

# Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

---

## Board of Town Commissioners

### WORK SESSION

Tuesday, September 24, 2019 – 7:00 p.m.

### AGENDA

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

#### Roll Call

#### Pledge of Allegiance

#### Commissioner & Staff Reports

- Commissioner Leonard
- Commissioner Pennoyer
- President Turner
- Clerk's Office

#### Business

- 1) Resolution 2019-08: Town Position on CR- 072-2019  
— Board discussion and vote
- 2) Resolution 2019-10: To Lease Police Vehicles  
— Board discussion and vote
- 3) Public Comment Procedures (Board discussion)
- 4) General/Administration issues

#### 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](mailto:info@uppermarlboromd.gov)). You are always welcome to schedule an appointment with the President or a Commissioner to discuss municipal problems and quality-of-life issues one-on-one, and work together towards a satisfactory solution.

Agendas for meetings are posted on our website and 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.**

## **The Town of Upper Marlboro**

RESOLUTION: 2019-08 **DRAFT**  
SESSION: Regular Board Work Session  
DATED: September 24, 2019

### **A RESOLUTION OPPOSING A PROPOSED MINOR AMENDMENT TO THE 2010 PRINCE GEORGE'S COUNTY HISTORIC SITES AND DISTRICTS PLAN TO REMOVE THE OLD MARLBORO PRIMARY SCHOOL AND THE OLD MARLBORO HIGH SCHOOL FROM THE PLAN**

**WHEREAS**, the County Council of Prince George's County has adopted Resolution No. CR-72-2019 resolving to commence the process to amend the *2010 Prince George's County Historic Sites and Districts Plan* to remove the Old Marlboro Primary School and the Old Marlboro High School, and thereby stating its findings that said amendment is authorized pursuant to Section 27-642 of the County Code because the proposed amendment: (1) is limited to specific issues regarding public planning objectives; and (2) does not constitute an amendment which would require ...[certain] analysis; and

**WHEREAS**, fifteen (15) individual historic properties in Upper Marlboro are protected by the County's preservation ordinance, which authorizes the nine-member county historic preservation commission to evaluate proposed historic sites, and since 1992, a number of properties have been surveyed and documented as historic, but the properties can only be listed as historic sites through a master/functional plan amendment to add them to the inventory of historic resources; however, in 2008 a new provision was added to the historic preservation ordinance to expedite and streamline the process by allowing such documented properties to be added to the inventory as historic sites upon public hearing by the historic preservation commission, followed by a joint public hearing by the Planning Board and District Council; and

**WHEREAS**, the Historic Preservation Ordinance also authorizes the Historic Preservation Commission (HPC) to review proposed work on historic sites and structures identified in the 1992 Historic Sites and Districts Plan, and the ordinance (Subtitle 29 of the Prince George's County Code) applies to designated historic sites and districts and requires that a Historic Area Work Permit (HAWP) be obtained from the Historic Preservation Commission for (1) alterations of or new construction on these designated properties; (2) any grading, excavating, or construction that substantially modifies the environmental setting of a designated property; (3) the erection of signs on a designated property; or (4) the demolition of a designated property; and

**WHEREAS**, the *Upper Marlboro Action Plan* published in 2009 by the Maryland-National Capital Park and Planning Commission (M-NCPPC) recommended in Action Item 7 that a study of the potential for adaptive reuse of historic buildings in the Town and that the Old Marlboro Academy appeared to be a prime candidate for adaptive reuse and could serve as an important civic use for the Town, and that any historic building considered for adaptive reuse should be documented prior to rehabilitation through measured drawings and large format photography that conforms to the standards of the Historic American Buildings Survey (HABS); and

**WHEREAS**, after apparently acquiescing to demands from certain state officials to modify its original intent to include the Beanes' Cemetery tomb (Historic Site 79-019-22) as part of its proposed amendment to remove all of the subject property's historic sites from the plan, on July 23, 2019, the

County Council of Prince George's County sitting as the District Council adopted Resolution CR-072-2019 for the purpose of initiating a Minor Amendment to the 2010 Prince George's County Historic Sites and Districts Plan to remove the Old Marlboro Primary School (Historic Site 79-019-51) and the Old Marlboro High School (Historic Site 79-019-52) from the functional plan (the "Minor Amendment"), which guides and controls certain zoning and land use decisions in the County; and

