

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

REGULAR TOWN MEETING

Tuesday, September 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 August 13, 2019 Regular Town Meeting minutes
- Approval of the August 27, 2019 Annexation Public Hearing minutes
- Approval of the August 27, 2019 Board Work Session minutes
- Approval of the Treasurer's Report, as of August 31, 2019.

Reports

- Department Reports — Public Safety, Public Works, Clerk's Office
- Committee Reports — Historical, Events, Sustainable Communities, CERT
- Commissioner Bernal-LeClaire
- Commissioner Pennoyer
- President Leonard

Business

- 1) Town Recreation Priorities letter to the M-NCPPC: (Board approval)
- 2) Resolution 2019-10 Authorization of Lease Agreement/Purchase of Police Vehicles: (Board Vote)
- 3) Ordinance 2019-07 Amending Ord 2016-02 Vehicle and Traffic (vehicle Booting): (introduction)
- 4) 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*

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

August 13, 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; UMPD Sgt Samuel Irby; William Morgan/Director of Finance; Superintendent Darnell Bond/Public Works; Vickie Stewart/Executive Assistant; and, Kyle Snyder/Chief of Staff

Also present: SCW Chair Evelyn Stephens; EC Secretary Sarah Franklin; TUMHC Chair Patti Skews; The Board of Supervisors of Elections (BoSE)-Yvonne Tucker, Joseph Hourcle and Ellen Storey; plus, various citizens and interested parties.

Pledge of Allegiance

Consent to the Agenda

The President received unanimous consent to the Agenda.

Announcements

Certification of Special Election Results: The Town Clerk read aloud the results of the August 5, 2019 Special Town Election, as provided and certified by the Board of Supervisors of Elections (BoSE), and to be entered into the permanent record.

- Voter count: Total voter attendance-58; Total absentee ballots-3; Total ballots cast-61.
- Tabulation of votes: (in alphabetical order): Kai Bernal-LeClaire-28; Sarah Franklin-18; Evelyn Stephens-15; Write-in candidate(s): 0.

Board Certification: At this point, the President asked for a motion to accept the certification of the 2019 Special Town Election results as provided by the BoSE. Commissioner Pennoyer motioned to accept the Election Results as presented, President Leonard seconded. Acceptance of the certified results was unanimous.

Approval of Meeting Minutes & Financial Reports

Commissioner Pennoyer motioned to approve the Special Town Meeting minutes from July 1, 2019, the Regular Town Meeting minutes from July 9, 2019, the Work Session minutes from July 23, 2019, and, the Treasurer's Report as of July 31, 2019. President Leonard seconded. All July's Town Meeting(s) and Work Session minutes, plus, the July 2019 Treasurer's Report were unanimously approved.

Reports

Departments/Committees: Chief Burse delivered the UMPD report for the month of July 2019, a handout was provided. He stated that in addition to attending several community-based events and meetings, both he and Sgt. Irby provided Security for the recent UM Food Truck and Movie Night events. He noted a recent workshop on Speed & Red-Light program management that he attended will now allow him to administer such programs for the Town should either of those systems be implemented by the Town.

Superintendent Bond delivered the Public Works reports for July 2019, a handout was provided. He noted the crew had repaired a sinkhole on Elm Street between the Post Office and the M&T Bank, and, have plans in the works for patching Old Mill Road and improving the landscaping along the right-of-way.

Director of Finance Morgan stated he has been working with the new Auditor for the FY2019 Financial Report due to the State in October. He then reviewed highlights of the July Treasurer's Report noting revenues were currently in the red compared to expenses, but do expect an uptick in Fine, Licenses & Permits revenue once the new parking meter heads are installed. He noted a recent \$10K increase in the annual State Aid for Police Protection (SAPP) grant and other anticipated FY20 tax billings that will also help increase the revenues bottom line, adding that several expense line items are annual up-front payments for the year. The President noted that the new meter installation has started today.

TUMHC Chair Skews reported that the Committee had a booth at the National Night Out event last week and will also be exhibiting at the "Cruiz'n Main Street" Car Show on Aug. 24th. She added that their Quarterly meeting will be held next Saturday at Town Hall.

