

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Board of Town Commissioners

WORK SESSION

Tuesday, November 26, 2019 – 7:00 p.m.

AGENDA

Work Sessions are open to public observation, however,
public participation is at the discretion of the Board

Please join the Commissioners at 6:30 p.m. for the Swearing-in of the new Town Code Officer.

Roll Call

Pledge of Allegiance

Business

- 1) ORD 2019-09 Board Salaries (Board discussion)
- 2) ORD 2019-08 Elections-Authorizing Ballot Questions (Board discussion)
- 3) RES 2019-13 Election 2020 Ballot Questions (Board discussion)
- 4) Playground proposal review (Board discussion)
- 5) Draft Town Personnel Ordinance/documents (Board discussion)
- 6) Town Parking Enforcement System (Board discussion)
- 7) General Board & Administrative Staff items:
 - General Roundtable (Commissioner & Staff Reports)
- 8) Old Marlboro Elementary School / Judicial Review (Board discussion)

Closed Session (Board vote)

Under General Provisions Article 3-305(b)(7): To consult with Town Counsel to obtain legal advice.

Reopening of Board Work Session (Board vote)

Closed Session statement

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

**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 #1**
SESSION: Regular Town Meeting
DATE: November 26, 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 ASKING VOTERS TO VOTE ON CERTAIN NONBINDING QUESTIONS CONCERNING _____, _____, AND _____.

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 on whether or not to change the Town's Charter and _____, and to _____; and

WHEREAS, the [issue of] _____ as well as _____ 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 _____.

Shall the Board of Commissioners explore a change of _____?

For: _____ Against: _____

Background Statement: The Board of Commissioners recently _____. Currently

ADVISORY BALLOT QUESTION #2 – Preferred _____.

My preference is the following _____ for the Town of Upper Marlboro?
(vote for only one)

_____ Choice X

The Town of Upper Marlboro

_____ Choice Y

_____ Choice Z

Background Statement: ...

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

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



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	\$30,000.00	\$30,000.00
1	Lump Sum	Other Product	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	\$117,000.00	\$117,000.00



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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



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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.



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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.***



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Estimated Timeline

We are excited to work with you on this project! Please see below for the next steps:

Phases:

(1.) Proposal Review Phase by Customer (Approx. 1 week)

- a. Customer reviews proposal to make sure the quantities, unit types, items, descriptions, and amounts match your understanding of the project
- b. Customer reviews the rest of the proposal to make sure the scope, exclusions, terms, etc. match your understanding of the project
- c. Contact us if you have questions about the proposal or if revisions need to be made
- d. Once you determine that the proposal matches your understanding, please sign and send a copy of the entire proposal back to us.
- e. Please also send a Purchase Order, Contract, Deposit, etc. in order to satisfy the payment terms

(2.) Contract Review Phase by Customer and Sparks at Play (Approx. 1 week)

- a. If you are providing us with a contract of your own, Sparks at Play will review the contract terms to verify that the scope of work and products of contract to verify they match what was priced
- b. Sparks at Play will sign the contract and send it back to the customer
- c. Customer is to counter sign and fully execute the contract before moving to the next phase.

(3.) Site Survey (Approx. 3 week)

- a. Civil Engineering firm and Land Surveying team will survey and document the site

(4.) Design Revisions and Documentation (Approx. 12 week)

- a. Using the site survey, Sparks and Play and the Civil Engineer will revise the playground and site design in order to create the appropriate documents for permitting and construction
- b. During this time, Sparks at Play will update the client on design revisions and progress

(5.) Permit Submissions and Approvals (Approx. 8 weeks)

- a. Through an expeditor, Sparks at Play will submit necessary documents to review agencies in order to get approval on the project.
- b. Though an expeditor will be used, the time required for approval process can often be uncertain.

(6.) Ordering & Material Production Phase (Approx. 8-12 weeks)

- a. Sparks at Play will send product submittals for your signature and approval
- b. Once the submittals are approved, Sparks will place the order with the manufacturer
- c. Lead time cannot be provided until approved submittal(s) is received
- d. Customer to provide delivery address and contact person during the "contract review phase"



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(7.) Pre-con Meeting Phase

- a. Project management (PM) team will schedule a pre-construction meeting with customer within 2 weeks of receiving approved submittal.
- b. PM determine and discusses scheduling and logistics with customer

(8.) Mobilization and Construction Phase (Approx. 8 weeks)

- a. Coordinate mobilization and construction with project management
 - i. Grading and Site Work
 - ii. Playground Layout and Assembly
 - iii. Stone Base, Surfacing, and Borders
 - iv. Perimeter Fence
 - v. Other logistics

(9.) Project Closeout Phase (Approx. 1 week)

- a. Project walkthrough
- b. Punch-list items
- c. Closeout documents

Change Orders – if required

- a. At your request, a change order will be created If an unforeseen condition arises that warrants a change to the contracted scope of work
- b. Change orders can be communicated to the project manager or the salesperson
- c. All change order requests must be communicated in writing
- d. Change order must to be executed before work continues as it relates to the scope that is affected



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ASSUMPTIONS

The above listed services will be provided based on the below assumptions.

1. Should the concept layout change significantly which will change the current approach, Sparks at Play (SAP) may be subject to compensation based on what is being proposed.
2. Tree surveys by a certified arborist will be conducted by the Town of Upper Marlboro as well as any related tree removal.
3. Layout and installation of an asphalt path will be by the Town of Upper Marlboro.
4. Direct access to the site will be provided for surveying teams, installation crews, and all SAP employees and sub-contractors.
5. Improvements and work being considered beyond the parameters noted above for site and/or utility changes will require additional compensation by the client/owner for a negotiated fee.
6. Any building permit requirements associated with this work will be conducted by an Expediter.
7. Any services not specified in this proposal that are requested will be provided on an hourly / pre-negotiated basis.
8. Should a request be made to do the other work not included in our original scope of work, SAP will submit an Additional Services fee proposal to cover the requested scope of work.
9. SAP assumes that stormwater management will be exempt and not required.
10. SAP assumes the limits of disturbance will not be greater than 5,000 s.f and therefore SWM regulations will be exempt. If SWM is required, SAP will submit additional services for the design.
11. A boundary survey of the property will not be required for this project. SAP assumes the playground will be built within the property. Boundary Survey is excluded from the scope of work.
12. Attendance to any public and/or community meeting beyond what is listed in the scope but is requested can be provided on an hourly/pre-negotiated basis.
13. Submittal to agency for permits will be performed by an Expediter, SAP will provide the documents to the permit expeditor to use for submittal to public agencies.
14. SAP and Engineering firm will indicate on the plans the proper methods by which to protect the existing trees located along the perimeter of the work area.
15. Survey stakeout services are not included in the base scope of work. Other services that are not included are where hazardous materials or confined spaces, as defined by OSHA, are involved.
16. Utility markings are for design purposes only. MISS UTILITY must be notified 48 hours in advance of any excavation.
17. Subsurface utility exploration is not included in this scope. However, SUE work can be provided as additional services under a separate agreement.
18. SAP assumes floodplains or wetlands are not present on the site and therefore not included in base scope of work services.
19. Trade permits, including but not limited to electric, sewer and water services, traffic control plans are excluded from SAP's scope.



