

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

REGULAR TOWN MEETING

Tuesday, December 10, 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 November 12, 2019 Regular Town Meeting minutes
- Approval of the November 26, 2019 Board Work Session minutes
- Approval of the Treasurer's Report, as of November 30, 2019.

Reports

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

Business

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

- 1) Petition for Judicial Review: CR 98-2019 (Board approval)
- 2) ORD 2019-09 Board Salaries: (Board vote)
- 3) ORD 2019-08 Elections-Authorizing Ballot Questions: (Board Vote)
- 4) RES 2019-13 Election 2020 Ballot Questions: (Board approval)
- 5) RES 2019-12 Playground RFP Award: (Board approval)

Administrative Updates

- 6) Legislation, Projects and Initiatives
- 7) General Board & Administrative Staff items

Public Comment

For public comment on items not 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*

Kai Bernal-LeClaire
Commissioner

Wanda Leonard
Commissioner/President

Linda Pennoyer
Commissioner/Treasurer

PUBLIC COMMENT PROCEDURES

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

Agendas for meetings are posted on our website and a synopsis of the monthly Town Meeting Agenda is also provided in the “On the Agenda” column of our monthly newsletter, the *Landings*. Outreach and notices of legislative items are also posted on the Town's social media accounts (Facebook & Twitter).

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

III. Citizen Input

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

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

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

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

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

Town of Upper Marlboro

REGULAR TOWN MEETING

November 12, 2019 • 7:00 p.m.

unApproved Minutes

Call to Order

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

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

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

Also present: EC Secretary Sarah Franklin; TUMHC Chair Patti Skews; Board of Supervisors of Elections (BoSE)-Joseph Hourclé and Ellen Storey; 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 Bernal-LeClaire motioned to approve the Regular Town Meeting minutes from October 8, 2019, the Board Work Session minutes from October 22, 2019, and, the Treasurer's Report as of October 31, 2019. Commissioner Pennoyer seconded the motion. All October's Board Meetings and Treasurer's Report were unanimously approved.

Reports

Departments:

Chief Burse delivered the UMPD report for the month of October 2019, adding there had been two (2) theft reports and one (1) breaking & entering in the downtown area. He also noted that Sergeant Irby had completed his required field training and is now actively patrolling the Town.

Superintendent Bond delivered the Public Works report for October 2019, noting that all 26 storm drain inlets in Town have now been painted & stenciled with the wordage "Chesapeake Bay Drainage".

The Town Clerk reported that he had coordinated with an independent inspector to deliver a workshop at Town Hall on "Pipeline Safety" that Public Works and Public Safety personnel attended on Nov. 7th.

Committees:

TUMHC Chair Skews reported that the Committee assisted and exhibited at the Jack-O-Lantern Campfire at Darnall's Chance House Museum on October 19th; and the Trunk-or-Treat Event downtown on October 25th. She added the TUMHC delivered a learning session at the first Municipal Government Academy class held at Town Hall on November 6th, and that the committee's next Quarterly meeting will be held on November 16th starting at 10:00 a.m.

EC Secretary Franklin reported that the Events Committee reviewed the Trick-or-Treat Event at their last meeting, citing it was a great success. She noted they are currently in the planning process for the Town Holiday Party that will be held at the Marlboro Volunteer Firehouse this year on December 7th.

Commissioner Pennoyer reported for SCW Chair Stephens, stating that she had no report at his time.

CERT President Leonard noted that the UM CERT also attended the Pipeline Safety presentation, and that at their last meeting, the Team reported there were no troublesome incidents during the Trick-or-Treat Event downtown.

Commissioners:

Commissioner Bernal-LeClaire announced he had attended the MML Fall Conference in Cambridge on October 14-15th and found the sessions informative, and felt the material was relevant and helpful to the Town Board's work at hand.

Commissioner Pennoyer reported that she had also attended the Campfire Event at Darnall's Chance and the Town's Trick-or-Treat Event. She noted she also found the MML Fall Conference worthwhile.

President Leonard reported that the Town has recently launched a new parking APP and the new meters have been labeled accordingly. She then thanked all who have been participating in the Town's "Municipal Government Academy" (MGA) Sessions and invited interested citizens to join in on the upcoming classes being held on the first 3 Wednesdays in the month of November.

President Leonard then reported that a Request for Proposals (RFP) had been published for the Town's first playground to be located at The Town Hall, which are due in by November 11th. The next steps would be the review and selection process at the November Board Work Session, with a final vote at the November Regular Town Meeting. She also reported that she delivered the Welcome Speech at the County's "Purple Light Nights" Ceremony held at Prince George's Community College on October 2nd.

Business

Prior to each Business line item, the President opened the floor to public comment.

- 1) Proclamation: Municipal Government Works! Month: Clerk Williams read aloud the proclamation that acknowledges the Town's support and participation in the Maryland Municipal League's (MML) program observed each year throughout the month of November.
- 2) Oath-of-Office Ceremony: Board of Supervisors of Elections: Upon the Board's approval to reinstate the current slate of appointees to the Board of Supervisors of Elections (BoSE), President Leonard administered the Oath of Office to Joseph Hourclé and Ellen Storey.
- 3) Ordinance 2019-08 Elections-Authorizing Ballot Questions (introduction): A resident asked for clarification as to what questions would be on the ballot, to which Commissioner Bernal-LeClaire answered that the Ordinance only authorizes the placement of questions on the ballot but does not define those questions in this legislation. The President added that the specific questions would be in the form of a Resolution to be voted on at the December Town Meeting. The ordinance's introduction was then read aloud by the Clerk.
- 4) Ordinance 2019-09 Board Salaries (introduction): President Leonard noted that the passage of this ordinance would only apply to the next Board and not until the beginning of the next fiscal year (FY2021) starting on July 1, 2020. The ordinance's introduction was then read aloud by Clerk Williams. The President added it would be up for a vote at the December Town Meeting. A resident noted that the Charter requires all Town employee salaries to be set by ordinance.
- 5) Resolution 2019-11 PAMC Public Art: Commissioner Pennoyer reviewed the legislation which authorizes the Town to pursue grant funding to enhance the blank walls downtown. It was noted the deadline requirements for this particular grant necessitate a Board vote as soon as possible. The resolution's introduction was read aloud by the Clerk. Commissioner Bernal-LeClaire motioned to approve the Resolution and Commissioner Pennoyer seconded. With all in favor, the motion was unanimously passed.