EC Secretary Franklin reported that the July 20th Movie Night had fewer attendees than the June Movie Night, most likely due to the hot weather. The next movie, *Captain Marvel* will be on August 17th at the Sasscer Field. The EC also had a booth at the NNO event and had a lot of interested volunteers sign-up for the committee. Currently planning for the Annual Trick or Treat event for downtown, working with the MVFD on a "Toys for Tots" Drive at the Town-Halliday Party, working with the UM CERT to coordinate a First-Aid class for Emergency Preparedness month, and soon, will be planning ideas for Veterans' Day.

SCW Chair Stephens stated the Town's Sustainable Community Designation renewal is currently on hold with the State until a few minor revisions are made. She noted that the SC Workgroup has a new M-NCPPC liaison that will help with that. She then delivered an update on the Façade Improvement Program (FIP), noting they have two (2) current applications and 2 interested parties that will most likely use up the remaining \$44K in the FY2017 grant program. She added they have requested the State for an extension to use up the FY2017 funding.

CERT President Leonard reported that the UM CERT held a meeting last Saturday followed by a "Lift & Carry" project and a "Mass Shooting" and "First Aid" training session

Commissioner Bernal-LeClaire: Announced he had been sworn into office as Commissioner by President Leonard yesterday (August 12, 2019). He then thanked his fellow candidates and the residents who came out to cast their votes, and he thanked the Town for the opportunity to run for office. He added that he is looking forward to serving all the Town's residents during his term and doing what's best for the Town.

Commissioner Pennoyer: Reported that she has been working with Director of Finance Morgan on the Business Licensing program, noting property taxes have stayed the same for nearly 30 years. She also attended the Ribbon-Cutting Ceremony for the Marlboro Café on August 9th and plans to attend another opening later in the month for the new Main Street Coffee Shop.

President Leonard: Delivered updates on the following topics: 1.) Added a "Transparency Portal" to the Town website under the "Government" tab; 2.) Have approximately 120 new parking meters that are being installed this week; 3.) The Bond Bill for the Old Stone Building renovation has been signed and is now back at the State. An RFP to develop a Welcome Center there will now be drafted; 4.) A cost savings in salaries has been realized for this fiscal year. An additional Police Officer and part-time Code Enforcement Officer are slated to be hired in the future; 5.) Existing vendor contracts are being reviewed to possibly reduce costs; 6.) Attended many events such as: The National Night Out event, the Ribbon-Cutting Ceremony for the Marlboro Cafe, and the Progressive Equestrian Therapeutic Services (PETS) event at Show Place Arena; and, 7.) In closing, she then welcomed Commissioner Bernal-LeClaire to the Board and thanked all the citizens who came out to vote.

Business

- 1.) Resolution 2019-06 Check Heritage Area Support: The resolution's introduction was read aloud by the Clerk. Commissioner Pennoyer motioned to pass Resolution 2019-06, Commissioner Bernal-LeClaire seconded. With all in favor, the motion was unanimously passed.
- 2.) Resolution 2019-07 Opioid Litigation Retainer: President Leonard noted that there is no cost to the Town to join in on this litigation, and a positive outcome of the suit could translate to a maximum of \$70K to the Town. The resolution's introduction was read aloud by the Clerk. Commissioner

Bernal-LeClaire motioned to pass Resolution 2019-06, Commissioner Pennoyer seconded. With all in favor, the motion was unanimously passed.

- 3.) Emergency Ordinance 2019-06 To Authorize Police Training Mutual Aid Agreement (MAA): Chief Burse explained the necessity of the agreement that allows for the lawful training of UMPD officers. After the Clerk introduced the ordinance, Commissioner Pennoyer motioned to accept the MAA as submitted, Commissioner Bernal-LeClaire seconded. The motion was unanimously approved.
- 4.) General Administration issues: The President reminded all of the date and time of the Public Hearing for the Town of Upper Marlboro First Annexation Resolution and Plan to take place immediately before the Board Work Session on August 27th starting at 6:00 p.m.

Town Clerk Williams reported on his experience working with the Summer Intern Program student stating it was a worthwhile and rewarding program. The Administration Intern was taught all about Records Retention and Destruction procedures, preparing for Public Meetings, and the importance of good organizational skills.

Superintendent Bond shared his experience with his intern who was provided hands-on training in equipment operations and maintenance, adding the intern was surprised at the end of the 6-week program about how much he had learned, and that all parties were grateful for the opportunity.

The Clerk then reviewed schedule details and documents concerning the proposed Annexation. Copies were offered for the taking.