**WHEREAS**, during the War of 1812, Upper Marlborough, as it was then spelled, was twice occupied by the British Army and initially on the 22nd of August 1814 when British Major General Ross, who selected the home of Dr. Beanes, a veteran of the Revolutionary War, as his headquarters now occupied by the Old Marlboro High School building, and there remained until the afternoon of the next day, when, following a council of war held on Academy Hill with Admiral Cockburn, resolved to march via Bladensburg, to capture and burn Washington; and

**WHEREAS**, upon their arrival, the British found the Town to be deserted, except for Dr. Beanes, who showed the enemy every hospitality but primarily stayed for the occupation to protect the Maryland State Records that were ironically, temporarily entrusted to him and stored at his premises because it was forecasted that the British would likely invade and burn Annapolis; and

**WHEREAS**, when the British forces withdrew from Prince George's County to board ships and invade Baltimore, six British stragglers became involved in an altercation with the elderly Dr. Beanes at his home on Academy Hill, who had the soldiers arrested, charged with disturbing the peace and jailed, but one of them escaped, returned to the fleet and informed General Ross, who had Beanes brutally arrested and confined aboard ship; and

**WHEREAS**, to secure the release of prisoner Dr. Beanes, that September, 1814, President Madison commissioned Georgetown attorney Francis Scott Key to visit the British Fleet and negotiate a release, but instead he was detained aboard ship along with Dr. Beanes until after the attack on Baltimore, and the two along with Colonel John Skinner, the U.S. prisoner exchange agent, witnessed the bombardment of Fort McHenry on the 13<sup>th</sup> and 14<sup>th</sup> of September, during which Key was inspired to write "The Star-Spangled Banner;" and

**WHEREAS**, Baltimore, Maryland known as the birthplace of "The Star-Spangled Banner," thus owes the county seat of Prince George 's County, and the subject Academy Hill property where Dr. Beanes and his wife still rest to this day, which Maryland's only metropolis and the entire nation so fittingly celebrates, and which is an event and piece of sacred land that inseparably links the name of Dr. Beanes with that of Francis Scott Key, the author of our National Anthem, with the occasion of his inspiration; and

**WHEREAS**, in 1999, the alumni of the Upper Marlboro High School placed a plaque on Academy Hill stating that "[o]n this site the Marlboro Academy was established in 1835. This began 150 years of education as the Marlboro Academy, the Upper Marlboro High School and the Upper Marlboro Elementary School;" and

**WHEREAS**, the Board of Commissioners finds that the historic significance of the property known as 14254 Elm Street in Upper Marlboro or Academy Hill once owned and occupied by Dr. William Beanes and his wife, Sarah, who was the niece of President John Hanson, under the Articles of Confederation, reflects the very spirit, freedoms and direction articulated in the Declaration of Independence, that this Nation is founded upon and reflects its historic heritage and further highlights the vital contributions and sacrifices that Maryland's citizens, soldiers and militia gave the fledgling republic

known as the United States of America; and

**WHEREAS**, the Board of Commissioners further finds that the historical, cultural and architectural integrity of the Town and Dr. Beanes' legacy should be preserved as a unique and important aspect of its past and future sustainability which enhances and ensures the quality of life of its residents and visitors no less today than in 1814 when a British annalist, who was accompanying the invading army wrote, "It was one o'clock when the neat houses and pretty gardens of Marlborough presented themselves to our view. I know not whether the scene would strike me now as it struck me then, were I again to visit it; but at that moment I imagined that I had never looked upon a landscape more pleasing, or more beautiful. The gentle green hills which on either hand enclosed the village, tufted here and there with magnificent trees, the village itself, straggling and wide, each cottage being far apart from its neighbors and each ornamented with flower beds and shrubberies; these, with a lovely stream which wound through the valley, formed, as far as my memory may be trusted, one of the most exquisite panoramas, on which it has ever been my good fortune to gaze;"; and

**WHEREAS**, the Prince George's County Historic Preservation Commission (HPC) is responsible for protecting properties listed on the Inventory of Historic Resources in the Prince George's County Historic Sites and Districts Plan, and the HPC was created in 1982 following the Planning Board's adoption and the County Council's approval of the Historic Sites and Districts Plan in 1981 whereby the HPC is empowered through Subtitle 29 of the County Code to evaluate historic resources for designation as historic sites or historic districts; to review and approve plans for exterior alteration, demolition, or new construction; and to prevent demolition by neglect of historic resources; and