Administrative Updates

- 6) Legislation, Projects and Initiatives: Director of Finance & Human Resources Director Morgan announced that the Town will fill the Code Officer position with a current Town staff member. President Leonard reviewed a list* of current projects and legislation currently being worked on by Town Staff. Items included: a.) MD Heritage Area expansion; b.) Playground RFP; c.) Parking Meter Upgrades; d.) Police Vehicles purchase; e.) Town Assets Inventory; f.) PEPCO/auto recharging stations; g.) PAMC Grant application; h.) Old Mill Road signage upgrades; i.) Western Branch Waterway Park; j.) UM Welcome Center (Old Stone Bldg.); k.) Chamber of Commerce

UM Branch; l.) Main Street Pocket Park; m.) Water Street Parking Lot; n.) Church St Lot paving; o.) Sasscer Field Splash-Park; p.) Annexation Phase II; q.) Census 2020 Outreach; r.) Maryland Lynching Project; s.) Sustainable Maryland Certified program; t.) Main Street Maryland program; u.) Food Truck regulation ordinance; v.) Personnel Compensation ordinance; w.) Establishing Police Department ordinance; and, x.) Emergency Operations ordinance. **List contains updated status notations and can be obtained by MPIA Request Form.*

- 7) General Board & Administrative Staff items: No items were brought before the Board at this time.

Public Comment

A Town resident expressed concern that the new parking space on Water Street at Main hindered vehicle's ability to turn right. It was noted that this space closest to the intersection was already there, but the President stated that this issue will be brought to UMPD Chief Burse for assessment. The resident added that a Commercial Tow Truck has been utilizing the Church Street Parking Lot about 2-3 days per week and displacing gravel going in & out, presumably on-call. Lastly, she inquired as to the status of the Old Marlboro Elementary School (OMES.) The President replied there was no updated information as of yet.

Another resident asked about a parking issue for St. Mary parishioners who needed access to the rooftop parking at the C.A.B. Chief Burse offered direction for access.

A concerned resident asked the Board what their next step will be concerning the OMES de-designation as a historic site. It was noted that there is a 60-day period following the Council's vote, to take action. Lastly, the resident cited Section 82-26 of the Town Charter concerning candidate petition requirements and noted the 2 requirements to get placed on the ballot were 2 two separate kinds of candidates, and that the candidate petition requiring 10 signatures was never completed by any candidates in the past.

BoSE member Hourcle concurred the ballot issue was confusing but saw both sides of the argument, suggesting the matter be addressed with a Charter Amendment in the near future. Secondly, he said he would like the Town to take legal action on the OMES issue.

Another resident said he was also disquieted by the fact the Board has not taken a stand on the OMES issue since the County vote to de-designate the historic OMES site.

Adjournment

President Leonard adjourned the meeting at 7:58 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

November 26, 2019 - 7:00 p.m.

unApproved

At 6:31 p.m., prior to the Board Work Session, President Leonard administered the Oath of Office to the Town's first Code Officer, Vickie Stewart. A Qualification For Officer form was completed.

Call to Order

- Meeting was brought to order at 7:00 p.m.
- Roll Call – President Wanda Leonard; Commissioner Linda Pennoyer; Town Clerk M. David Williams, UMPD Chief David Burse, and Chief of Staff Kyle Snyder, plus, Town Attorney Kevin Best, Ivan Lanier/Greenwill Consulting Group. *Communicated absence acknowledged for Commissioner Kai Bernal-LeClaire.*
- Pledge of Allegiance

Business

- 1) ORD 2019-09 Board Salaries: President Leonard noted the draft ordinance remains posted online for public comment, and the Town has received no citizen input to date. She added the ordinance will be up for Board vote in December. No additional Board input was offered.
- 2) ORD 2019-08 Elections-Authorizing Ballot Questions: President Leonard noted the draft ordinance remains posted online for public comment, and the Town has received no citizen input to date. She added the ordinance will be up for Board vote in December. Attorney Best noted that the questions can be printed on the ballot or be placed on a separate sheet of paper. No additional Board input was offered.
- 3) RES 2019-13 Election 2020 Ballot Questions: The Clerk read aloud the Resolution's introduction. President Leonard noted three possible non-binding questions: 1) Allow "Mayor" title to be interchangeable with "President" title; 2) Move General Election date from January to November; and, 3) Increase Board membership from three to five. No additional Board input was offered.
- 4) Playground proposal review: President Leonard noted a RFP was published for 15 days as recommended, and only the previously consulted vendor submitted. CoS Snyder reviewed the two-phase project details and grant sources sought for funding. It was noted, if approved in December, project completion date for Phase I would be July 2020.
- 5) Draft Town Personnel Ordinance/documents: A pre-Draft ordinance, not yet submitted for legal review, and proposed Compensation Step-Chart, were reviewed by the Board and legal counsel. It was noted the Employee Handbook should be incorporated and be formally adopted by the Board.
- 6) Town Parking Enforcement System: CoS Snyder reviewed a staff-requested proposal to consider the utilization of a different Parking Enforcement System. It was noted by Counsel the Board will waive the Competitive Bidding requirements.
- 7) General Board & Administrative Staff items: Reports were delivered on the following administrative items at hand: a.) Decoration logistics for Christmas Tree at the Crain monument site; b.) Repair estimates for 2011 Dodge Charger; c.) PGCMA Legislative Dinner attendance; d.) Town involvement in the 2020 Census / "Total Count Committee" grant; and, e.) Ballot printing scheduling and Town legislation timing.
- 8) Old Marlboro Elementary School: Town Attorney Best delivered an overview of County Resolution (CR 98-2019) to amend the 2010 Historic Sites & Districts Plan, and possible filing of Petition for Judicial Review. Consultant Lanier reported updates on State Delegation legislation issues as well.