Public Comment

A Town resident expressed thanks to the Events Committee for working to improve the Trick or Treat event for this October. The President replied that the changes were inspired from the citizen feedback received from last year's event.

Another resident took the floor to pass on resident comments communicated to her concerning: 1.) Town Board should have five members versus only three; and, 2.) Town should work to ensure the closed golf course that abuts some resident properties should remain green space.

A resident noted the UM Library is now open on Fridays.

SCW Chair Evelyn Stephens asked the Board for comments on the County's move to strip the OMES of its Historic designation in order to raze the building(s) and build a new Courthouse Facility. Commissioner Bernal-LeClaire replied that a reporter from the *Prince George's Sentinel* was present. It was noted by a previous resident that moving forward, this declassification would endanger all other historic sites in the County. A discussion ensued among those guests present covering items of concern, such as: 1.) Increased traffic volume; 2.) Support for Adaptive Re-use; 3.) Post citizen survey on Town website?; 4.) Residents and citizens were urged to attend the County Council Public Hearing on September 17th; 5.) It was noted the historic designation goes well beyond the school, as the site was the original home of Dr. William Beanes who played a part in the writing of the Star-Spangled Banner; and, 6.) A third-generation resident stated she and many family members had graduated from the school.

Adjournment

Commissioner Bernal-LeClaire motioned to adjourn, Commissioner Pennoyer seconded. With all in favor, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator

Town of Upper Marlboro

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

Public Hearing Minutes

Tuesday, August 27, 2019 - 6:00 p.m.

unApproved

Call to Order

- The Hearing was brought to order at 6:01 p.m.
- Roll Call – President Wanda Leonard; Commissioner Linda Pennoyer; Commissioner Kai Bernal-LeClaire; Town Clerk M. David Williams; Town Attorney Kevin J. Best; and, Chief of Staff Kyle Snyder.
- Pledge of Allegiance

Overview

Town Attorney, Kevin J. Best, delivered an overview of Annexation Resolution 01-2019: Annexation Phase I, the First Annexation of The Town of Upper Marlboro, that was introduced at the June 10, 2019 Regular Town Meeting, as well as, the Annexation Plan that was unanimously adopted at the same time.

Business

Attorney Best then highlighted aspects of the following three components of the Annexation:

- Annexation Resolution No. 01-2019: The area to be annexed contains no taxable property or voters therein, so consent requirements do not apply. Though the Town Charter regulations will apply to the newly annexed area, the Town will not gain any zoning authority. The Resolution will become effective following 45 days from the enactment date.
- Annexation Plan (First Annexation 2019 East and South of Town): During 45-day period, the County Council or Town residents can petition for referendum. The Plan approved by the Board on June 10, 2019 can be amended up until the effective date of the Resolution.
- First Annexation Map 190530 (Exhibit-A): Should the County ever surplus, sell, lease or transfer the land to a private entity, the land shall become taxable property to the Town.

The Clerk then read aloud the introduction to Annexation Resolution No. 01-2019.

Public Comment

President Leonard then opened the floor for public comment.

- 1.) A concerned resident cited a recent Annexation lawsuit between the Town of Forest Heights and the M-NCPPC, stating he thought it would be better to talk with the County and the M-NCPPC first before passing this legislation. He expressed his belief that the County's recent move to strip the Old Marlboro Elementary School (OMES) of its Historic Designation was a retaliatory action to the Town's Annexation Plan submitted on July 5, 2019.

Attorney Best replied stating the particular aspects of the Forest Heights vs. M-NCPPC case did not apply to this situation, and that he believed the County would be moving forward with its plans for the OMES site regardless of the Town's Annexation of this property.

- 2.) A resident stated she felt the County's plans for the OMES was unrelated to this Annexation, and expressed support for moving forward with this opportunity for growth.
- 3.) Another resident acknowledged that the OMES issue does need the Town's attention but does support the Town's Annexation Plan to better involve the Town in any possible development.
- 4.) Commissioner Pennoyer stated the Plan was a step in the right direction, adding that the County will do whatever it wants regardless of the Town's actions. She said her chief concern was in keeping with the best interests of the Town, adding the Town will need a more viable seat at the table when the M-NCPPC moves ahead with planned development.

- 5.) A non-resident who lives just outside the Town's corporate boundaries acknowledged she would fight any possible future phase of annexation should it include her neighborhood, citing she is happy with the services provided by the County, and that she believes being annexed by the Town would eventually cause higher tax bills.