**WHEREAS**, the Prince George's County Inventory of Historic Resources is based on a series of surveys first performed by M-NCPPC from 1973–1975 and then updated by the Prince George's County Historic Preservation Commission (HPC) for the 1981 and 1992 Historic Sites and Districts Plans, whereby a property included in this inventory is considered a historic resource, but is not necessarily protected under the County's Historic Preservation Ordinance, however, properties listed in the inventory become fully protected by the County's historic preservation ordinance only after evaluation at a public hearing and a finding that they meet ordinance-based criteria for designation as historic sites; and

**WHEREAS**, as indicated, the HPC may designate a property listed in the County Inventory of Historic Resources as a historic site or historic district if the property meets specific criteria of architectural or historical significance, and the process for designation involves preparing a research report documenting the history and architectural characteristics of the building or district; and

**WHEREAS**, in 2007, a cultural resources firm, EHT Traceries, assessed the integrity of the two historic buildings on Academy Hill in terms of material, workmanship, design, location, setting, feeling and association and gave an overall integrity rating of "high" for the Old Marlboro High School; and

**WHEREAS**, on May 8, 2015 a report was prepared by Bell Architects, PC for M-NCPPC entitled as the "Old Marlboro High School Historic Building Assessment and Treatment Plan," attached hereto and incorporated herein as Exhibit A, and said plan recommended urgent repairs needed for the roofs, roof drains and gutters and other repairs to maintain the building's security; and

**WHEREAS**, on September 16, 2019, the HPC concluded that "...there is no basis for determining that either building [on Academy Hill] is less significant today than at the time of their designation as historic sites in 2010," and has recommended that the District Council deny the proposed Minor Amendment; and

**WHEREAS**, according to a staff report on the subject proposed amendment from M-NCPPC to HPC dated September 9, 2019, after listing the Old Marlboro High School on its list of “Properties of Concern” on October 18, 2011 and later attempts by the HPC in 2018 to preserve the physical integrity and enhance the maintenance of the subject historic sites by urging the Office of Central Services to take action, the HPC was informed by the County that no additional funds would be expended on the building; and

**WHEREAS**, according to the *Upper Marlboro Action Plan* (p. 67) a need exists for marketing the Town’s historic assets such as Darnall’s Chance, which suffers from the lack of weekend visitors, and although the historic site is open on weekends, there are no other attractions to lure visitors and tourists to the community (e.g., restaurants and retail uses), and the Town needs to find ways to attract larger audiences to its historic resources by increasing general amenities in the Town to help increase attendance at historic sites; and

**WHEREAS**, the Board of Town Commissioners finds that any changes to be made to the subject designated historic sites and/or the Academy Hill property by the County Council, sitting as the District Council, as both the property owner and the zoning regulatory authority, without a validly issued HAWP or reasonable application of the criteria found in Section 29-104 of the Historic Preservation Ordinance is an attempt to circumvent the processes placed therein to preserve the Town’s historic significance and protect the health, safety and welfare of the Town and the public; and

**WHEREAS**, the Board of Town Commissioners further finds that certain officials of Prince George’s County appear to have breached their fiduciary duty by irresponsibly, unethically and illegally permitting demolition by neglect of the Old Marlboro High School and Primary School despite the existing County ordinance enforcement mechanisms provided in Section 29-113 *et seq.* of County Code that have been available to address neglect and waste committed by an owner of historic properties, and that the HPC has remained powerless to fulfill its statutory duty of holding the County Government (the landowner) accountable for abating the waste and neglect to the property since the Director of Permitting, Inspections, and Enforcement of Prince George’s County is legally delegated this responsibility; and

**WHEREAS**, as in the case of Historic Site 79-019-22 (Doctor William and Sarah Beanes Cemetery), *See* Maryland Historical Trust Maryland Inventory of Historic Properties Forms, No. PG: 79-019-22, 79-019-51 and 79-019-52), attached hereto and incorporated herein as Exhibit B (1, 2, & 3), the Board of Town Commissioners finds that their historic and cultural significance is unchanged and questions the finding in CR-72-2019 “that there is a need to reevaluate the designation of Historic Sites 79-019-51 and 79-019-52 for removal from the *2010 Prince George’s County Historic Sites and Districts Plan*”; and

**WHEREAS**, the Board of Town Commissioners further finds that the County has not indicated any “specific issues regarding public planning objectives” as required by the County Code and that pursuant to State Law the proposed Minor Amendment is not reasonable and appropriate to the purposes of protecting the historical, archaeological, architectural, or cultural heritage areas in the Town of Upper Marlboro and Prince George’s County that comprises a portion of the regional district, and the proposed amendment does not preserve and enhance the quality of life in the community.