Cos Snyder reviewed findings of requests for OMES-related information through the Board of Education, and, Attorney Best addressed scenarios on Zoning and Building Code authority.

Closed Session

The President announced that the Board would now go into Closed Session under General Provisions Article 3-305(b)(7): To consult with Legal Counsel to seek advice on particular legal matters and to preserve attorney-client privilege. Commissioner Pennoyer motioned to close the open meeting, President Leonard seconded. With no further discussion, President Leonard motioned to proceed into closed session, Commissioner Pennoyer seconded. The motion was approved by Board majority, and the Board went into closed session at 8:08 p.m.

Reopening of Board Work Session (Board vote)

The Regular Board Work Session was reopened to the public by majority vote of the Board at 9:17 p.m. President Leonard delivered a Closed Session statement, announcing the Board will be taking two measures into account at the next scheduled Board Meeting to: 1.) Conduct a Board vote to move forward with a Petition for Judiciary Review; and, 2.) Add an additional "straw-vote" question to the 2020 General Election Ballot.

Adjournment

Commissioner Leonard adjourned the meeting at 9:18 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
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Town of Upper Marlboro Budget vs. Actuals July 2019 - November 2019

	Actual	Budget	% of Budget
Revenue			
Fines, Licenses, Permits	\$119,405.98	\$567,935.00	21%
Grants	\$7,559.50	\$750,829.00	1%
Intergovernmental	\$6,924.01	\$41,315.00	17%
Other Revenue	\$137,073.33	\$379,432.00	36%
Taxes	\$644,917.20	\$813,209.00	79%
Total Revenue	\$915,880.02	\$2,552,720.00	36%
Expenses			
General Government	\$418,907.20	\$1,624,167.00	26%
Public Safety	\$97,727.20	\$524,882.00	19%
Public Works	\$115,361.91	\$403,671.00	26%
Total Expenses	\$631,996.31	\$2,552,720.00	25%
Committee Overview			
Historical Committee	\$285.54	\$1,500.00	19%
CERT Team	\$238.45	\$1,500.00	16%
Events Committee	\$5,473.07	\$12,500.00	43%



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MONTHLY NARRATIVE

We continue to see the growth surrounding all of the Town's finances. We have another treasurer's report where the revenues outweigh the month's expenditures and we see the consistency with the fines, licenses and permits area. And to add, the Town's new tax rates has shown great responses with a 79% collection rate and only five months into the fiscal year.

1. Business Personal Property Tax
2. Municipal Government Academy

Town of Upper Marlboro

Profit & Loss

November 2019

REVENUE

FINES, LICENSES, PERMITS	\$28,345.16
GRANTS	\$0.00
INTERGOVERNMENTAL	\$4,015.92
OTHER REVENUE	\$1,337.11
TAXES	\$84,953.92
TOTAL REVENUE	\$118,652.11

EXPENSES

GENERAL GOVERNMENT	\$62,403.25
PUBLIC SAFETY	\$21,924.63
PUBLIC WORKS	\$24,152.07
TOTAL EXPENSES	\$108,479.95



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Town of Upper Marlboro Balance Sheet As of November 30, 2019

	<u>Total</u>
Cash on Hand and in Banks	0.00
1000 PGFSB Operating Checking	395,089.19
1001 Petty Cash	300.00
1010 PGFSB Payroll Account	0.00
1040 M&T Checking	60,737.07
1060 Sona CD 7977	0.00
1063 Sona CD 1577	0.00
1068 SONA Bank CD 8641	268,605.82
1075 Sona CD 8153	0.00
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	102,280.73
1119 Community Bank of Tri-County	0.00
1120 Old LineBank/Washington Savings	0.00
1121 Arundel Federal Savings Bank	0.00
1122 Congressional Bank CD 5756	212,310.55
1123 Severn Savings Bank	0.00
1140 MLGIP	1,979.14
Total Cash on Hand and in Banks	\$ 1,041,302.50



Town of Upper Marlboro Police Department

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

Monthly Town Police Department Report For the Month of November 2019

Incidents Reported in Town:

Accident Report 1		
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Last Month Incidents:

Theft Report 2	Break-in Report 1	
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Chief Burse attended a Domestic Violence Luncheon with the Sheriff's Department.

Chief Burse attended the Prince George's County Police Crime meeting.

Chief Burse attended the District 2 Coffee Club meeting.

Chief Burse met with District 2 Commanders and Field Training Officer with Cpl. de Barros.

Cpl. de Barros started and completed her required Field Training and is actively patrolling the Town.