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Owings Mills, MD 21117
T: 410-356-4151 F: 410-356-2198

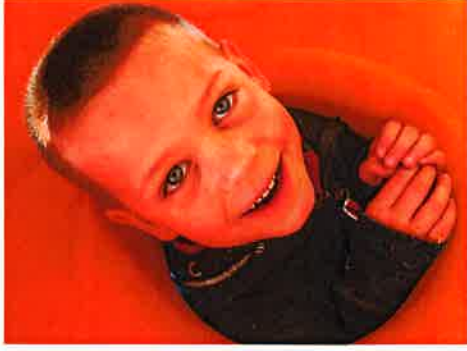
20. Irrigation design, site lighting design and structural (i.e., retaining walls) design are not included. However, they can be provided as additional services under a separate agreement.
21. Any telecommunication design is excluded from this scope of work.
22. The services of a certified arborist are not included. If required, they will be provided on an hourly basis or for an additional fee to be negotiated.
23. Any required connection of storm drain system is assumed to be near the project work area. SAP assumes any new storm drain connection will be made onsite and no new connection in public rights of way will be required. Off-site studies or utility extensions are not required. All utility design will occur within the survey limits.
24. CADD files will be completed in AutoCAD 2018 format, in AMT CAD standards, in English Units (U.S. Survey Foot).
25. SAP will provide electronic files in PDF format for use by the client to forward to the permit expediter for use in making the formal permit submittals for review and approval.
26. Any services not specified in this proposal that are requested will be provided on an hourly basis.

Appendix A:

**Playground
Presentation - Basis
of Design**



Upper Marlboro Playspace



 Sparks@Play

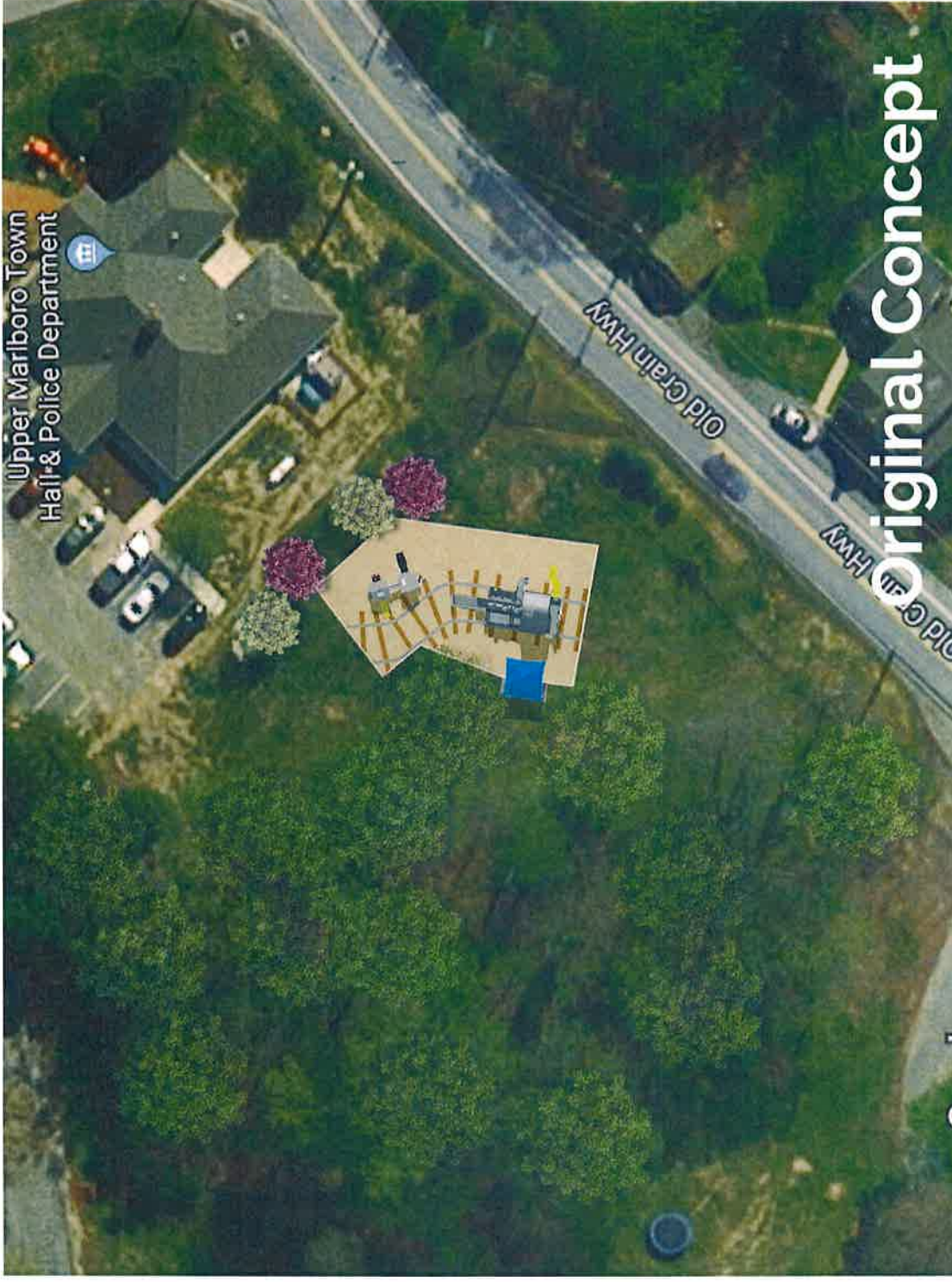
We are all [#SHAPEDBYPLAY](#). It builds who we are. It strengthens our bodies and minds. It helps develop our internal wiring that is critical to our ability to regulate emotions, make plans, and solve problems. Play prepares us for life, love, and the challenges we will face.

[For a better tomorrow, we play today.](#)

Concept Narrative

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. This playground will be built around the existing mature tree canopy to provide shade to the play structures and seating areas.

There are currently no public playgrounds within the cooperate limits of the Town of Upper Marlboro. The 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.



The Town of Upper Marlboro | Master Plan - Original Playground Location

This document is strictly conceptual. Final design will be dependent on site survey, programming, civil engineering and regulatory requirements.