**NOW, THEREFORE BE IT RESOLVED THAT**, the Town Board of Commissioners hereby opposes the proposed Minor Amendment to the *2010 Historic Sites and District Plan for Prince*

*George's County* to remove the Old Marlboro Primary School and the Old Marlboro High School or to otherwise declassify Historic Sites 72-019-51 and 72-019-52 and remove them from the protections and requirements of the County's Historic Preservation Ordinance for the above stated reasons; and

**BE IT FURTHER RESOLVED THAT**, the Town Board of Commissioners authorizes the President to sign this Resolution on behalf of the Board and directs that an original thereof shall be transmitted by U.S. Mail and electronic mail to the Clerk of the County Council by no later than October 2, 2019 for placement into the public record of the joint hearing for said Minor Amendment (CR-72-2019).

**PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular public 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 September 2019.

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

Copy to: (1) The Honorable Mike Miller, President of the Maryland Senate;  
(2) The Honorable Michael A. Jackson, Delegate, District 27B, Chairman of the Prince George's County Delegation to the General Assembly of Maryland;  
(3) The Honorable Sheila R. Tillerson Adams, the Chief Administrative Judge of the Circuit Court of Prince George's County;  
(4) The Honorable Angela Alsobrooks, Prince George's County Executive;

- (5) The Honorable John Peter Thompson, Chair, the Prince George's County Historic Preservation Commission;
- (6) Ms. Elisabeth A. Hughes, Director, The Maryland Historical Trust;
- (7) Mr. Howard S. Berger, Supervisor, the Prince George's County Historic Preservation Section of the Maryland-National Capital Park and Planning Commission; and
- (8) Ms. Donna Schneider, President, The Prince George's County Historical Society



**Exhibit A**

Prince George's County Planning Department  
of the  
Maryland-National Capital Park and Planning Commission

**Old Marlboro High School  
Historic Building Assessment and Treatment Plan**

**May 8, 2015**

**BELL Architects, PC**  
1228 9<sup>TH</sup> Street NW  
Washington DC 20001

**AB Consulting, Inc.**  
9450 Annapolis Road  
Lanham, MD 20706

**Silman**  
1053 31<sup>st</sup> Street NW  
Washington, DC 20007

**Tidewater, Inc.**  
6625 Selnick Drive, Suite A  
Elkridge, MD 21075

**Exhibit B #1****Maryland Historical Trust  
Maryland Inventory of  
Historic Properties Form**

Inventory No. PG: 79-019-22

**1. Name of Property** (indicate preferred name)

historic Doctor William and Sarah Beanes Cemetery

other

**2. Location**street and number 14554 Elm Street ☐ not for publicationcity, town Upper Marlboro ☐ vicinity

county Prince George's

**3. Owner of Property** (give names and mailing addresses of all owners)

name Prince George's County

street and number 14741 Governor Oden Bowie Drive telephone

city, town Upper Marlboro state MD zip code 20772

**4. Location of Legal Description**

courthouse, registry of deeds, etc. Prince George's County Courthouse liber 4411 folio 183

city, town Upper Marlboro tax map 101 tax parcel 25 tax ID number 03-0192302

**5. Primary Location of Additional Data**

- ☐ Contributing Resource in National Register District  
☐ Contributing Resource in Local Historic District  
☐ Determined Eligible for the National Register/Maryland Register  
☐ Determined Ineligible for the National Register/Maryland Register  
☐ Recorded by HABS/HAER  
☐ Historic Structure Report or Research Report at MHT  
☒ Other: Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department

**6. Classification**

Category	Ownership	Current Function	Resource Count
<input type="checkbox"/> district	<input checked="" type="checkbox"/> public	<input type="checkbox"/> agriculture	Contributing
<input type="checkbox"/> building(s)	<input type="checkbox"/> private	<input type="checkbox"/> landscape	Noncontributing
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> commerce/trade	<input type="checkbox"/> buildings
<input checked="" type="checkbox"/> site		<input type="checkbox"/> defense	<input type="checkbox"/> sites
<input type="checkbox"/> object		<input type="checkbox"/> domestic	<input type="checkbox"/> structures
		<input type="checkbox"/> education	<input type="checkbox"/> objects
		<input checked="" type="checkbox"/> funerary	<input type="checkbox"/> Total
		<input type="checkbox"/> government	
		<input type="checkbox"/> health care	
		<input type="checkbox"/> industry	
		<input type="checkbox"/> recreation/culture	
		<input type="checkbox"/> religion	
		<input type="checkbox"/> social	
		<input type="checkbox"/> transportation	
		<input type="checkbox"/> work in progress	
		<input type="checkbox"/> unknown	
		<input type="checkbox"/> vacant/not in use	
		<input type="checkbox"/> other:	