Sgt. Irby attended the Pipeline Safety Training.

Chief Burse participated in the Municipal Government Academy.

Chief Burse attended the swearing-in of the Mayor and City Council for the City of Bowie.

Chief Burse participated with Mayor Leonard in the swearing-in of Vickie Stewart as our Code Enforcement Officer.

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

Chief Burse met with managers from Prince George's County Central Fleet.

Kai Bernal-LeClaire
Commissioner

Wanda Leonard
Commissioner/President

Linda Pennoyer
Commissioner/Treasurer



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Date: Monday, December 2, 2019

Subject: Public Works Status Report

RE: November 2019 – Monthly Status Report

Capital Improvements- Public Works Superintendent received quotes for Old Crain Hwy tree lighting and minor electrical repairs around Town Hall. PW Superintendent participated in the TOUM Municipal Government Academy. PW Superintendent also held a meeting with President Beavers of UMFVD to discuss future Town-wide Fire Lane upgrades.

Maintenance and Beautification – Violas and Pansies were planted at the Crain Hwy Monument and Town Hall for the Winter Season. Town Hall's HVAC unit was assessed for minor reoccurring issues. Christmas décor setup was started at Town Hall with low impact LED's. Public Works crews began winterization and cold storage of all gas-powered equipment.

Street and Sidewalk Repairs – Multiple signs were upgraded and relocated to better establish parking zones along Gov. Oden Bowie Dr. and Old Mill Rd., with plans to freshen up all Town-owned parking zones Town-wide. The first Winter Weather Dry run was held in early November, and potential hazards for the season were identified and listed.

Refuse Accumulations – Bulk day accumulations for solid wastes (Landfill) are: 5 tons or \$295.00. Bulk day accumulations for yard waste collections are: 2.82 tons, or \$70.50.

Trainings – Public Works Staff were trained in Pipeline Safety and how to identify and report potential pipeline issues. Staff was also refreshed on winter dry run procedures.

Sincerely,

Darnell F. Bond III
Public Works Superintendent

Kai Bernal-LeClaire
Commissioner

Wanda Leonard
Commissioner/President

Linda Pennoyer
Commissioner/Treasurer

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

ORDINANCE: 2019-09
SESSION: Regular Town Meeting
INTRODUCED: November 12, 2019

DRAFT

**AN ORDINANCE TO SET THE SALARY FOR MEMBERS AND
PRESIDENT OF THE BOARD OF TOWN COMMISSIONERS**

WHEREAS, Section 82-4 of the Charter for Upper Marlboro allows the rate of pay for the Board of Commissioners to be specified via an ordinance; and

WHEREAS, said section requires the rate of pay to be the same for all Commissioners; and

WHEREAS, Section 82-14 of the Charter allows the President of the Commission to receive an annual salary in addition to that received as a Commissioner; and

WHEREAS, said sections requires all changes in rates of pay to be ordained prior to the general election in which it will take effect; and

WHEREAS, the salaries for elected officials in the Town of Upper Marlboro have not changed since 2013; and

WHEREAS, the Board of Town Commissioners has determined there is a need to adjust the compensation of future elected officials in the Town;

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

Section 1. COMMISSIONER SALARY

The salary for each member of the Board of Commissioners of the Town of Upper Marlboro shall be set at thirty-eight hundred dollars (\$3,800) per year.

Section 2. PRESIDENT SALARY

The President of the Board of Commissioners for the Town of Upper Marlboro shall receive fifteen thousand dollars (\$15,000) per year in addition to his or her salary as a Town Commissioner.

Section 3. DATE OF NEW SALARIES

These new salaries shall begin with the new fiscal year starting on July 1, 2020.

Section 4. SAVINGS CLAUSE

Current salaries of elected officials shall remain in effect through June 30, 2020.

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 this ordinance or a fair summary of it 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

Wanda M. Leonard, President

Kai Bernal-LeClaire, Commissioner

Clerk

Linda Pennoyer, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

Proposed Ordinance 2019-09 Timeline:

Introduction:	November Regular Town Meeting	11/12/2019
Public Comment & Board Discussion:	November Board Work Session	11/26/2019
Passage/Board vote:	December Regular Town Meeting	12/10/2019

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

DRAFT

ORDINANCE: 2019-08

SESSION: Regular Town Meeting

INTRODUCED: November 12, 2019

AN ORDINANCE OF THE TOWN OF UPPER MARLBORO TO AUTHORIZE AND PROVIDE A PROCESS FOR THE POSING OF NONBINDING AND ADVISORY BALLOT QUESTIONS TO BE PLACED BEFORE THE VOTERS AT A TOWN ELECTION; AND GENERALLY RELATING TO TOWN ELECTIONS AND ELECTION PROCEDURES.

