



Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Board of Town Commissioners

WORK SESSION

December 28, 2021 – 7:00 p.m.

AGENDA

This meeting will be conducted via Zoom Video Teleconference. As the Town Hall remains closed to the general public at this time, interested citizens may participate by video:

<https://uppermarlbormd-gov.zoom.us/j/89955612457?pwd=OU84VXNmTWxTMDdsYXZ1d0RTN08rUT09>

Video Meeting ID: 899 5561 2457, Passcode: 637917 or,

Audio Dial-in only: 301 715 8592 *Participants must sign-in with the Clerk*

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

7:00 PM - Roll Call

Pledge of Allegiance

Business

- 1) 2021/2022 Board Priorities (Board Discussion)
- 2) 2022 Town Event Calendar (Board Discussion)
- 3) Resolution 2022-01 Check Signing Authorization (Board Discussion)
- 4) FY2022 Mid-Year Budget Adjustment (Board Discussion)
- 5) Resolution 2022-02 Designation of Residential Speed Areas Old Crain Hwy & Old Marlboro Pike (Board Discussion)
- 6) Town Meeting Dates & Resolution 2022-03 Meeting Protocol (Board Discussion)
- 7) Road Engineering Firm RFP Discussion (Board Discussion)
- 8) Town Vaccine Policy (Board Discussion)

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*

Sarah Franklin
President

Janice Duckett
Commissioner/Treasurer

Thomas Hanchett
Commissioner

Karen Lott
Commissioner

PUBLIC COMMENT PROCEDURES

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

Agendas for meetings are posted on our website and 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.

When the meeting is held on a virtual platform, please sign-in with your first and last name.



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarlbormd.gov
www.uppermarlbormd.gov

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

MEMORANDUM

TO: Linda Pennoyer, President
Janice Duckett, Commissioner
CC: Kyle Snyder, Town Administrator
FROM: Sarah Franklin, Commissioner
DATE: February 12, 2021
SUBJECT: Budgeting Priorities Discussion



As we enter budget season, I would like to suggest that we discuss our joint priorities as a commission. This will help us to focus as we make decisions on how to allocate monies for Fiscal Year 2022.

To that end, I have put together a DRAFT of five priorities that I have seen all three of us sharing over the last few months. I put this out simply as a starting point for our discussion so that we can determine what to add or subtract from this list together.

Overarching Goal: To ensure the sustainability of the Town into the future.

Priorities:

1. A Sustainable Government. The Commission wishes to have policies and procedures in place to ensure the Town is following best practices. A sustainable government includes a budget in which recurring expenses are relatively equal to recurring revenues and capital improvements are planned for and budgeted.
2. Expanded Town Boundaries. The Commission wishes to expand the Town's boundaries to improve public participation and ensure its long-term sustainability.
3. Flooding mitigation and safety. The Commission wishes to ensure safe travel during storm events.
4. Safe and modern roadways. The Commission wishes to see the Town's roadways paved, modernized, and connected for multiple modes of transit. The commission seeks to improve safety for all, but particularly our youngest residents.
5. Increased recreation opportunities. The Commission wishes to strengthen the Upper Marlboro Community with more recreation opportunities for residents creating spaces and events that serve as gathering places.



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To: Board of Town Commissioners
From: Sarah Franklin, President & Events Committee
Date: Tuesday December 21st, 2021
Re: Town of Upper Marlboro Events Calendar

Commissioners,

All dates here are PROPOSED dates. Generally based on the Event's Committee's policy of keeping events on the Second Saturday of the month. (This was decided as a marketing technique to allow people to think of the second Saturday as the day there will be Town Events)

January	22 nd Volunteer Appreciation Event (Town)
February	
March	
April	9 th Poetry Event (Arts Council)
May	14 th Marlboro Day 18 th & 25 th Farmer's Market (Green Team) 30 th Memorial Day (Town)
June	11 th Movie Night 1 st , 8 th , 15 th , 22 nd , 29 th Farmer's Market (Green Team)
July	9 th Movie Night 6 th , 13 th , 20 th , 27 th Farmer's Market (Green Team)
August	13 th Movie Night ? National Night Out (support CSA23 Event) 3 rd , 10 th , 17 th , 24 th , 31 st Farmer's Market (Green Team) ? Cruzin' on Main (Ledo's/MVFD Event)
September	10 th Movie Night ? Crain Highway Memorial Centennial (Historic Committee) 7 th , 14 th , 21 st , 28 th Farmer's Market (Green Team)
October	1 st National Faith in Blue (Public Safety) 5 th , 12 th , 19 th , 26 th Farmer's Market (Green Team) 29 th Trunk-or-Treat
November	11 th Veteran's Day (Town?)
December	3 rd Holiday Event