With no additional comments, the President directed the Clerk to read aloud the official introduction to Annex Resolution No. 01-2019. After the introduction was read, Commissioner Bernal-LeClair motioned to accept the Resolution as presented, Commissioner Pennoyer seconded. With all in favor, the motion was unanimously passed.

Adjournment

President Leonard then thanked all for attending and adjourned the Hearing at 6:29 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, August 27, 2019 - 7:00 p.m.

unApproved

Call to Order

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

Reports

Commissioner Pennoyer: Reported that the Historical Committee gathered about 30 signatures on the petition against the removal of the historic designation from the OMES site. She added that the Sustainable Communities Workgroup is looking at changing their monthly meeting time, adding that they are currently working with 4 downtown properties utilizing FY17 FIP funding.

Commissioner Bernal LeClaire: Reported he had attended the grand opening of the Main Street Coffee & Treats, and also the Cruzin' Main Street Car Show.

President Leonard: Reported she attended the August Movie Night, the Cruzin' Main Street Car Show, and the Ribbon-Cutting Ceremonies of both the new Coffee Shops.

Business

- 1.) Parking Meter Update & Equipment Surplus: The Board reviewed a memo providing data on revenues received to date on the new parking meters, indicating roughly a \$1K daily intake. They discussed options on how to effectively surplus about 50 of the old meters.
- 2.) Old Stone Building RFP Draft: The Board reviewed a draft Request For Proposals (RFP) for the Welcome Center & Museum Project (UM WC&M), and, discussed its floorplan, obtaining an appraisal, and the Public Hearing on October 18th concerning County surplus properties.
- 3.) Town Recreation Priorities and M-NCPPC Request: The Board discussed current M-NCPPC "early planning phase" recreational projects that would involve the Town. Will draft letter to Deputy Director of Planning prioritizing the Town's current and future recreational projects.
- 4.) Old Marlboro Elementary School: Best dates to hold a Public Forum concerning the OMES, and desired "players" to invite to participate, were discussed by the Board.
- 5.) State Delegation Meeting Planning: Plans to invite our area's Delegation from Annapolis and host a "Year in Review" breakfast and planning meeting again were discussed.
- 6.) Town Business License Program: Business owners were invited by Commissioner Pennoyer to attend tonight's Work Session to discuss issues. This item was tabled in their absence.
- 7.) General/Administration issues: Items briefly discussed included: 1.) Town's Transparency Porthole; 2.) Black History special projects; and, 3.) Media coverage for Town endeavors.

Adjournment

Commissioner Pennoyer motioned to adjourn, Commissioner Bernal-LeClaire seconded. With all in favor, the meeting was adjourned at 8:04 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator



Town of Upper Marlboro

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Upper Marlboro, MD 20772

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

info@uppermarlbormd.gov
www.uppermarlbormd.gov

Date: Monday, September 2, 2019

Subject: Public Works Status Report

RE: August 2019 – Monthly Status Report

Capital Improvements – PW staff in conjunction with TOUM PD, and The IPS Group installed roughly 130 Parking meters along Main, Water, and Elm Streets and Gov Oden Bowie Dr.

Maintenance and Beautification – PW staff dug a 20ft long shallow trench along our maintenance facility to combat our water runoff issues. Begonias around Town were pulled up to begin soil treatments in preparation for the fall season. Staff also patched and repainted our large conference room from a flat to a semi-gloss finish to be more durable and user friendly.

Street and Sidewalk Repairs – The Elm St sinkhole was re-evaluated and repaired at an above grade setting to reduce further settling (with plans for a professional evaluation to come in the near future). Five Meters and parking spaces were created on Judges Dr along with upgraded signage for new parking meters and meter rates throughout Town. Three free parking spaces were created on Old Mill Rd, and the white background to our storm drain stenciling operation was completed.

Refuse Accumulations – Bulk day accumulations for solid wastes (Landfill) are: 6.97 tons or \$411.23.

Bulk day accumulations for yard waste collections are: 1.88 tons or \$65.00.

Trainings – Public Works staff were certified by the National Safety Council in First Aid, CPR, and AED Defibrillator use. PW Part time turned full time Staffer Washington was trained in Movie night set-up, and breakdown procedures.