WHEREAS, pursuant to § 82-19 of the Town Charter, every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided within the corporate limits of the Town for thirty (30) days next preceding any Town election and (d) is registered in accordance with the provisions of said Charter shall be a qualified voter entitled to vote at any or all Town elections; and

WHEREAS, pursuant to § 82-22 of the Town Charter, the Board of Supervisors of Elections shall be in charge of the registration of voters, nominations and all Town elections; and

WHEREAS, pursuant to § 82-30 of the Town Charter, after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall, no later than 12:00 Noon on the Thursday immediately following the election, certify the results of the election to the clerk of the Town who shall record the results in the minutes of the Board of Commissioners (emphasis added); and

WHEREAS, pursuant to § 82-34 of the Town Charter, the Board of Commissioners shall have the power to provide by ordinance in every respect not covered by the provisions of said Charter for the conduct of registration, candidacy and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud; and

WHEREAS, the Board finds that consistent with 88 Opinion of the Attorney General of Md., 156 (2003), before legally binding ballot questions (i.e., questions to approve legislation at the polls as proposed or initiated solely by the voters (a.k.a. an initiative), the Town Charter must first be amended to authorize such questions to be placed on the ballot provided such questions do not seek to amend the Charter (i.e., the structure and organization of town government), which is a process dictated by State law; and

WHEREAS, the Board further finds that it is authorized to legislate to authorize the placement of non-binding questions on the municipal ballot and that pursuant to a non-binding process, the voters of the Town should be queried and provide guidance as to various municipal

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.

questions involving the incorporation, organization, government and local affairs of the municipal government that the Board and/or the residents should pursue or consider regarding possible future amendments to the polices, ordinances or Charter provisions of the Town of Upper Marlboro.

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

ELECTION AND BALLOT PROCEDURES

Section 1. Definitions. The following words and phrases have the meanings indicated below:

- A. “Advisory Question” means a ballot question commonly known as a “straw vote” placed on the ballot as a nonbinding vote taken to indicate the relative strength of public opinion and opposing issues or positions. Although nonbinding, an advisory question shall be initiated, pursuant to this Ordinance, by the voters essentially using the initiative process or by the legislative body essentially using the referendum process as provided herein.
- B. “Initiative” means a process that allows citizens to propose new laws (i.e., ordinances) or changes to existing laws and to enact or reject them at the polls. The initiative process for amending the Town Charter must follow the procedures set forth in Md. Ann. Code, LG Art., § 4-305 (Initiation of charter amendment by petition of voters). Any other binding initiative process must be authorized by the Town Charter.
- C. “Municipal Question” means an issue or question, relating to, or characteristic of a municipal corporation, and consisting of subject matter over which the Board has authority. The Board shall have sole discretion in determining whether an issue is a municipal question.
- D. “Petition” means a writing signed by a number of registered voters of the Town which is required by law to place a question or ordinance on the ballot or demand a recall election, as permitted by charter or statute. Such petitions for official action must be signed by a specified number of registered voters.
- E. “Referendum” means a process that allows voters to petition an enactment of a legislative body to a vote of the people. The referendum process for amending the Town Charter must follow the procedures set forth in Md. Ann. Code, LG Art., § 4-304 (Initiation of charter amendment by legislative body) *et seq.* Any other binding referendum process must be authorized by the Town Charter.

Section 2. Advisory Questions.

A. General.

- 1. An Advisory Question may be placed on the ballot at a regular or special Town election by petition of the voters or by a vote of the Board in conformity with the provisions of this Ordinance.

2. The Board shall not call a special election for the sole purpose of entertaining or placing an Advisory Question or questions on the ballot.
3. The number of ballot questions at any election shall not exceed seven (7) in number, and shall be succinct, grammatically correct and free of vulgarities or slang.

B. Initiated by the Board.

1. The Board upon its own action and without a formal petition may order by written resolution that an Advisory Question be placed on the ballot at any regular or special Town election, provided that the question involves a municipal question.
2. Said resolution shall fix the exact language to appear on the ballot and shall be approved at least fifteen (15) days before the subject election.

C. Initiated by the Voters.

1. A proposal to place an Advisory Question on the ballot at a regular or special municipal election of the Town may be presented to the Board on a petition signed by at least ten (10) registered voters of the Town.
2. Said petition signed by at least ten (10) registered voters shall be presented by the individual circulating the petition to the Board at a regular or special town meeting stating a desire to have the question placed on the ballot at the next election. The Board may but need not call or convene a special session solely to accept a petition under this Section. The Board may summarily reject the petition without further review if it finds that the sole question proposed, or all of the questions proposed within the petition are not deemed to be municipal questions.
3. The registered Town voters signing said petition shall sign the same as their names appear on the Town's election books, and under each signature shall be typed or printed each petitioner's name, and address where he or she is registered to vote in Town elections.
4. At the bottom of each page of said petition, the individual circulating the petition shall sign the same and make an affidavit before a notary public that he or she circulated the petition and saw each individual whose names appear thereon sign the same in his or her presence.
5. The Town Clerk shall transmit the petition to the Town Board of Election Supervisors, who shall have no more than thirty (30) days after receipt of such a petition to certify the signatures of the registered voters of the Town.
6. Upon certification of the signatures, the petition shall be presented to the Board for final approval before said election, provided that the question or questions to be so placed on the ballot involve a municipal question and otherwise meets the requirements of this Ordinance.
7. If finally approved by the Board, the Clerk working in cooperation with the Board of Supervisors of Elections shall cause the question or questions to be placed on the ballot at the

next regular municipal election held at least ten (10) days after such approval by the Board.

D. Post-election. The Chairman of the Board of Supervisors of Elections shall certify to the Clerk of the Town who shall record the results in the minutes of the Board of Commissioner and announce the results of the vote on the Advisory Question at the next regular or special meeting of the Commission.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the Board of Supervisors of Elections shall carry out the intent 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 the President shall be authorized to sign this Ordinance on behalf of the Board.