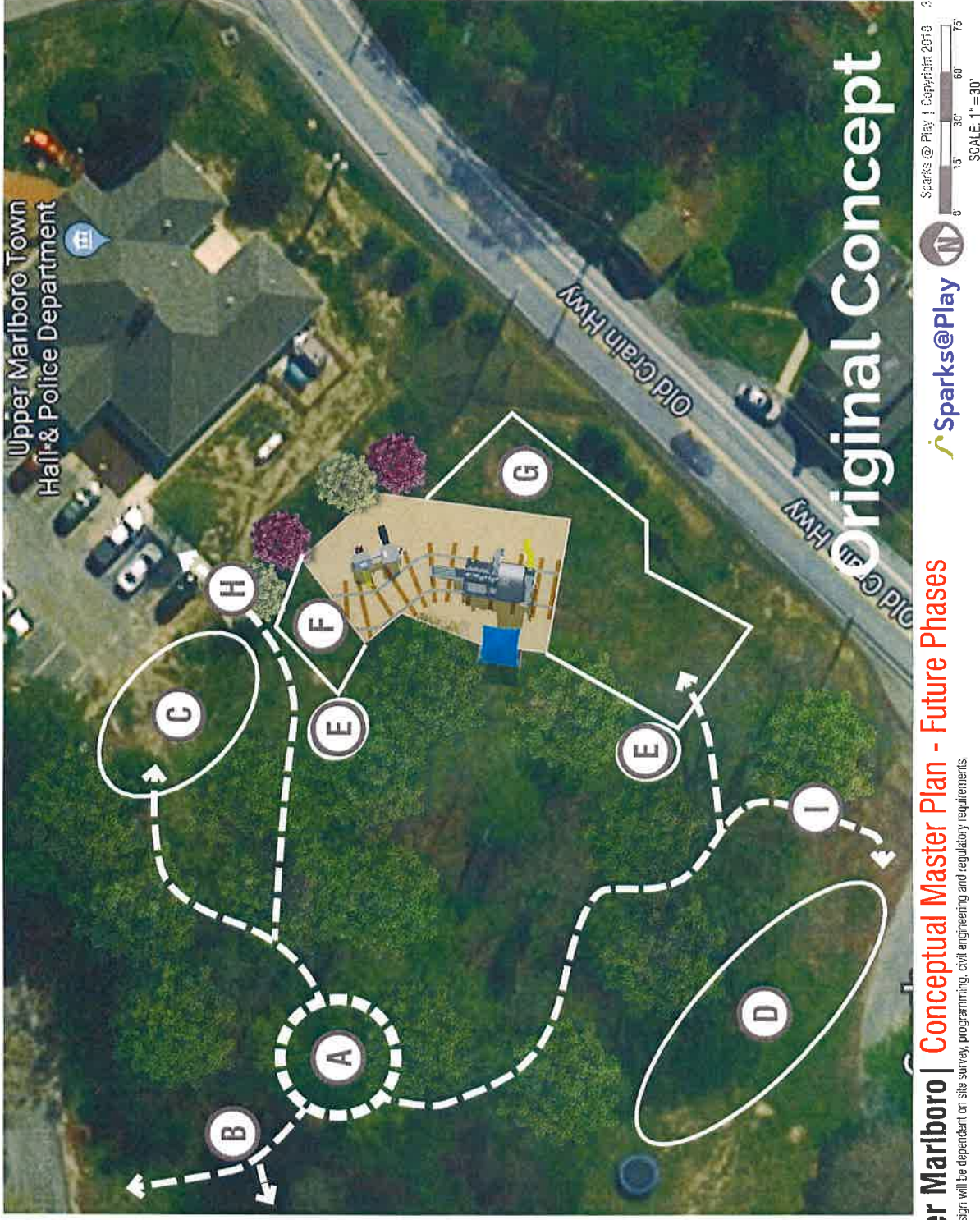
Sparks @ Play | Copyright 2018
1" = 30'
0 15 30 60 75
SCALE: 1" = 30'

Future Phases

The playground is only the first step towards a larger community space. Future phases include expanded seating, family grilling area, picnic areas, fitness stations, a splash pad, additional playground equipment, and connections to a farmers market across the street.

Plan Legend

- A - Central Gathering Area
- B - Connections to Sasser Fields
- C- Future Splash Pad
- D- Future Parking Lot
- E- Future Seating/Picnicking
- F- Expanded 2-5 Playground
- G- Expanded 5-12 Playground
- H- Connection to Town Hall
- I- Connection to Future Parking