Additional Events that I don't know the month for:

- Happy Leaf Festival (Fall, but not sure the best month)
- Blood Drives are held quarterly, next drive is Friday January 21st
- Ribbon cutting for Upper Marlboro Community Playground

The Town of Upper Marlboro

RESOLUTION: 2022-01

SESSION: Regular Town Meeting

DATED: January 14th, 2020

A RESOLUTION FOR THE PURPOSE OF DESIGNATING THOSE PERSONS IN ADDITION TO THE TREASURER WHO SHALL BE AUTHORIZED TO SIGN CHECKS, CERTIFICATES OF DEPOSIT AND OTHER BANK INSTRUMENTS ISSUED ON BEHALF OF THE TOWN WHEN THE NEED ARISES AND THE TREASURER IS UNAVAILABLE, AND ESTABLISHING THE DOLLAR AMOUNT ABOVE WHICH ALL CHECKS MADE PAYABLE BY THE TOWN SHALL BE ISSUED AND SIGNED BY THE TREASURER AND PRESIDENT OR TWO (2) OTHER PERSONS DESIGNATED HEREIN OF WHICH AT LEAST ONE (1) IS TO BE A COMMISSIONER.

WHEREAS, Charter Section 82-46 of The Town of Upper Marlboro, as amended by Charter Amendment Resolution 01-2012 effective October 31, 2012, requires that all checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer, and that the Board of Commissioners may further authorize persons other than the Treasurer when the need arises and the Treasurer is unavailable to sign checks issued by the Town, and furthermore, the Board shall establish a dollar amount above which all checks must be co-signed by the Treasurer and President, or in their absence, two (2) other designated persons of which at least one (1) shall be a commissioner; and

WHEREAS, the Town Commissioners wish to carry out the intent of said Charter Section 82-46 by naming the designated persons to sign checks when the need arises, and the Treasurer is unavailable and establish the dollar amount above which checks require two authorized signatures.

WHEREAS, the Town Election conducted on November 2nd, 2021 has resulted in a change in the members of the Board of Town Commissioners, specifically the Commissioner designated and named in Resolution 2020-20 as an authorized alternate signer of checks in the absence of the President, and/or, the Treasurer.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this _____ day of _____, 2021, that Commissioner Janice Duckett, who is the duly appointed Treasurer, is authorized to sign any forms, contracts, or agreement on behalf of the Town for the establishment of safety deposit boxes and general banking and financial services for the Town, to include checking and savings accounts, CDs, money market accounts and other similar financial and investment instruments, and to perform all general activities associated therewith to, including serving as the required signatory or authorized individual on all checks, deposits, withdrawals and fund transfers as needed and in accordance with the Town's Charter and fiscal policies, and be it

FURTHER RESOLVED, that **President Sarah Franklin** shall serve as substitute or additional signatory on all checks, deposits, withdrawals and fund transfers in the event there is a need and the Treasurer is unavailable, provided that all checks above \$5,000.00 made payable by the Town shall be issued and co-signed by the Treasurer and President, and if either or both or their unavailability or incapacities, the following two (2) other designated persons shall so serve of which at least one (1) is a commissioner: 1.) **Commissioner XXXXXX XXXXXX**, and 2.) Town Administrator Kyle Snyder, and be it

FURTHER RESOLVED, that this Resolution will supersede **Resolution 2020-20** immediately upon the date of its passage, and be it

FURTHER RESOLVED, that any financial institution doing business with the Town is hereby authorized to honor, receive, certify, or pay all checks, CDs or other instruments signed by persons as authorized by the Town Charter and this Resolution, and be it

FURTHER RESOLVED, that the foregoing Resolution and designation of persons authorized to sign checks or other instruments pursuant hereto, shall remain in full force and effect until written notice of its amendment, modification or repeal, shall have been received by the Town's banks or financial institutions and that receipt of such notice shall not affect any action taken by a financial institution prior thereto, and be it