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

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

Adopted this _____ day of _____, 2019.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Wanda Leonard, President

Attest:

Linda Pennoyer, Commissioner

Clerk

Kai Bernal-LeClaire, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

Proposed Ordinance 2019-08 Timeline:

Introduction:	November Regular Town Meeting	11/12/2019
Public Comment & Board Discussion:	November Board Work Session	11/26/2019
Passage/Board vote:	December Regular Town Meeting	12/10/2019

The Town of Upper Marlboro

RESOLUTION: 2019-13 **DRAFT # 2**
SESSION: Regular Town Meeting
DATE: December 10, 2019

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO PLACING ADVISORY QUESTIONS ON THE TOWN'S JANUARY 2020 GENERAL ELECTION BALLOT REQUESTING RESIDENTS TO VOTE ON CERTAIN NONBINDING QUESTIONS CONCERNING THE FUTURE OF THE OLD MARLBORO ELEMENTARY SCHOOL SITE, AS WELL AS, CERTAIN PROPOSED TOWN CHARTER AMENDMENTS CONCERNING (I) THE CHANGING OF THE DATE OF THE TOWN'S GENERAL ELECTION, (II) AUTHORIZING THE ADDITIONAL TITLE OF MAYOR, AND (III) INCREASING THE NUMBER OF COMMISSIONERS SERVING ON THE BOARD FROM THREE TO FIVE.

WHEREAS, Ordinance No. 2019-08 provides that the Town Board of Commissioners upon its own action and without a formal petition may order by written resolution an advisory question or questions to be placed on the ballot at any regular or special Town election, provided that the question involves a municipal question and provided that said resolution shall fix the exact language to appear on the ballot and shall be approved at least fifteen (15) days before the subject election; and

WHEREAS, the Board desires to receive advice or input from the Town's voters concerning the future of the Old Marlboro Elementary School Site, as well as, certain proposed Town Charter amendments concerning (i) the changing of the date of the town's general election, (ii) authorizing the additional title of Mayor, and (iii) increasing the number of commissioners serving on the Board from three to five; and

WHEREAS, these issues are matters over which the Commission and/or the municipal voters have authority.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the following advisory questions (with background statements) shall appear on the ballot on the first Monday, which is not a legal holiday, in January 2020, at the Town general election:

ADVISORY BALLOT QUESTION # 1 – Changing/proposing an amendment to the Town Charter to formally provide for and authorize the usage of the title “President” or “Mayor” interchangeably.

Shall the Town Board of Commissioners amend the Town Charter to formally authorize the use of the titles “President” or “Mayor” interchangeably, as the Town's chief executive officer (CEO) and others deem appropriate?

For: _____ Against: _____ (Check One.)

The Town of Upper Marlboro

Background Statement: The Town of Upper Marlboro's elected officials are known as "commissioners" and the Town CEO's legal title is "President of the Board of Town Commissioners." This title causes some confusion, as the majority of citizens are most familiar with the title "Mayor." The Charter Amendment would allow the CEO to officially and legally use either the title "President" or "Mayor" to help reduce confusion, and to more effectively communicate the proper status or role of this particular municipal elected official. Such a change to the Charter will not change the powers of the CEO's office or the structure of Town government.

ADVISORY BALLOT QUESTION # 2 – Changing/proposing amending the Town Charter to hold the Town's General Election in the month November rather than in January.

Shall the Board of Commissioners explore amending the Town Charter to move the Town's General Election from the month of January to November?

For: _____ Against: _____ (Check One.)

Background Statement: Residents who have run for the office of Commissioner in the Town of Upper Marlboro have routinely expressed frustration with Election Day being held on the first Monday of January. It has been noted that the date discourages potential candidates and voters who are either out of Town or hampered by inclement weather when trying to campaign or arrive at the polls to vote.

ADVISORY BALLOT QUESTION # 3 – Changing/proposing amending the Town Charter to increase the number of elected Commissioners from three (3) to five (5) members.

Shall the Board of Commissioners explore a change to amend the Town Charter to increase the number of elected Commissioners from three (3) to five (5)?

For: _____ Against: _____ (Check One.)

Background Statement: Currently the Town of Upper Marlboro has a Board of Commissioners made up of three (3) Commissioners, and if just two (2) Commissioners happen to discuss Town business with one another, the Maryland Open Meetings Act considers that encounter to be a quorum of the elected body which requires an official meeting and compliance with the Act's public notice requirements and other formalities. For most municipalities who have five (5) or more members of the governing body, the meeting or simultaneous communication between two (2) elected officials regarding municipal business is not considered to be a quorum; however, for the Town of Upper Marlboro Board of Commissioners it is, which makes pre-decisional conversations or coordination among elected officials difficult if not legally impermissible. Increasing the number of commissioners would also increase the number of individuals available on the governing body to study or coordinate various municipal initiatives.

ADVISORY BALLOT QUESTION # 4 – The Board of Town Commissioners is seeking input from residents on what they would like to see happen to the Old Marlboro Elementary School and Primary School Site located at 14524 Elm Street.

The Town of Upper Marlboro

My preference for the future of the Old Marlboro Elementary School and Primary School Site is one of the following results: *(Check One.)*

- A. Rehabilitate & Preserve the Structures for Mixed-Use Development. ____
- B. Rehabilitate & Preserve the Structures and allow the placement of a school for at-risk youth. ____
- C. Demolish the structures and build a new school for at-risk youth. ____

***Background Statement:** On November 19, 2019, the County Council of Prince George's County sitting as the District Council adopted Resolution CR-98-2019 approving a Minor Amendment to the 2010 Prince George's County Historic Sites and Districts Plan to remove the Old Marlboro Primary School (Historic Site 79-019-51) and the Old Marlboro High School (Historic Site 79-019-52) from the functional plan, which guides and controls certain zoning and land use decisions in the County. This decision of the County Council removed the site's historic preservation protections for these two vacant and deteriorating buildings and makes them eligible for demolition. In their place, the County and the Circuit Court wish to build a new academy for at-risk youth. The Town has requested that these vacant historic County-owned structures and land be turned over to the Town for mixed-use development that may benefit the residents, guests and workforce of the Town. Notwithstanding any future re-development of the site, the Doctor William and Sarah Beanes Cemetery Tomb (Historic Site 79-019-22) designation on site has not been removed and will continue to be protected and preserved.*

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage and that the President/Mayor is authorized to sign this Resolution on behalf of the Board.