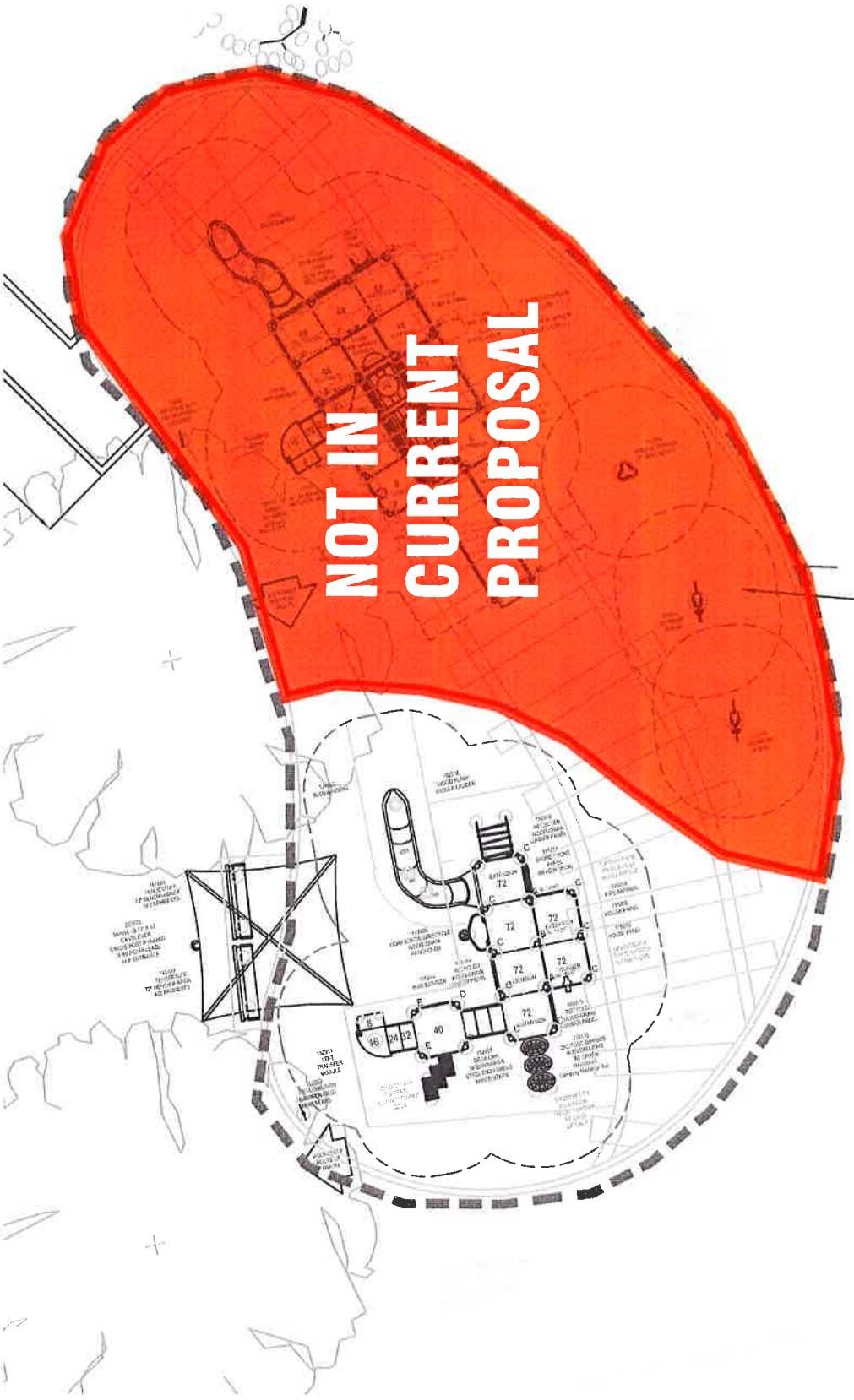
Updated Concept

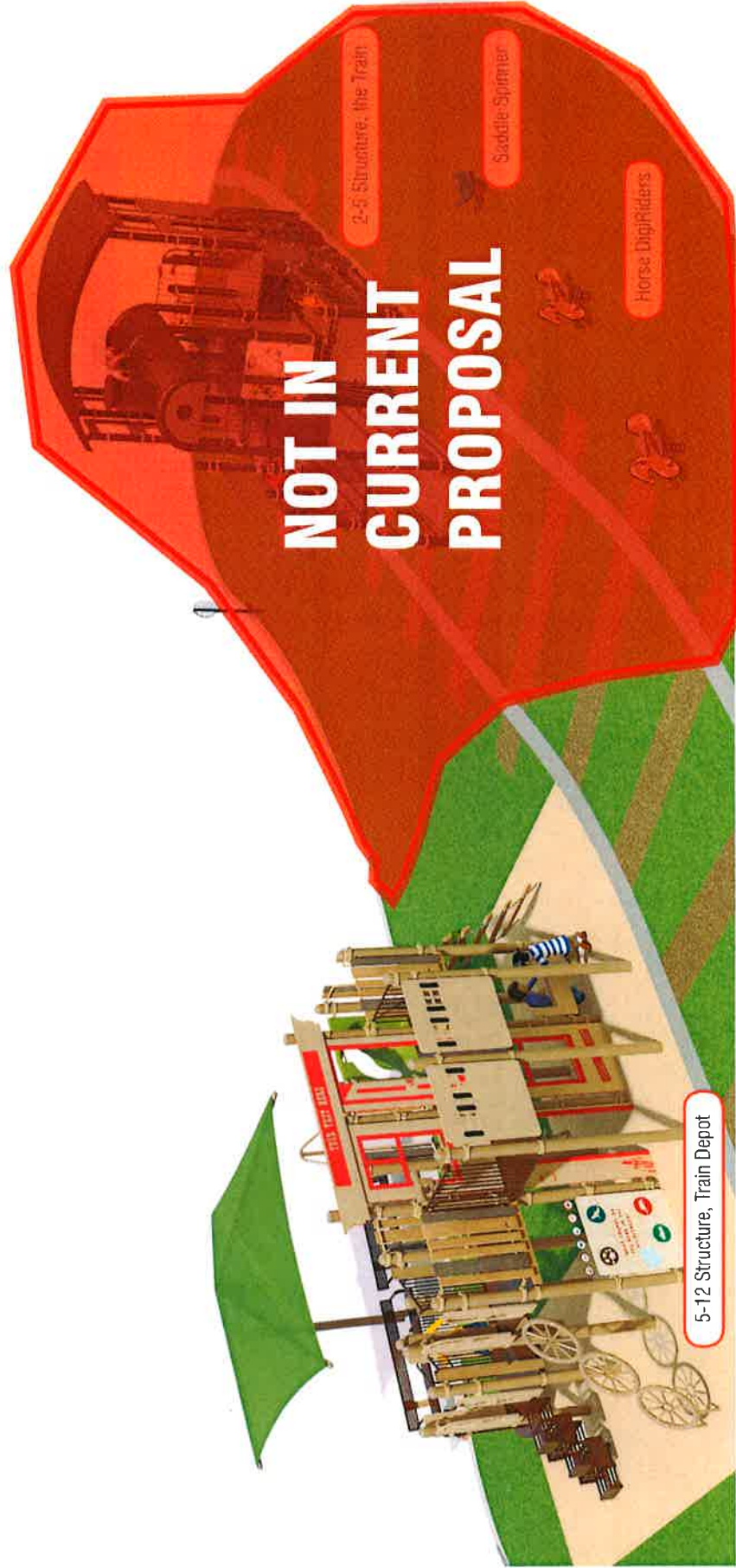
After visiting the site in July with the Chief of Staff, Chief of Police, and Superintendent of Public Works, a few revisions to the Master Plan were made. These changes allow for future expansion to the Town Hall and parking lot, provide a perimeter fence to keep kids from entering Old Crain Highway, and focus pedestrian access from the direction of Sasser Fields.

Plan Legend

- A - Central Gathering Area
- B - Connections to Sasser Fields
- C - Connection to Future Parking
- D - Future Parking Lot
- E - Future Seating/Picnicking
- F - Playground Fence







Town of Upper Marlboro Playground
Town of Upper Marlboro November 12, 2018 003727TUM-1-2



Town of Upper Marlboro Playground
Town of Upper Marlboro November 12, 2018 003727TUM-1-2



NOT IN
CURRENT
PROPOSAL



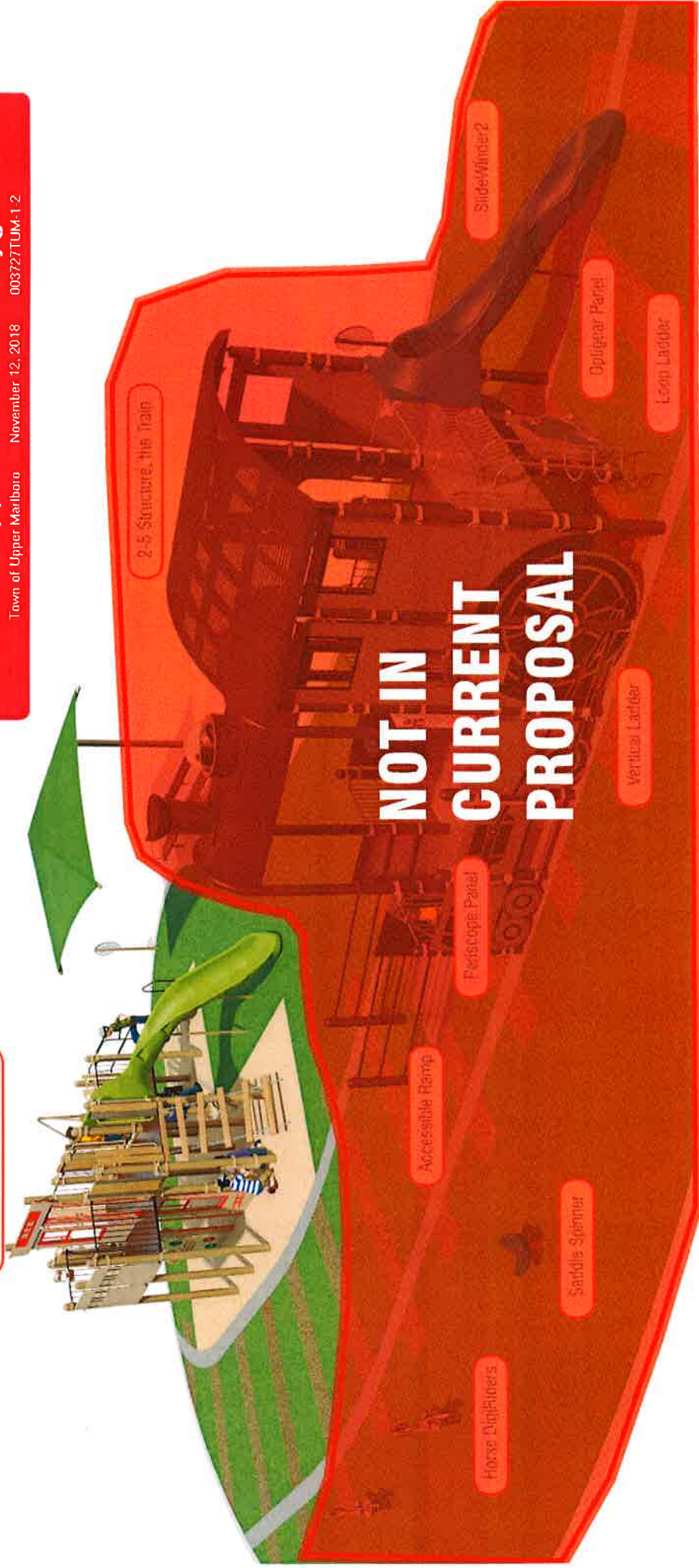
The Town of Upper Marlboro | Playground Renderings - 5-12 Years, The Train Depot