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

Town of Upper Marlboro
FY2022 Budget
July 2021 - June 2022
REVENUE

BUDGET DESCRIPTION	FY2022 BUDGET	FY2022 ACTUAL
Fines, Licenses & Permits		
6154 Franchise Fee	\$13,000.00	\$11,500.96
6280 Trader's License Fees	\$500.00	\$
6350 Town Permits	\$1,700.00	\$1,580.00
6351 Food Trucks	\$1,000.00	\$
6352 Business License	\$10,000.00	\$23,100.00
6354 Room Rental	\$669.00	\$
6355 Parking Meters	\$174,000.00	\$54,042.00
6381 Parking Fines/Penalties	\$35,000.00	\$14,327.70
6383 Red Light Camera	\$	\$
6550 Pub/Edu/Govt Broadcasting	\$5,000.00	\$2,266.31
TOTAL	\$240,869.00	\$106,816.97

Intergovernmental		
6240 Financial Corporation Tax	\$9,145.00	\$9,144.52
6260 Highway User Fee	\$27,725.00	\$17,799.97
6310 Disposal Fee Rebate	\$1,750.00	\$519.00
TOTAL	\$38,620.00	\$27,463.49

Miscellaneous Revenue		
6390 Interest Earnings	\$2,500.00	\$
6392 Sale of Property	\$1,000.00	\$
6394 Town Hall Services	\$250.00	\$
6396 Special Events/Donations	\$2,500.00	\$
6396 Other	\$1,000.00	\$1,453.85
TOTAL	\$7,250.00	\$1,453.85

6530 Grants	\$186,400.00	\$26,425.10
5001 ARP	\$281,246.00	\$

Taxes		
6101 Commercial	\$189,541.00	\$111,911.96
6102 Non-Commercial	\$171,698.00	\$175,566.38
6103 Delinquent - RE	\$5,000.00	\$
6104 BPPT - FY2022	\$35,555.00	\$59,385.85
6105 Public Utilities	\$700,999.00	\$292,057.35
6106 Income Taxes	\$315,000.00	\$129,285.86
TOTAL	\$1,417,793.00	\$768,207.40

Total Revenue	\$2,172,178.00	\$930,366.81
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Adjusted FY22 BUDGET	DESCRIPTION
88.47%	\$13,000.00 Cable utility fee for services provided within Town limits, ex. Verizon & comcast
0.00%	\$500.00 Avg. commercial inventory a business owns
92.94%	\$2,500.00 Permits issued for town property, ex. Parking
0.00%	\$1,000.00 Permits issued for food trucks during town events
231.00%	\$25,000.00 TOUM business operated licenses
0.00%	\$669.00 Town hall community room rental
31.06%	\$165,000.00 Parking meter money collected
40.94%	\$35,000.00 Fines & violations issued from Town
0.00%	\$ Camera revenue
45.33%	\$5,000.00 Fee assessed on all video services with Town limits
44.35%	\$247,669.00
99.99%	\$9,145.00 Corporate tax levy
64.20%	\$27,725.00 Share of motor fuel and vehicle taxes
29.66%	\$1,750.00 Rebate fee on our tipping fees
71.11%	\$38,620.00
0.00%	\$2,500.00 Bank interest
0.00%	\$1,000.00 Sale of Town property
0.00%	\$250.00 Small government services offered to Town residents
0.00%	\$2,500.00 Requested donations for specified events
145.39%	\$1,000.00 Miscellaneous revenue
20.05%	\$7,250.00
14.18%	\$ All approved grants for the fiscal year
0.00%	\$ American rescue plan act funds
59.04%	\$189,541.00 Business real property taxes
102.25%	\$171,698.00 Residential real property taxes
0.00%	\$5,000.00 Past due property taxes
167.03%	\$35,555.00 Business personal property tax on assets of the business, Ex. Fixures, vehicles, computers
41.66%	\$600,999.00 Utility companies providing services through the Town, Ex. PEPCO & Verizon
41.04%	\$295,000.00 Wage earned income taxes, received 10 months out of the year
54.18%	\$1,297,793.00
42.83%	\$1,591,332.00

GENERAL GOVERNMENT

	Administrative Salary & Wages		
	Commissioners	\$15,200.00	\$3,138.50
	Salary & Wages	\$257,279.00	\$100,734.88
	TOTAL	\$272,479.00	\$103,873.38

20.65%
39.15%
38.12%

	\$15,200.00	
	\$257,279.00	
	\$272,479.00	

Salaries for elected commissioners, set by charter
Budgeted approved salaries for administration