Sincerely,

Darnell F. Bond III
Public Works Superintendent

Kai Bernal-LeClaire
Commissioner

Wanda Leonard
Commissioner/President

Linda Pennoyer
Commissioner/Treasurer



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 August 2019

Incidents Reported in Town:

Accident Report 1		
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Last Month Incidents:

Property Damage Report 1		
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Chief Burse and Kyle Snyder attended a meeting with the State Highway Administration staff to discuss how to address speeding concerns within the Town limits.

Chief Burse and Sgt. Irby attended the District 2 area's National Night Out celebration with the community.

Chief Burse attended the Pathways to Justice Training focused on how to interact with individuals with intellectual and developmental disabilities.

Chief Burse attended the Maryland National Park Police Community Day Event at Watkins Park on August 17, 2019.

Chief Burse and Sergeant Irby attended and provided security for the Upper Marlboro Movie Night.

Sgt. Irby assisted the Public Works Department with the removal and installation of new parking meters.

Chief Burse and Town staff attended a meeting to discuss plans for Cruzin Main Street Car Show.

Sgt. Irby provided security for the Cruzin Main Street Car Show on August 24, 2019.

Chief Burse was advised that the agreement with the Town of Upper Marlboro and the Prince George's County Government Fleet Division was approved and finalized.

Kai Bernal-LeClaire
Commissioner

Wanda Leonard
Commissioner/President

Linda Pennoyer
Commissioner/Treasurer



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Town of Upper Marlboro Budget vs. Actuals July 2019 - August 2019

	Actual	Budget	% of Budget
Revenue			
Fines, Licenses, Permits	\$30,992.65	\$567,935.00	5%
Grants	\$2,764.75	\$750,829.00	1%
Intergovernmental	\$350.15	\$41,315.00	1%
Other Revenue	\$129,220.78	\$379,432.00	34%
Taxes	\$17,917.91	\$813,209.00	2%
Total Revenue	\$181,246.24	\$2,552,720.00	7%
Expenses			
General Government	\$152,810.03	\$1,624,167.00	10%
Public Safety	\$38,656.65	\$524,882.00	7%
Public Works	\$35,072.40	\$403,671.00	9%
Total Expenses	\$226,539.08	\$ 2,552,720.00	9%
Committee Overview			
Historical Committee	\$0.00	\$1,500.00	0%
CERT Team	\$0.00	\$1,500.00	0%
Events Committee	\$3,290.40	\$12,500.00	26%



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MONTHLY NARRATIVE

During the last Town Meeting, we expressed excitement regarding the parking upgrades Town-wide. The 123 new on-street parking meters have greatly increased parking revenues.

1. Parking meters
2. Business license and taxes
3. Transparency portal

Town of Upper Marlboro

Profit & Loss

August 2019

REVENUE

FINES, LICENSES, PERMITS	15,652.99
GRANTS	\$0.00
INTERGOVERNMENTAL	\$25.76
OTHER REVENUE	\$129,189.78
TAXES	\$5,474.97
TOTAL REVENUE	\$150,343.50

EXPENSES

GENERAL GOVERNMENT	\$54,934.74
PUBLIC SAFETY	\$18,625.28
PUBLIC WORKS	\$15,274.30
TOTAL EXPENSES	\$88,834.32



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

	<u>Total</u>
Cash on Hand and in Banks	0.00
1000 PGFSB Operating Checking	40,823.08
1001 Petty Cash	300.00
1010 PGFSB Payroll Account	72.43
1040 M&T Checking	11,461.32
1060 Sona CD 7977	108,506.00
1063 Sona CD 1577	0.00
1068 SONA Bank CD 8641	267,612.43
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	101,948.20
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	209,724.87
1123 Severn Savings Bank	0.00
1140 MLGIP	11,475.87
Total Cash on Hand and in Banks	<u>\$ 751,924.20</u>



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Wednesday September 11th, 2019

Mr. Darin Conforti, Deputy Director
Maryland National Capital Parks & Planning Commission
6600 Kenilworth Avenue
Riverdale MD 20737

RE: Town of Upper Marlboro Recreation Priorities

Deputy Director Conforti,

Over the past few months, the Town of Upper Marlboro has taken the initiative to evaluate the recreation amenities offered to the public within, and just outside, the Town's corporate limits. After careful consideration, below are the Board of Town Commissioner's list of respectfully requested projects that the Town believes would provide the most benefit to the Upper Marlboro area for the Maryland National Capital Parks & Planning Commission to consider moving forward:

Town of Upper Marlboro Recreation Priorities (In order):

- 1) Begin planning for an amphitheater at the School House Pond which was recommended by M-NCPPC's 2008 Town of Upper Marlboro Revitalization Plan.
- 2) Begin planning for an Upper Marlboro Area Splash Pad on existing M-NCPPC property within Town limits to provide aquatic recreation opportunities in the Upper Marlboro area.
- 3) Begin planning and property acquisition for the Western Branch Stream Valley Park as outlined in the 2018 M-NCPPC Open Space Program submission to DNR.
- 4) Begin planning and property acquisition for the Chesapeake Beach Railroad Trail within the Town limits as outlined in the 2018 M-NCPPC Open Space Program submission to DNR.