This document is strictly conceptual. Final design will be dependent on site survey, programming, civil engineering and regulatory requirements.

5-12 Structure, Train Depot

Town of Upper Marlboro Playground

Town of Upper Marlboro November 12, 2018 003727TUM-1-2



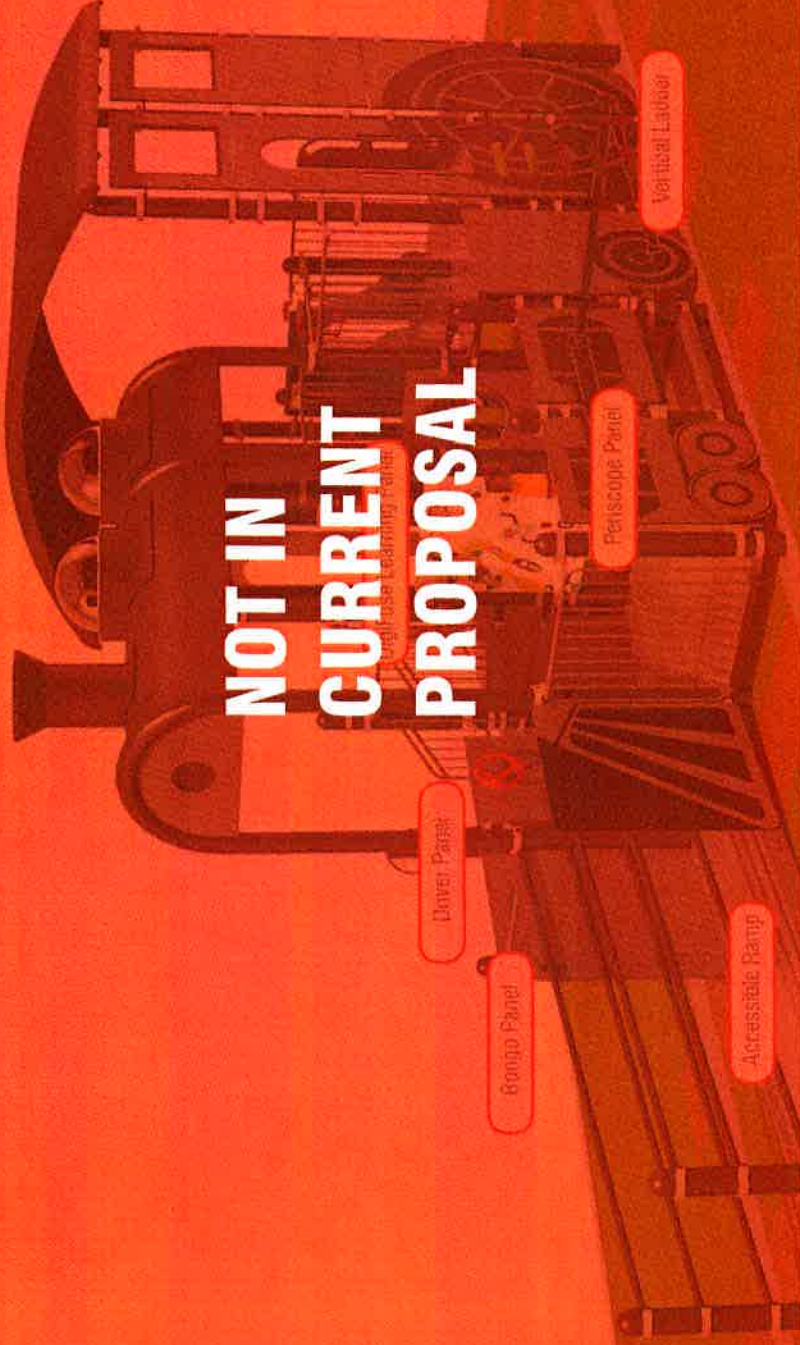
The Town of Upper Marlboro | Playground Renderings - 2-5 Years, The Train

This document is strictly conceptual. Final design will be dependent on site survey, programming, civil engineering and regulatory requirements.