	Payroll Deductions & Benefits		
8124	Employer Tax	\$59,000.00	\$21,647.08
8125	Pension Benefits	\$60,000.00	\$45,211.89
8126	Medical Employee Benefits	\$110,000.00	\$26,141.97
8128	Life Insurance	\$6,800.00	\$
	TOTAL	\$235,800.00	\$93,000.94

36.69%
75.35%
23.77%
0.00%
39.44%

	\$59,000.00	
	\$60,000.00	
	\$110,000.00	
	\$6,800.00	
	\$235,800.00	

Employer liability tax for payroll
Employer contribution tax obligation and audit expenses
Town portion contributed healthcare
Town portion contributed life insurance

	Professional Services		
8073	Accounting Services	\$18,000.00	\$6,000.00
8074	Auditing Services	\$20,000.00	\$20,000.00
8075	Payroll Processing (TPA)	\$5,000.00	\$1,852.92
8110	Town Attorney & Legal	\$55,000.00	\$19,543.88
8115	IT Support & Equipment	\$10,000.00	\$4,531.27
8205	Media Relations	\$18,000.00	\$12,000.00
8206	Government Relations	\$36,000.00	\$15,300.00
8207	Human Resource Services	\$12,000.00	\$4,975.00
8208	Planning Firm	\$	\$18,868.00
	TOTAL	\$174,000.00	\$103,071.07

33.33%
100.00%
37.06%
35.53%
45.31%
66.67%
42.50%
41.46%
100.00%
59.24%

	\$18,000.00	
	\$20,000.00	
	\$5,000.00	
	\$55,000.00	
	\$10,000.00	
	\$24,000.00	
	\$36,000.00	
	\$12,000.00	
	\$20,000.00	
	\$200,000.00	

Accounting firm services
CPA completing Town annual financial statements
Third party administrator for payroll, Ex. ADP
Legal fee from litigation or Town attorney
Information & Technology monthly services and equipment
Town contracted media relations
Town contracted government relations
Town contracted human resources
Expenses dealing with property acquisition/sale or annexation

	Insurance & Benefits		
8120	General Liability	\$15,000.00	\$14,065.00
8121	Bonds	\$500.00	\$
8122	Workers Compensation	\$15,500.00	\$19,489.62
8123	Insurance Claims	\$5,000.00	\$
	TOTAL	\$36,000.00	\$33,554.62

93.77%
0.00%
125.74%
0.00%
93.21%

	\$15,000.00	
	\$500.00	
	\$20,000.00	
	\$5,000.00	
	\$40,500.00	

Property and liability coverage for Town assets, Ex. Vehicles and playground
Bonding for employees who have access to financials
Employer insurance coverage for work injuries
All Town insurance claims

	Operating		
8077	Public Notices	\$1,500.00	\$1,240.00
8080	Bank Charges	\$20,000.00	\$17,856.13
8086	Trainings & Memberships	\$5,000.00	\$2,569.01
8090	Postage	\$3,000.00	\$748.73
8092	Printing	\$7,500.00	\$6,030.97
8130	General Supplies	\$10,000.00	\$19,638.42
8131	Ofc Equipment R&M	\$1,000.00	\$674.78
8160	Town Hall Office Phones	\$5,000.00	\$2,609.59
8161	Mobile Phones	\$4,000.00	\$823.86
8162	Town Elections	\$1,200.00	\$2,056.37
8165	Town Hall Utilities	\$11,000.00	\$7,395.99
8175	Town Hall Repair & Maintenance	\$10,000.00	\$6,688.75
8200	Other	\$2,000.00	\$1,926.06

82.67%
89.28%
51.38%
24.96%
80.41%
196.38%
67.48%
52.19%
20.60%
171.36%
67.24%
66.89%
96.30%

	\$2,000.00	
	\$24,000.00	
	\$5,000.00	
	\$3,000.00	
	\$8,500.00	
	\$15,000.00	
	\$1,200.00	
	\$5,000.00	
	\$4,000.00	
	\$2,100.00	
	\$11,000.00	
	\$10,000.00	
	\$2,000.00	

Notices and advertisements in public circings
Financial institution charges
Continued education or membership dues
For mailings with the postage machine
Printing services and in office operations, Ex. Newsletters
Misc. office supplies
Repairs to equipment in office, Ex. Copier machine
Desktop phones for Town Hall
Administration Town provided mobile devices
TOUM election expenses
Town Hall and surrounding public property utility expenses
Public property and Town Hall building repairs
Miscellaneous items