Please feel free to reach out to my Chief of Staff Kyle Snyder at 301-627-6905 ex 1104 or ksnyder@UpperMarlboroMD.gov with any questions or concerns,

Sincerely,

Mayor Wanda M. Leonard
President, Board of Town Commissioners

Kai Bernal-LeClaire
Commissioner

Wanda Leonard
Commissioner/President

Linda Pennoyer
Commissioner/Treasurer

The Town of Upper Marlboro

RESOLUTION: 2019-10 **DRAFT**
SESSION: Regular Town Meeting
DATE: September 10th, 2019

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO ENTER INTO A MASTER LEASE PURCHASE AGREEMENT FOR THE PROCUREMENT OF THREE (3) POLICE VEHICLES AND TO WAIVE THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING

WHEREAS, pursuant to Section 82–81 (Acquisition, Possession, and Disposal [of Property]) of the Charter of the Town of Upper Marlboro, the Town may acquire real, personal, or mixed property within or without the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, convey, or otherwise dispose of or encumber any property belonging to the Town; and

WHEREAS, pursuant to Section 82–44 (Over–Expenditure Forbidden) of said Charter, no officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter, and that any contract, verbal or written, made in violation of the Charter shall be null and void, but that nothing in said section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease, or for services for a period exceeding the budget year in which such contract is made when such contract is permitted by law; and

WHEREAS, the Board of Town Commissioners finds that tax-exempt leasing (sometimes referred to as "financing," "lease financing" or "lease purchase") is a financing tool that allows tax-exempt entities to acquire essential use equipment now and pay over time; and that under a tax-exempt lease, title to the equipment passes to the Town at lease signing and the Town owns the equipment at the end of the term with no liens attached, and that there is no residual at the end nor any end-of-lease buyout, and that because the Lessee is tax-exempt, the Lessor is not required to pay federal income taxes on the interest generated by the lease, thus lower financing rates are available; and

WHEREAS, the Board of Town Commissioners recognizes the need to rebuild and properly outfit the Town's Police force to protect the residents and visitors of the Town of Upper Marlboro; and

WHEREAS, the Board of Town Commissioners under Public Safety in the FY 2020 Condensed Budget has appropriated \$60,000 in FY '20 as Line Item 8330.2 (Capital Outlay – Vehicles); and

WHEREAS, the Board of Town Commissioners have deemed it in the best interest of the public safety welfare, and fiscal responsibility to enter into a Master Lease Purchase Agreement with Tax-Exempt Leasing Corp., an Illinois corporation, in the purchase and outfitting of three new police vehicles; 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

The Town of Upper Marlboro

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 finds that in according to Town Ordinance 2011-02, Section 6(a), that Tax-Exempt Leasing Corp. is a unique equipment finance company that provides innovative financing solutions to tax-exempt entities and municipalities nationwide and that this contract may be awarded without competition as the Board of Commissioners has determined and recorded in the minutes of a public meeting, after conducting a good faith review of available sources, that there is only one (1) reasonable source available for the required supply, service or construction item.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the above-referenced Master Lease Purchase Agreement, attached hereto and adopted by reference herein, is hereby awarded without competition in accordance with Section 6(a) of Ordinance 2011-02, and approved in accordance with the terms and conditions stated therein; 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 Master Lease Purchase Agreement totaling \$119,000 spread over four Town fiscal years with bi-annual payments of \$16,162.54 with the above-referenced Tax-Exempt Leasing Corp., and any related addenda, resolutions, schedules or exhibits thereto pertaining.