Number of Contributing Resources previously listed in the Inventory

1

**Exhibit B #2****Maryland Historical Trust  
Maryland Inventory of  
Historic Properties Form**

Inventory No. PG: 79-019-51

**1. Name of Property** (indicate preferred name)

historic Old Marlboro Primary School

other

**2. Location**

street and number 14554 Elm Street not for publication

city, town Upper Marlboro vicinity

county Prince George's

**3. Owner of Property** (give names and mailing addresses of all owners)

name Prince George's County

street and number 14741 Governor Oden Bowie Drive telephone

city, town Upper Marlboro state MD zip code 20772

**4. Location of Legal Description**

courthouse, registry of deeds, etc. Prince George's County Courthouse liber 4411 folio 183

city, town Upper Marlboro tax map 101 tax parcel 25 tax ID number 03-0192302

**5. Primary Location of Additional Data**

- ☐ Contributing Resource in National Register District  
☐ Contributing Resource in Local Historic District  
☐ Determined Eligible for the National Register/Maryland Register  
☐ Determined Ineligible for the National Register/Maryland Register  
☐ Recorded by HABS/HAER  
☐ Historic Structure Report or Research Report at MHT  
☒ Other: Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department

**6. Classification**

Category	Ownership	Current Function	Resource Count
<input type="checkbox"/> district	<input type="checkbox"/> public	<input type="checkbox"/> agriculture	Contributing
<input checked="" type="checkbox"/> building(s)	<input checked="" type="checkbox"/> private	<input type="checkbox"/> commerce/trade	Noncontributing
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> landscape	1
<input type="checkbox"/> site		<input type="checkbox"/> recreation/culture	buildings
<input type="checkbox"/> object		<input type="checkbox"/> defense	sites
		<input type="checkbox"/> domestic	structures
		<input type="checkbox"/> education	objects
		<input type="checkbox"/> funerary	1
		<input type="checkbox"/> government	0
		<input type="checkbox"/> health care	Total
		<input checked="" type="checkbox"/> industry	
		<input type="checkbox"/> unknown	
		<input checked="" type="checkbox"/> vacant/not in use	
		<input type="checkbox"/> other:	
			Number of Contributing Resources previously listed in the Inventory
			1

# Maryland Historical Trust

## Maryland Inventory of Historic Properties Form

Inventory No. PG: 79-019-52

### 1. Name of Property (indicate preferred name)

historic Old Marlboro High School

other

### 2. Location

street and number 14524 Elm Street \_\_\_ not for publication

city, town Upper Marlboro \_\_\_ vicinity

county Prince George's

### 3. Owner of Property (give names and mailing addresses of all owners)

name Prince George's County

street and number 14741 Governor Oden Bowie Drive telephone

city, town Upper Marlboro state MD zip code 20772

### 4. Location of Legal Description

courthouse, registry of deeds, etc. Prince George's County Courthouse liber 4411 folio 183

city, town Upper Marlboro tax map 101 tax parcel 25 tax ID number 0192302

### 5. Primary Location of Additional Data

- ☐ Contributing Resource in National Register District  
☐ Contributing Resource in Local Historic District  
☐ Determined Eligible for the National Register/Maryland Register  
☐ Determined Ineligible for the National Register/Maryland Register  
☐ Recorded by HABS/HAER  
☐ Historic Structure Report or Research Report at MHT  
☒ Other: Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department

### 6. Classification

Category	Ownership	Current Function	Resource Count
<input type="checkbox"/> district	<input checked="" type="checkbox"/> public	<input type="checkbox"/> agriculture	Contributing
<input checked="" type="checkbox"/> building(s)	<input type="checkbox"/> private	<input type="checkbox"/> commerce/trade	<u>1</u>
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> defense	<input type="checkbox"/> Noncontributing
<input type="checkbox"/> site		<input type="checkbox"/> domestic	<input type="checkbox"/> buildings
<input type="checkbox"/> object		<input type="checkbox"/> education	<input type="checkbox"/> sites
		<input type="checkbox"/> funerary	<input type="checkbox"/> structures
		<input type="checkbox"/> government	<input type="checkbox"/> objects
		<input type="checkbox"/> health care	<u>1</u> <u>0</u> Total
		<input type="checkbox"/> industry	
		<input checked="" type="checkbox"/> vacant/not in use	
		<input type="checkbox"/> other:	
			Number of Contributing Resources previously listed in the Inventory
			<u>1</u>