Town of Upper Marlboro Playground

Town of Upper Marlboro November 12, 2018 003727TUM-1-2

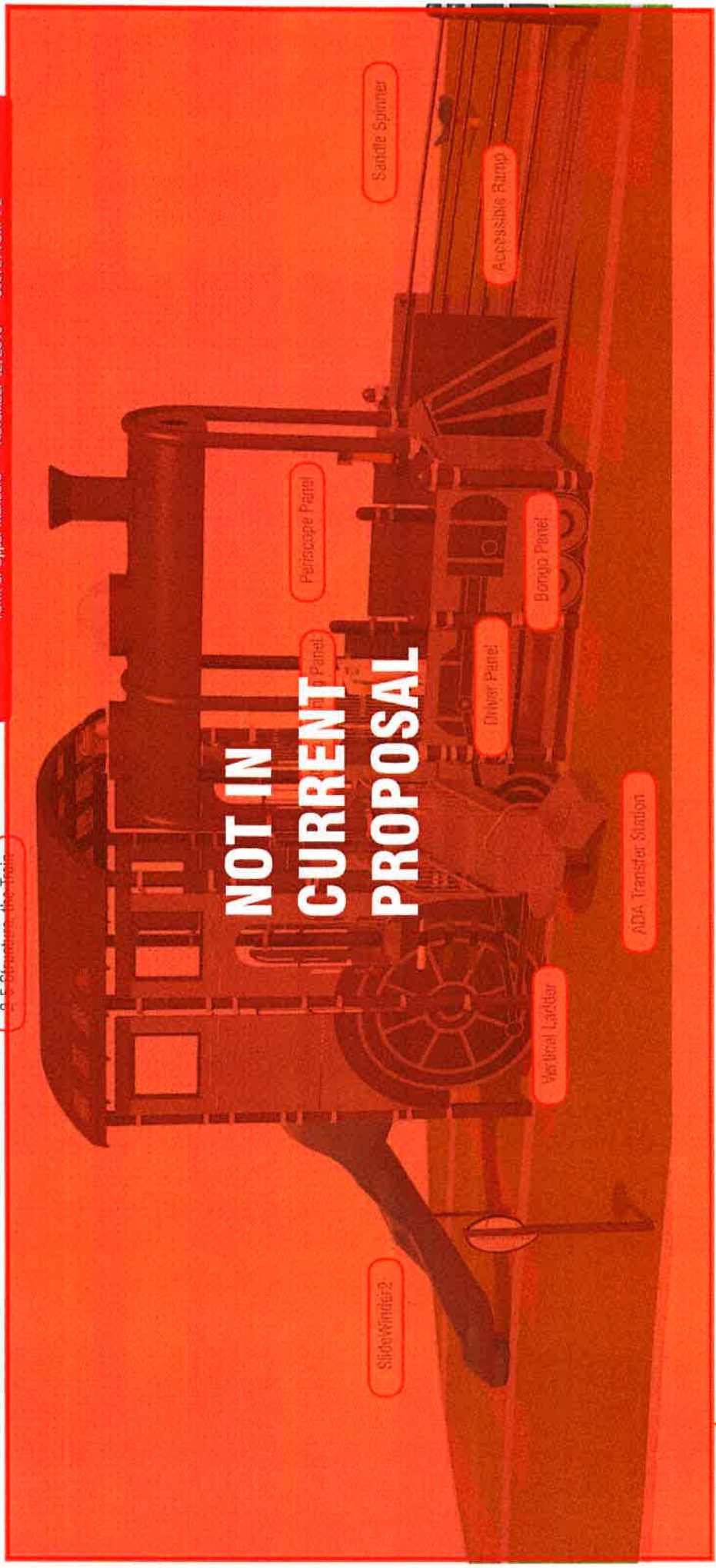
2-5 Structure, The Train



The Town of Upper Marlboro | Playground Renderings - 2-5 Years, The Train

This document is strictly conceptual. Final design will be dependent on site survey, programming, civil engineering and regulatory requirements.

2.5-5 Years, The Train



NOT IN
CURRENT
PROPOSAL



The Town of Upper Marlboro | Playground Renderings - 2-5 Years, The Train

This document is strictly conceptual. Final design will be dependent on site survey, programming, civil engineering and regulatory requirements.



Train Map/Maze with Stops along Route

Change Color to Match Historic Train Town Colors



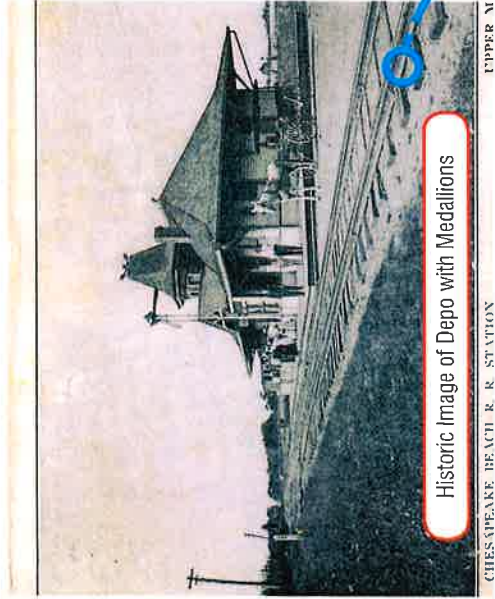
Customize Gears to be Cores in a Train



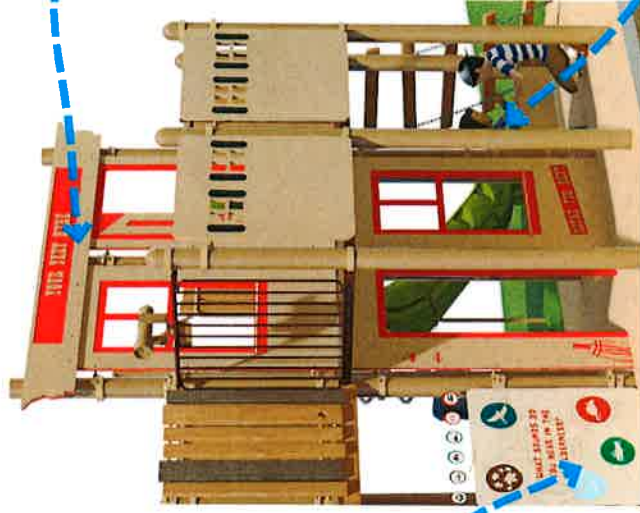
Sign with Train Name or 'Town of Upper Marlboro'

NOT IN CURRENT PROPOSAL





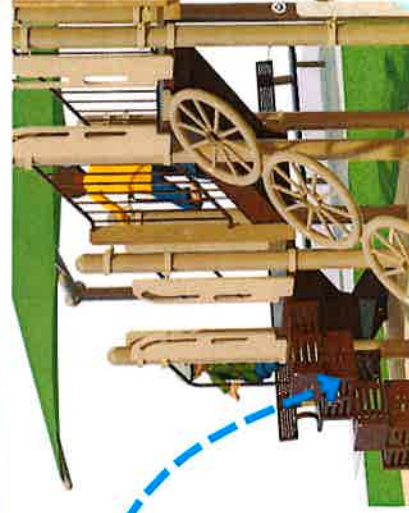
Historic Image of Depo with Medallions



Custom Name for the Train Depot



Hogshead Climber - with Instructional Sign



Train Schedule posted near Ticket Booth

TIME TABLE NO. 2

Chesapeake Beach Railway Company.

Showing schedule of Passenger Service to and from Upper Marlboro, Md., via Baltimore & Ohio R. R. and Chesapeake Beach Railway Company.

Effect December 25th, 1908

Subject to change without notice.

Daily, except Sunday.