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

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

DRAFT

ORDINANCE: 2019-07

SESSION: Regular Town Meeting

INTRODUCED: September 10, 2019

AN ORDINANCE OF THE TOWN OF UPPER MARLBORO TO AMEND ORDINANCE 2016-02 ENTITLED “VEHICLE & TRAFFIC” TO MODIFY THE DEFINED PARKING METER ZONE FOR JUDGE’S DRIVE; AND AUTHORIZE THE POLICE DEPARTMENT TO IMMOBILIZE USING A “BOOT” OR OTHER DEVICE OR TAKE INTO CUSTODY AND IMPOUND ANY UNATTENDED VEHICLE, INCLUDING THOSE VEHICLES REGISTERED WITHIN THE STATE OF MARYLAND, FOR WHICH THREE (3) OR MORE OUTSTANDING PARKING OR PARKING METER VIOLATION CITATIONS HAVE BEEN ISSUED WITHIN A PRIOR CONSECUTIVE EIGHTEEN (18) MONTH PERIOD; BY PROVIDING FOR AN INFORMAL HEARING BEFORE THE CHIEF OF POLICE OR HIS DESIGNEE TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO CONTINUE TO IMMOBILIZE, OR TOW AND IMPOUND THE VEHICLE; TO REQUIRE NOTICE BY MAIL TO THE OWNER; TO REQUIRE THAT ALL OUTSTANDING UNPAID CITATIONS PAID PRIOR TO VEHICLE RELEASE AND GENERALLY RELATING TO VEHICLES AND TRAFFIC.

WHEREAS, the Town Charter, Section 82-63 states that the Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Roads Commission or the County Commissioners for Prince George’s County and subject to the laws of the State of Maryland and said Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

WHEREAS, pursuant to Transportation Art., § 25-102(a)(1) and § 21-1001 *et seq.* of the Annotated Code of Maryland, the Town of Upper Marlboro (the “Town”) has the authority to regulate or prohibit the stopping, standing or parking of vehicles; and

WHEREAS, pursuant to LG Art., § 5-205(d)(1) of the Annotated Code of Maryland, a municipality may establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the municipality; and

WHEREAS, on July 12, 2016, the Board of Commissioners enacted Ordinance 2016-02 (Vehicle and Traffic Ordinance) thereby consolidating, revising, updating and codifying eighteen separate ordinances of the Town of Upper Marlboro enacted beginning in 1976 through 2014; and

WHEREAS, on August 14, 2018, the Board of Commissioners enacted Emergency Ordinance 2018-05 thereby designating new parking meter zones along Judges Drive; and

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.

WHEREAS, on November 27, 2018, the Board of Commissioners enacted Emergency Ordinance 2018-11 thereby designating new parking meter zones along Governor Oden Bowie Drive and part of Elm Street; and by further amending, ratifying and reenacting Subsection B (Commercial vehicle and recreational vehicle) of Section 5 (Parking restrictions), and amending, ratifying and reenacting Subsection E (Boot fee) of Section 10 (Penalties and fees); and

WHEREAS, the Town and Prince George's County have entered into an agreement dated June 10, 2019 whereby the Town has assumed control over all on street metered parking within the Town; and

WHEREAS, the Board finds it to be in the best interest of the Town to further amend Ordinance 2016-02, as amended, as stated hereinbelow.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT the following changes or amendments to Ordinance 2016-02, as amended:

VEHICLE & TRAFFIC ORDINANCE

* * *

Section 6. Parking Meters

D. Establishment of Parking Meter Zones

The below areas are authorized by the Board of Town Commissioners to be designated as metered parking areas.

1. All street parking in the 14500, 14600, 14700, 14800 & 14900 blocks of Main Street (Route 725), the entirety of Water Street, and the entirety of Elm Street.
2. The Town-owned Church Street Parking lot located at 14525 Church Street.
3. The north side of Old Mill Road, and the south side of Pratt Street.
4. ~~[A4]~~ FIVE (5) SPACES OF street parking along ~~[the entirety]~~ A PORTION of Judges Drive (OP 4662) NEAR PRATT STREET.
5. All street parking along the entirety of Governor Oden Bowie Drive.
6. Other areas as set by the Board of Town Commissioners by amending this Ordinance.