AND BE IT FURTHER RESOLVED that the Clerk shall certify and announce the results of the vote on the Advisory Questions at the next regular meeting of the Commission following the election.

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

M. David Williams, Clerk

Wanda Leonard, President

Kai Bernal-LeClaire, Commissioner

Linda Pennoyer, Commissioner

The Town of Upper Marlboro

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 _____, 2019.

M. David Williams, Town Clerk

The Town of Upper Marlboro

RESOLUTION: 2019-12
SESSION: Regular Town Meeting
DATE: December 10th, 2019

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO WAIVING THE COMPETITIVE BIDDING REQUIREMENTS OF THE TOWN CHARTER AND AWARDING A TOWN PLAYGROUND PROJECT TO SPARKS @ PLAY LLC

WHEREAS, the Board of Town Commissioners finds that there are currently no public playgrounds within the corporate limits of the Town of Upper Marlboro (the “Town”), and that an Upper Marlboro Community Playground will not only serve Town residents, but also the greater Upper Marlboro area and become the first step in the Town’s effort to bring recreational amenities to the growing Town; and

WHEREAS, the Town has submitted an application to the Department of Natural Resources (“DNR”), Program Open Space, which administers the Community Parks and Playgrounds Program, whereby the Town’s grant application was evaluated by Program Open Space staff and recommended for a grant selection by the Secretary of DNR as included in the Governor’s FY 2020 Capital Budget; and

WHEREAS, following a State Clearinghouse review, the DNR submits selected grants to the Board of Public Works for approval, and the grant funding is \$200,000 for which the Town is matching \$50,000 that is reflected in the Town’s FY20 Budget; and

WHEREAS, the Board of Town Commissioners under Grants in the FY 2020 Condensed Budget has appropriated \$200,000 as an expenditure in FY ’20 pursuant to Line Item 8180.03 (Community Open Space Grant); and

WHEREAS, the Board under Ordinance 2019-04 in said Budget has appropriated \$50,000 as an expenditure in FY ’20 pursuant to Line Item 8180 (Grant Matching Funds); and

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

WHEREAS, the Board further finds that located near the newly constructed Upper Marlboro Town Hall, the proposed Playground and Recreation Area will be located on a Town-owned vacant lot adjacent to the Sasser Athletic Fields regularly used by the Marlboro Boys & Girls Club, and this playground will be built around the existing mature tree canopy to provide shade to the play structures and seating areas; and

WHEREAS, Sparks @ Play, LLC, a company in good standing with the State, has offered a

The Town of Upper Marlboro

proposal based on an updated master or concept plan including two phases consisting of a Train (Phase #1, 2-5 Years) and a Train Depot (Phase #2, 5-12 Years) and the Town Board has selected to initially pursue Phase #2 at this time which scope includes: (i) Site Work to Level Area, (ii) Poured-in-Place Surfacing and Stone Base, (iii) Installing Depot Playground Materials, (iv) Wood Borders and (v) 4' Tall Fence and Gate.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the above-described Proposal Number: 003727-1, dated October 17, 2019 and offered by Sparks @ Play, LLC, attached hereto and adopted by reference herein, is hereby awarded a contract without competition and pursuant to a waiver approved herein in accordance with Section 6(a) of Ordinance 2011-02; 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 Proposal totaling \$225,000.00 with the above-referenced company, and any related addenda, schedules, exhibits or change orders thereto pertaining not exceeding the authority of said official pursuant to Town law and this Resolution.

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

M. David Williams, Clerk

Wanda Leonard, President

Kai Bernal-LeClaire, Commissioner

Linda Pennoyer, 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, Clerk



PROPOSAL

Proposal Number: 003727-1

Proposal Date: October 17, 2019

Opportunity No.: 003727

**ALL PURCHASE ORDERS, CONTRACTS, AND CHECKS TO BE
MADE OUT TO:**

Sparks at Play, LLC
3705 Crondall Lane
Owings Mills, MD 21117
T: 410-356-4151 F: 410-356-2198

Proposal Presented To:

Town of Upper Marlboro

TO: Kyle Snyder

FROM: Justin Wilson

RE: Town of Upper Marlboro Town Hall Playground

Customer ID	Good Through	Payment Terms	Sales Rep Name
Town of Upper Marlboro	30 days from proposal date	50% Due Upon Signing, Balance Upon Completion	Justin Wilson

Quantity	Unit Type	Item	Description	Unit Price	Amount
1	Lump Sum	Engineering	<u>Contract Professional Engineering Services:</u> <ul style="list-style-type: none">Contract with local engineering firm for the following services: Land Surveying - Topographic Survey Simplified Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) and Forest Stand Delineation Civil Engineering Work <ul style="list-style-type: none">Concept PlanErosion and Sediment Control PlanPreliminary Design SetFinal Design/Permit SetAttend Meetings Construction Administration (CA) Phase 5-12 Playground: Provide playground shown in Phase 2 of the presentation contained in Appendix A. This includes: <ul style="list-style-type: none">Design of the PlaygroundEngineering and FabricationShipping and Receiving of MaterialsInstallation of Playground	\$30,000.00	\$30,000.00
1	Lump Sum	Other Product		\$117,000.00	\$117,000.00



