considered municipal officials, regardless of whether they receive compensation. Subject to certain exceptions and limitations, state law allows a municipality to indemnify its officials and employees from personal financial loss, while acting in a discretionary capacity, without malice, and within the scope of the official's authority. The Town has purchased liability insurance policies for this purpose and intends to indemnify and defend its duly appointed committee or other body members in substantially the same manner as its other appointed and elected officials.

B. Email usage. The use of electronic mail creates certain issues related to the state open meetings and public records laws. There is no distinction in the law between written and electronic records. As a result, it is likely that email messages written or received in the capacity of a committee or body member are public records which must be made available for public inspection in the same manner as hardcopy documents. Use of one's own home computer and personal email accounts may not exempt such communications depending on the context. Unless subject to a privilege provided for by law, employees and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail for town purposes. Appointees are encouraged to establish or obtain separate email accounts from the Town or another provider dedicated solely for their use as a Town official.

C. Public Speaking. An individual appointed member has a right to speak publicly as a private citizen but should not purport to represent the Town, the body or committee or exercise the authority of the body or committee except when specifically authorized by that body to do so. If members identify themselves as members when speaking as private citizens, it may be perceived that they speak for the body or committee. Such a perception should be avoided.

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.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town

of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2019.

Attest:

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Tonga Y. Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

Proposed Ordinance 2019-02 Timeline:

Introduction:	April Regular Town Meeting	04/16/2019
Public Comment & Board Discussion:	April Board Work Session	04/23/2019
Passage/Board vote:	May Regular Town Meeting	05/14/2019



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarlboromd.gov
www.uppermarlboromd.gov

MEMORANDUM

TO: Board of Commissioners
FROM: William T. Morgan, Finance Director
DATE: April 1, 2019
RE: FY2020 Town Taxes

For the first time in many years, the Town of Upper Marlboro wishes to raise its taxes. Increased tax rates **will not** include residential real property taxes, but towards the business community. The business community generates revenue from the constituents and visitors on a daily basis. And this increase will allow the administration to focus on other community needs. Below list the rates for fiscal year 2020.

	PREVIOUS RATE	FY2020 RATE
COMMERCIAL REAL PROPERTY	0.24	0.52
RESIDENTIAL REAL PROPERTY	0.24	0.24
BUSINESS PERSONAL PROPERTY	0.45	0.45
PUBLIC UTILITIES	0.45	0.76

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner

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

ORDINANCE: 2019-03 **DRAFT-1**
SESSION: Regular Town Meeting
INTRODUCED: April 16, 2019
DATE ENACTED: _____, 2019

AN ORDINANCE TO ESTABLISH TAX RATES FOR THE FISCAL YEAR 2020 TAX LEVY

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, the Charter of the Town of Upper Marlboro (the “Town Charter”), Section 82–16(2)(v) (Finances), states that the Board shall have the power to pass ordinances not contrary to the laws and Constitution of this State in order to levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town; and

WHEREAS, the Town Charter, Section 82–47 (Taxable Property) states all real property and all tangible personal property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes; and

WHEREAS, the Town Charter, Section 82–48 (Tax Levy) states that on or before the thirtieth day of June in each and every year, the Board shall determine the tax rate for the ensuing fiscal year, which determination shall constitute the tax levy for such year; 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, pursuant to Section 82–39 *et seq.* of the Town Charter, the Board of Town Commissioners plans to approve a separate annual budget ordinance consistent with this Ordinance.

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

That the tax rates for Fiscal Year 2020 for all real, personal and other property which is subject to taxation by the Town of Upper Marlboro are hereby established, levied and approved to be as follows:

Residential Real Property	\$ 0.24 per \$100.00 of assessed valuation;
Commercial Real Property	\$ 0.52 per \$100.00 of assessed valuation;
Business Personal Property	\$ 0.45 per \$100.00 of assessed valuation;
Public Utility Property	\$ 0.75 per \$100.00 of assessed valuation;

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the tax levy for Fiscal Year 2020 for the Town of Upper Marlboro and all other taxes, liens and/or fees prescribed herein shall remain as approved to be incorporated and adopted within the FY 2020 Budget Ordinance 2019-04.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to the Town Charter this Ordinance shall be posted in the Town office and a fair summary of it shall be published once in a newspaper of general circulation in the Town and effective 20 days after passage by the Board.

AYES: _____

NAYES: _____

ABSENT: _____

INTRODUCED in a public session of the Board of Commissioners on this _____ day of _____, 2019.

ORDAINED, APPROVED AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this _____ day of _____, 2019, by:

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

Proposed Ordinance 2019-03 Timeline:

Introduction:	April Regular Town Meeting	04/16/2019
Public Comment & Board Discussion:	April Board Work Session	04/23/2019
Passage/Board vote:	May Regular Town Meeting	05/14/2019

Town of Upper Marlboro

RESOLUTION: 2019-04
SESSION: Regular Town Meeting
DATE: _____, 2019

RESOLUTION BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO SUPPORT A ZONING MAP AMENDMENT (A-10054) FOR A PARCEL OF UNDEVELOPED PROPERTY, BY OWNER, FROM C-S-C (COMMERCIAL SHOPPING CENTER) TO R-80 (ONE FAMILY DETACHED RESIDENTIAL)

WHEREAS, the owner of an undeveloped property at 14520 Church Street, Upper Marlboro, Maryland 20772 “LOT 1, MARLBOROUGH HOUSE” Plat Book NLP 137 Plat No. 54, herein referred to as ‘property’, has submitted an application for a Zoning Map Amendment; and

WHEREAS, the owner of said property also owns and maintains residence at the adjoining property located at 14518 Church Street known as “LOT 1, CONTENT”, as recorded in Plat Book NLP 133 as Plat Number 90, among the Land Records of Prince George’s County, Maryland; and

WHEREAS, the owner’s domicile known as “LOT 1, CONTENT” is on the National Historic Register and is a historical landmark within the corporate boundaries of the Town of Upper Marlboro, and;

WHEREAS, the ‘property’ known as “LOT 1 MARLBOROUGH HOUSE” is currently zoned C-S-C (Commercial Shopping Center), and;

WHEREAS, the Owner is desirous of protecting the historical integrity of the ‘property’ in regards to the community’s vista of the historic site known as “LOT 1, CONTENT”; and

WHEREAS, the Town of Upper Marlboro shares in the owner’s vision for preserving the historic appeal of both adjoining properties; and

WHEREAS, THE BOARD OF COMMISSIONERS HAS DETERMINED THAT any future development of the afore mentioned ‘property’ would not be in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that they support the approval of the application by owner requesting a zoning map amendment for the ‘property’ from C-S-C (Commercial Shopping Center) to R-80 (One Family Detached Residential); and

Town of Upper Marlboro

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the _____ day of _____, 2019.

Attest:

BOARD OF COMMISSIONERS OF THE TOWN
OF UPPER MARLBORO, MARYLAND

Tonga Y. Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, 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 _____, 2019.

M. David Williams, Town Clerk