## The Town of Upper Marlboro

RESOLUTION: 2019-10 **DRAFT**  
SESSION: Regular Town Meeting  
DATE: September 24, 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 public 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



# Town of Upper Marlboro

Town Hall, 14211 School Lane  
Upper Marlboro, MD 20772

Tel: (301) 627-6905 [info@uppermarlboromd.gov](mailto:info@uppermarlboromd.gov)  
Fax: (301) 627-2080 [www.uppermarlboromd.gov](http://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: Friday September 20, 2019  
Re: Town Public Comment Procedures & Legislative Timelines

Dear Commissioners,

Town Staff have taken the initiative to research best practices for Public Comment during Town meetings. Below are the staff recommendations for Public Comment for the Board to consider, as well as an outline of recommended timelines for Ordinances and Resolutions.

### Agenda Item Comments

The public has the opportunity to provide up to two minutes of public comment before the business section of the agenda during a Town meeting. This section of comment is strictly regarding agenda items up for Board discussion and/or vote prior during the meeting. This allows the Board to hear public comment prior to taking any votes, while keeping the meeting orderly. The Town Clerk has requested that the public be asked to sign up to speak on this type of Public Comment only. The speaking time can be extended by the Board depending on number of attendees and other factors.

### General Public Comments

This section of Public comment is located at the end of the agenda and allows residents to speak up to three minutes on and Town-related business, including the agenda business items. The speaking time can be extended by the Board depending on number of attendees and other factors.

### Online Public Comments

The Town staff will publish and advertise a SurveyMonkey form for residents to provide online public comment on proposed Ordinances. This survey is usually open from the date of the Town meeting and radiance is introduced until the following board worksession (approximately two weeks). It appears the Town of Upper Marlboro may be the only municipality in the County to accept online public comment.

**Linda Pennoyer**  
Commissioner/ Treasurer

**Kai Bernal-LeClaire**  
Commissioner

**Wanda M. Leonard**  
Commissioner/ President

### Recommended Timeline for a Town Ordinance

*Town Staff recommend that a Town Ordinance should go before the Board at least four times, with two in-person opportunities for the public to comment, and the option to provide comments online. This would allow the Board, Staff, and public the opportunity to fully understand the legislation and allow for good public comment.*

Worksession #1: Town Staff present a draft Ordinance for discussion. Edits/revisions from the Board are made, and the Ordinance is revised as needed prior to introduction.

Town Meeting #1: Board introduces Ordinance (1<sup>st</sup> Reading), with opportunity for Public Comment during both “Agenda Item Comment” and “General Public Comment” sessions.

Board Worksession #2: Town Staff provide Board with any online comments for discussion on the Ordinance.

Town Meeting #2: Board accepts public comment during “Agenda Item Comments” prior to any vote, 2<sup>nd</sup> Reading of Ordinance is done, and the Ordinance is put to a vote.

### Recommended Timeline for a Town Resolution

*Town Staff recommended that Resolutions go before the Board at least twice, with at least one in-person opportunity for Public Comment. The Board could direct staff to have resolutions be made available for online public comment as well.*

Worksession #1: Town Staff present a topic or item before the Board for discussion, for example purchase of new equipment. Proper Town staff would be in attendance to answer any questions from the Board. Should the Board agree to move forward, a resolution would be drafted for the following Town meeting.

Town Meeting #1: Board Introduces Resolution, opportunity for Public Comment prior to Board Vote.

### Publishing of Agendas & Packets Online:

Town Staff work with the intent to have the proposed meeting agenda posted by Thursday prior to the meeting, and the meeting packet published the Friday prior to the meeting. This allows the Commissioners and public to review all items, reach out to staff with technical questions, and prepare any designed comment well in advance. The Town of Upper Marlboro is one of the few municipalities in the County to publish meeting packets online for public viewing. Items marked “Confidential” in the Commissioner’s packet are the only items not published in the public meeting packets. These items are for the most case subject to MPIA requests if the public wishes to view them.

Should any Commissioners or Staff have an item they wish to be placed on an agenda, please reach out to the President and the Chief of Staff with the request. If possible, please request at least one week from the meeting so that staff can plan or prepare any needed documentation for the packets.