PROPOSAL

Proposal Number: 003727-1

Proposal Date: October 17, 2019

Opportunity No.: 003727

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Sparks at Play, LLC
3705 Crondall Lane
Owings Mills, MD 21117
T: 410-356-4151 F: 410-356-2198

Quantity	Unit Type	Item	Description	Unit Price	Amount
1	Lump Sum	Other Product	<u>Project and Construction Administration</u> including: <ul style="list-style-type: none"> • Attendance of (1) community or planning meeting • (1) Pre-Con meeting • (1) Final Punchlist • (1) Project walk through with client; • Additional project and construction administration services including: <ul style="list-style-type: none"> ◦ Management of project permit ◦ Design submissions ◦ Product submittals ◦ Project documentation ◦ Responses to RFI's ◦ Managing sub-contractors ◦ Coordination with client and contractors 	\$10,000.00	\$10,000.00
1	Lump Sum	Other Product	<u>Permit Expediter:</u> <ul style="list-style-type: none"> • Contract with Local Permit Expediter for submittal to public agencies for permits 	\$4,000.00	\$4,000.00
1	Lump Sum	Playbound PIP Install	<u>Playground Surfacing and Borders:</u> <ul style="list-style-type: none"> • Install rubberized playground surfacing to meet ASTM standards • Surfacing design and concept based on future design and concept found in Phase 2 of attached presentation in Appendix A • Install borders per future design 	\$30,000.00	\$30,000.00
1	Lump Sum	Site work	<u>Perimeter Fencing:</u> <ul style="list-style-type: none"> • Install Perimeter Fencing based on future design • 48" Height • Aluminum Materials • Includes 1 gate 	\$10,000.00	\$10,000.00
1	Lump Sum	Site work	<u>Site Work related to Playground Installation:</u> Scope will be based on civil findings and recommendations and includes: <ul style="list-style-type: none"> • Grading • Temporary Fencing • Stone Base and Filter Fabric 	\$24,000.00	\$24,000.00



PROPOSAL

Proposal Number: 003727-1

Proposal Date: October 17, 2019

Opportunity No.: 003727

**ALL PURCHASE ORDERS, CONTRACTS, AND CHECKS TO BE
MADE OUT TO:**

Sparks at Play, LLC
3705 Crondall Lane
Owings Mills, MD 21117
T: 410-356-4151 F: 410-356-2198

Quantity	Unit Type	Item	Description	Unit Price	Amount
				SUBTOTAL	\$225,000.00
				SALES TAX	\$0.00
				TOTAL AMOUNT	\$225,000.00

SCOPE OF WORK:

Provide labor, material and equipment to furnish and perform work per line item descriptions/options above. . Pricing is based on direct access to the site for Sparks@Play employees, equipment and vehicles necessary to perform the work. .

EXCLUSIONS:

Sparks at Play excludes installation, wage rates, permits, fees, inspections, maintenance of traffic, traffic control, and all other work not stated in the above SCOPE OF WORK. See also Appendix A and Assumptions after this Document.

SECURITY NOT PROVIDED: Based on the SCOPE OF WORK above, Sparks at Play, LLC will not be responsible for security after our crew has left the job site each day, unless we are the acting general contractor.

WEATHER: Favorable weather conditions must be present for the proper installation products. Sparks at Play, LLC reserves the sole and exclusive right to determine if appropriate daily weather conditions exist prior to our dispatch of installation crew.

WORK DAY: Normal work hours are weekdays between 7 am and 5 pm. However, work hours may be adjusted to early morning or late evening to facilitate the installation. This pricing does not include any weekend or evening work.

Please note all pricing and terms are subject to change unless contract agreement has been made.

TERMS: Unless stated otherwise in the body of the proposal, payment terms are as follows:

50% deposit due upon signing, with the balance due upon completion of this proposal. By signing this proposal, the customer and/or customer's agent agrees that in the event that the customer cancels this order, the customer will need to pay a cancellation fee. If the order is cancelled prior to being shipped, the fee will be 30% of entire proposal amount. Once the product has left the manufacturer the cancellation fee will be 100% of the shipped product plus 20% of the remainder of the proposal. Proposal expires in 30 days.

New customers for projects not secured by a payment and performance bond or government funding will require a credit application.



PROPOSAL

Proposal Number: 003727-1

Proposal Date: October 17, 2019

Opportunity No.: 003727

**ALL PURCHASE ORDERS, CONTRACTS, AND CHECKS TO BE
MADE OUT TO:**

Sparks at Play, LLC
3705 Crondall Lane
Owings Mills, MD 21117
T: 410-356-4151 F: 410-356-2198

All payments made with a credit card will incur a 4% transaction fee.

Note that prices increase after January 1. All product must be ordered **and** shipped prior to December 31. Check lead times and available delivery dates to ensure your order is placed and shipped this year to avoid a price increase. Orders will not be placed until submittals are approved.

COLLECTION EXPENSE: Sparks at Play, LLC shall be entitled to recover from purchaser its collection costs, including the reasonable fees of counsel, if Sparks at Play, LLC turns purchaser's account over to an attorney or collection agency for collection.

Please call if you have any questions.

Accepted by Customer: _____

Print Name: _____

Customer PO Number: _____ **Date:** _____

***IF YOU ARE A TAX-EXEMPT ORGANIZATION PLEASE SUPPLY A COPY OF YOUR TAX EXEMPTION
CERTIFICATE AT TIME ORDER IS PLACED OR SALES TAX WILL BE CHARGED.***