Upper Marlboro to Baltimore	A. M. P. M.
Lv. Upper Marlboro (C. & B. Ry.)	7:25 3:45
Ar. Chesapeake Junct. "	7:38 4:28
Ar. Hyattsville (C. & B. Ry.)	8:08 4:58
Lv. Hyattsville (B. & O. R. R.)	8:18 5:08
Ar. Washington (B. & O. R. R.)	8:30 5:20
Washington to Upper Marlboro	
Lv. Washington (B. & O. R. R.)	8:30 4:35
Ar. Hyattsville (C. & B. Ry.)	8:44 4:51
Lv. Hyattsville (C. & B. Ry.)	9:02 5:10
Ar. Chesapeake Junct. "	9:12 5:20
Ar. Upper Marlboro	9:27 5:35
Upper Marlboro to Baltimore	
Lv. Upper Marlboro (C. & B. Ry.)	7:25 3:45
Ar. Chesapeake Junct. "	7:38 4:28
Ar. Hyattsville (C. & B. Ry.)	8:08 4:58
Lv. Hyattsville (B. & O. R. R.)	8:18 5:08
Ar. Laurel	9:11 4:57
Ar. Annapolis Junct. "	9:18 5:04
Ar. Baltimore (C. & B. Ry.)	9:25 5:11
Ar. Baltimore (Chas. B. & O.)	10:00 5:35
Baltimore to Upper Marlboro	
Lv. Baltimore (Chas. B. & O.)	7:20 4:15
Ar. Annapolis Junct. "	7:27 4:24
Ar. Laurel	7:35 4:32
Ar. Hyattsville (C. & B. Ry.)	7:45 4:45
Ar. Chesapeake Junct. "	8:15 5:05
Ar. Hyattsville (C. & B. Ry.)	8:52 5:10
Ar. Upper Marlboro	9:02 5:20
Ar. Upper Marlboro	9:27 5:35

SUNDAYS ONLY

Schedule of Passenger Service for SUNDAYS ONLY in effect December 19th, 1908

Upper Marlboro to Washington	A. M. P. M.
Lv. Upper Marlboro (C. & B. Ry.)	10:05
Ar. Chesapeake Junct. "	10:40
Ar. Hyattsville (C. & B. Ry.)	11:10
Lv. Hyattsville (B. & O. R. R.)	11:20
Ar. Washington (B. & O. R. R.)	11:35
Washington to Upper Marlboro	
Lv. Washington (B. & O. R. R.)	11:25
Ar. Hyattsville (C. & B. Ry.)	12:01
Ar. Chesapeake Junct. "	12:30
Ar. Upper Marlboro	12:55

This Time Table shows the time at which trains may be expected to arrive at and depart from the stations named, but their arrival and departure at the time and place named are subject to the company's rules and regulations, and the company is not responsible for any delay or any consequences arising therefrom.

OFFICE MEASURES
President and General Manager,
Washington, D. C.

The Town of Upper Marlboro | Theming Options

This document is strictly conceptual. Final design will be dependent on site survey, programming, civil engineering and regulatory requirements.

Option A - All at Once

\$310,000

Scope Includes:

Playground Materials + Install
Site Work to Level Area
Poured-in-Place Surfacing with Stone Base
Wood Borders
4' Tall Metal Fence + Gate
One Shade + Two Benches

NOT IN CURRENT PROPOSAL

Cons:

Higher Up-Front Cost

Pros:

Complete Playground
by Summer 2020
Cost Efficiencies
Less Mobilizations

Scope by Others:

Asphalt Paths
Tree Pruning

Sparks @ Play | Copyright 2019 14

Sparks@Play



The Town of Upper Marlboro | Playground Budget Option A - All at Once

This document is strictly conceptual. Final design will be dependent on site survey, programming, civil engineering and regulatory requirements.

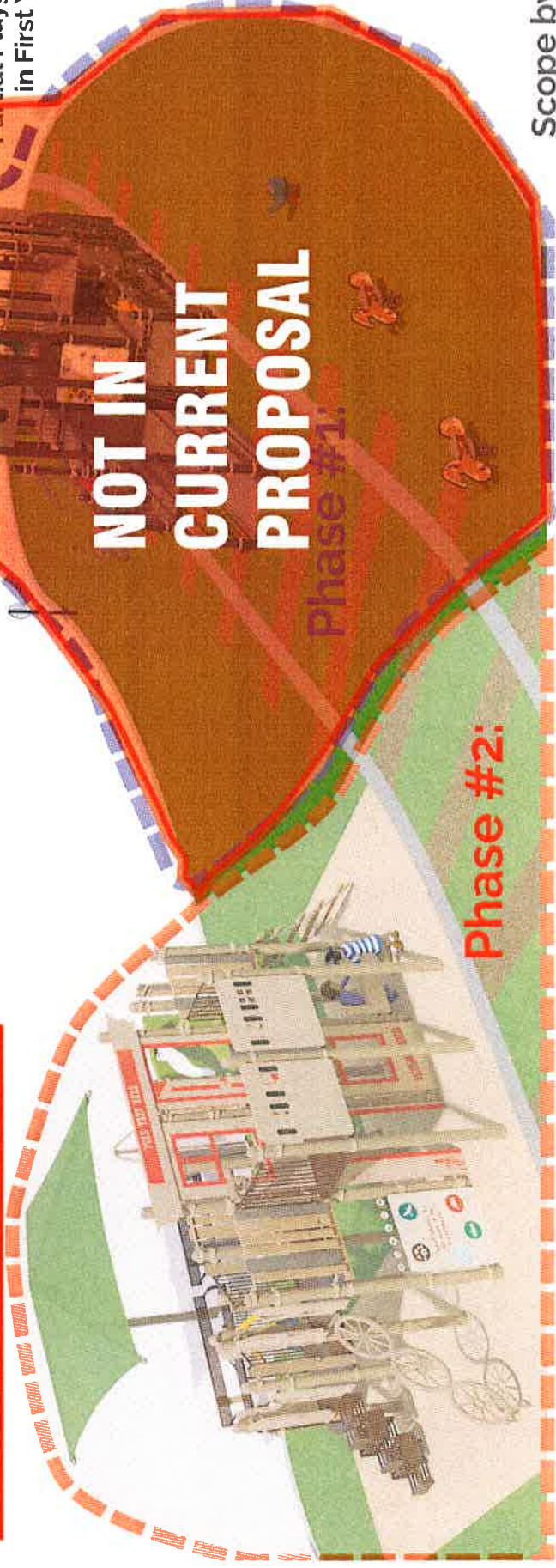
Option B - Phasing

NOT IN: \$190,000
CURRENT PROPOSAL
Phase #1 Scope Includes:
Train Tracks + Install
Site Work to Level Area
Poured-in-Place Surfacing + Stone Base
Wooden Fencing + Gate

Phase #2: \$160,000
Phase #1 Scope Includes:
Depot Playground Materials + Install
Site Work to Level Area
Poured-in-Place Surfacing + Stone Base
Additional Wood Borders
Additional 4' Tall Fence + Gate

Pros:
Ability to Pay over
Two Fiscal Years
Potential Grant
Opportunities next
Year

Cons:
Greater Total Cost
Duplicated Effort
Partial Playground
in First Year



Scope by Others:
Asphalt Paths
Tree Pruning
Sparks @ Play | Copyright 2019 | 15
Sparks@Play



The Town of Upper Marlboro | Playground Budget Option B - Phasing
This document is strictly conceptual. Final design will be dependent on site survey, programming, civil engineering and regulatory requirements.