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SECTION 9. VEHICLE IMPOUND AND TOWING

A. The Police Department may immobilize using a “boot” or other device, or take into custody and impound:

1. Any unattended vehicle [~~not registered within the State of Maryland~~] for which three (3) or more outstanding parking or parking meter violation citations issued within a consecutive eighteen (18) month period.
2. Any vehicle parked or disabled in a “no parking at any time, tow-away zone” zone; blocking a private driveway without the permission of the property owners; parked in an area designated as a fire lane; within ten (10) feet of a fire hydrant, or; parked on any sidewalk.
3. Any vehicle displaying improper, illegal or expired license plates or no plates at all parked or left standing, stored or operated on any public street or any property owned or leased by the Town, or upon private property except when the vehicle is parked within a fully enclosed garage, unless said vehicle shall have affixed or attached thereto license plates or markers displayed conspicuously on the front and rear of said vehicle in accordance with the provisions of the Annotated Code of Maryland or, in the case of a nonresident, the State, County or territory where such vehicle is registered.
4. The provisions of Title 25, Subtitle 2, of the Maryland Vehicle Law (§ 25-201 et seq. of the Transportation Article of the Annotated Code of Maryland) shall apply with respect to the removal, storage, reclamation and disposal of any vehicle taken into custody pursuant to Subsection A above.
5. WITHIN FOUR (4) DAYS FROM THE INITIAL DATE OF THE IMMOBILIZATION OR TOWING, THE OWNER MAY REQUEST AN INFORMAL HEARING BEFORE THE CHIEF OF POLICE OR HIS DESIGNEE TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO CONTINUE TO IMMOBILIZE, OR TOW AND IMPOUND THE VEHICLE. SAID RIGHT TO A HEARING SHALL BE DEEMED TO HAVE BEEN WAIVED FOUR (4) DAYS FROM THE INITIAL DATE OF THE IMMOBILIZATION OR TOWING.
6. WHENEVER A VEHICLE HAS BEEN IMMOBILIZED OR IMPOUNDED, THE POLICE OFFICER OR OTHER AUTHORIZED OFFICER SHALL NOTIFY THE REGISTERED OWNER BY MAIL OF ANY ACTION TAKEN.
7. THE TOWN SHALL NOT BE LIABLE FOR ANY DAMAGE TO A MOTOR VEHICLE DUE TO THE ACTIONS OF THE OWNER OR ANY OTHER UNAUTHORIZED PERSON ATTEMPTING TO REMOVE THE BOOT DEVICE OR OPERATE SUCH MOTOR VEHICLE WITH SUCH DEVICE ATTACHED.

C. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the

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traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle.

- D. In addition to paying all towing, preservation and storage charges or fees resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine, fee or forfeiture resulting from the violation or violations for which the vehicle was impounded and/or immobilized, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine, fee forfeiture and/or collateral, with said fine, fee, forfeiture and/or collateral amount to be set by ordinance or resolution of the Board of Town Commissioners, and such violation is posted for appearance of the owner or person normally in charge of such vehicle in the District Court of Prince George's County to answer the violation or violations on account of which the vehicle was impounded.
- E. Any vehicle found in violation of this section is subject to impoundment.
- F. VEHICLES IMMOBILIZED OR IMPOUNDED PURSUANT TO THIS ORDINANCE WILL BE RELEASED TO THEIR LAWFUL OWNER, OR PERSON ENTITLED TO POSSESSION, UPON A SHOWING OF ADEQUATE EVIDENCE OF A RIGHT TO ITS POSSESSION AND UPON THE PAYMENT OF ALL ACCRUED FINES, FEES AND COSTS FOR EACH OUTSTANDING UNPAID CITATION OR SUMMONS AND, IN ADDITION THERETO, THE CHARGES FOR BOOTING, TOWING AND STORAGE. THE RELEASE SHALL BE SIGNED BY AN AUTHORIZED OFFICER OR AGENT.

* * *

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may set the fines, penalties, and fees associated with violating this Ordinance from time to time by resolution.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may set rates and time frames for parking metered zones established by this Ordinance by resolution.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may establish and regulate parking zones, restricted parking zones, and permit parking zones by resolution, as long as it is advertised in a newspaper of general circulation no less than fifteen (15) days prior to the Town Meeting in which it is to be voted upon. However, the President of the Board has the authority to temporarily enact such restrictions for special circumstances for a period no longer than fifteen (15) days without the approval of the Board of Town Commissioners.

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

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shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance 2019-07 shall change and amend Ordinance 2016-02, as amended by Emergency Ordinance 2018-05 and Emergency Ordinance 2018-11.

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

Linda Pennoyer, Commissioner

Attest:

Clerk

Kai Bernal-LeClaire, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date:

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