Option C - Revising Playground Meet a Determined Budget

Next Steps:

Determine a Budget and Identify Available Funds
Revise Playground Scope if Needed
Revise Playground Design to Meet Budget
Reprice and Represent Design

**NOT IN
CURRENT
PROPOSAL**

Possible Revision to Train

Pros:
Completed Playground
in First Year
Efficiencies

Cons:
May Need to Reduce
Playground Design
May Need to Find
Additional Funds
Perhaps Less
Customization

Scope by Others:
Asphalt Paths

Tree Pruning

Sparks @ Play | Copyright 2019. 16

Sparks@Play

The Town of Upper Marlboro | Playground Budget Option C - Revising Playground

This document is strictly conceptual. Final design will be dependent on site survey, programming, civil engineering and regulatory requirements.



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

ORDINANCE: 2020-XX DRAFT
SESSION: Regular Town Meeting
INTRODUCED: XXXXXXXXX
DATE ENACTED: XXXXXXXXX

**AN ORDINANCE TO ESTABLISH PERSONEL GUILDLINES & COMPENSATION FOR THE
EMPLOYEES OF THE TOWN OF UPPER MARLBORO.**

WHEREAS section 82–59 of the town charter (authority to employ personnel). States that the town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or state law and to operate the town government.

WHEREAS section 82–60 of the town charter (compensation of employees). States that the compensation of all officers and employees of the town shall be set from time to time by an ordinance.

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

Section 1. Declaration of Policy

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

Section 2. Scope

- A. All offices and positions of the Town are divided into the exempt services and the career services. The exempt services shall include the following: All elected officials, persons employed as consultants rendering temporary professional services; persons employed part-time or on projects of limited duration; volunteer personnel and personnel appointed to serve without pay.
- B. The career service shall include all other full-time positions in the Town service that are not specifically placed in the exempt service by this Ordinance
- C. When this Ordinance becomes effective, all employees holding positions in the career service shall have career status if they have held their positions for at least three (3) months immediately preceding the effective date of this Ordinance. All employees who have served less than three (3) months, or all new employees of the Town except police, shall become career employees upon

successful completion of three (3) months of probation. The probationary period may be extended for cause by the Town. The following sections of this Ordinance apply only to the career service unless otherwise specifically provided.

Section 3. Positions of the Town

Below are the positions set forth by the Town of Upper Marlboro. The annual operating budget sets the positions to be funded from year to year. It is not a requirement that all positions be funded with the exception of Department heads and the Town Clerk.

A. Positions within the Town Administration Department shall include:

- Chief of Staff *Exempt*
- Director of Finance & Human Resources *Exempt*
- Town Clerk
- Administrative Assistant(s)

B. Positions within the Town's Public Safety Department shall include:

- Chief of Police *Exempt*
- Sergeant
- Corporal(s)
- Patrol Officer(s)
- Code Enforcement Officer(s)
- Police Clerk

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

- Superintendent of Public Works *Exempt*
- Foreman
- Crewmember(s)

D. The President has the authority to appoint or hire subordinate officers and employees of the offices, departments, and agencies of the Town government in accordance with rules and regulations in any merit system which may be adopted by the Board.

Section 4. Hiring of Town Employees

A. Positions Requiring Board Approval:

The Board of Town Commissioners shall approve the appointment of all Town Department & Agency Heads presented by the President for approval. These positions shall include the Chief of Police, the Chief of Staff, and the Superintendent of Public Works.

B. Positions not Requiring Board Approval:

Any Town positions not listed in A of this section are not considered as Department Heads and therefore do not require Board approval.

C. Positions Not Included in the Town Budget

Should the need arise to hire for a Town position not included in the Town's current operating budget, the President shall seek the approval of the Board of Town Commissioners to amend the current operating budget prior to seeking candidates for the position.

Section 5. Political Activities

- A. No employee in the career service shall hold an elected or appointed office in the exempt service.
- B. No official or employee of the Town shall solicit any contributions or service for any political purpose from any employee in the career service.
- C. Nothing herein contained shall affect the right of any employee to hold membership in the support of political party, to vote as he/she chooses, to express himself publicly or privately on all political subjects and candidates, to maintain political neutrality, and to actively participate in political meetings. Such activities must be engaged in as a private citizen and on the employee's own time.

Section 6. Unlawful Acts

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

Section 7. Compensation.

Exhibit A of this Ordinance shall set the compensation of Town Positions and shall be amended from time to time by an Amendment of this Ordinance. The exhibit shall include pay grades or steps for each position to define the amount of compensation an employee will receive based off but not limited to experience, length of employment with the Town, and merit. The Town must inform the employee prior to any changes in pay steps, with the employee accepting or declining the pay step.

Section 8. Penalties

Violation of any provision of this Ordinance may result in disciplinary action on the part of the Town Council up to and including suspension or dismissal.

Section 9. Town Personnel Handbook

The Town's personnel handbook shall contain the Town's employment policies and procedures. The handbook shall be amended and updated from time to time by Resolution. The Board of Town Commissioners may also add policies to the handbook by Resolution as well,

Section 9. Severability Should any part of this Ordinance be held invalid, the Board of Town Commissioners declares that it would have adopted all other provisions notwithstanding such illegality of a part, and all remaining parts shall remain in effect.

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

AYES: _____

NAYES: _____

ABSENT: _____

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

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

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

, President

, Commissioner

M. David Williams, Town Clerk

, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

Tel: (301) 627-6905 info@uppermarlboromd.gov
Fax: (301) 627-2080 www.uppermarlboromd.gov

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

MEMORANDUM

To: Board of Commissioners
From: Kyle Snyder, Chief of Staff
Date: Tuesday—November 22, 2019
Re: Town Parking Enforcement Vendor

Dear Commissioners,

As you are aware the Town had approved the purchase of parking meters from IPS Parking Solutions and installed the 123 parking meters throughout the Town. After their installation, Town staff have been discussing the possibility of the Town switching its Parking Enforcement System from its current provider, Passport Parking, to IPS's System.

Background:

The Town has been utilizing Passport Parking LLC as the Parking Enforcement software/equipment provider since August 2017. Prior to Passport, the Town utilize carbon-copy parking citations and a Microsoft Access Database built by the Town's past IT vendor to track the citations. Upgrading the Parking Enforcement system to Passport allowed the Town to issue printed tickets using a cellphone or tablet and a Bluetooth thermal printer, a more user-friendly citation database, and allowed the Town to accept ticket payments online. There was no upfront cost to the Town with Passport Parking, as they collected a fee from each parking citation paid.

Passport Pros & Cons:

Con: Does not communicate with State MVA to Flag outstanding citations
Con: Does not sent out-of-state Citations to a collection agency
Con: Does not communicate/integrate with Town's parking meters.
Con: Passport Enforcement App can only be installed on Android phones
Pro: No major issues or complains with current citation database or online payments

IPS Parking Pros & Cons:

Con: Upfront cost of \$2,000
Pro: Intergrades with the IPS Parking meters the Town currently uses
Pro: Enforcement App can be installed on Apple & Android Phones
Pro: Cheaper fees as citations are paid

Linda Pennoyer
Commissioner/ Treasurer

Kai Bernal-LeClaire
Commissioner

Wanda M. Leonard
Commissioner/ President