	TOTAL	\$81,200.00	\$70,258.66
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86.53%	\$92,800.00
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6530.2	Grants	\$180,000.00	\$6,894.77
5001	ARP	\$281,246.00	\$29,073.28

3.83%	\$180,000.00
	\$281,246.00

Restricted expenses from general government grants

General Government Total	\$1,260,725.00	\$439,726.72
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34.88%	\$1,302,825.00
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PUBLIC SAFETY

	Public Safety Salary & Wages		
	Salary & Wages	\$401,620.00	\$96,779.56
	TOTAL	\$401,620.00	\$96,779.56

24.10%	\$401,620.00
24.10%	\$401,620.00

Budgeted approved salaries for public safety

	Public Safety Operating		
8273	Uniforms	\$2,000.00	\$934.02
8274	Weapons & Duty Equipment	\$5,000.00	\$2,718.93
8275	Training & Memberships	\$1,500.00	\$1,465.51
8277	Substance Testing/Pre Employment	\$1,000.00	\$2,084.50
8280	Supplies	\$3,000.00	\$356.09
8281	Mobile Devices	\$5,000.00	\$1,128.65
8282	Association Dues	\$750.00	\$75.00
8300	Vehicle Repairs	\$2,500.00	\$
8301	Vehicle Maintenance	\$4,000.00	\$
8302	Vehicle Fuel	\$5,000.00	\$
8320	Other	\$1,500.00	\$
	TOTAL	\$31,250.00	\$8,762.70

46.70%	\$2,000.00
54.38%	\$5,000.00
97.70%	\$1,500.00
208.45%	\$2,500.00
11.87%	\$3,000.00
22.57%	\$5,000.00
10.00%	\$750.00
0.00%	\$2,500.00
0.00%	\$4,000.00
0.00%	\$5,000.00
0.00%	\$1,500.00
28.04%	\$32,750.00

Public safety uniform allotment
Required equipment to fulfill public safety duties
Continued education or membership dues for public safety
Pre employment testing, Ex. Drug screening & background checks
Public safety general supplies
Public safety Town provided mobile devices
Dues for the department
Repairs to public safety vehicles and trailers
Maintenance to public safety vehicles and trailers
Fuel for all public safety equipment and vehicles
Misc. items

6530.202	GOCCP State Aid	\$16,400.00	\$1,384.24
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8.44%	\$16,400.00
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Police state aid grant for public safety equipment and supplies

8330	Debt Service	\$32,525.00	\$16,262.45
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50.00%	\$32,525.00
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Debt payments for public safety items

Public Safety Total	\$481,795.00	\$123,188.95
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25.57%	\$483,295.00
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PUBLIC WORKS

	Salary & Wages		
	Salary & Wages	\$225,500.00	\$70,965.81
	TOTAL	\$225,500.00	\$70,965.81

31.47%	\$225,500.00
31.47%	\$225,500.00

Budgeted approved salaries for public works

	Public Works Operating		
8375	Uniforms	\$750.00	\$
8377	Training & Memberships	\$500.00	\$75.00
8380	Other	\$1,500.00	\$309.47
8390	Streets Maintenance	\$4,000.00	\$948.31
8391	Weather Related Expenses	\$2,500.00	\$
8400	Streetlight Electricity	\$21,500.00	\$7,909.27
8405	Vehicle Repairs	\$3,000.00	\$
8410	Vehicle Maintenance	\$3,500.00	\$

0.00%	\$750.00
15.00%	\$500.00
20.63%	\$1,500.00
23.71%	\$4,000.00
0.00%	\$2,500.00
36.79%	\$21,500.00
0.00%	\$3,000.00
0.00%	\$3,500.00

Public works uniform allotment
Continued education or membership dues for public works
Misc. items
Maintenace to public right of way in the Town
Expenses related to emergencies or bad weather
Utility expenses for TOUM electricity
Repairs to public works vehicles and trailers
Maintenance to public works vehicles and trailers

8415	Vehicle Fuel	\$4,000.00	\$	0.00%	\$4,000.00	Fuel for all public works equipment and vehicles
8488	PWF Utilities	\$3,500.00	\$753.33	21.52%	\$3,500.00	Utilities for public works department
8488	Mobile Phones	\$2,500.00	\$186.87	7.47%	\$2,500.00	Public works Town provided mobile devices
8490	Maintenance & Repairs	\$6,200.00	\$1,012.79	16.34%	\$6,200.00	Public works repairs to equipment and facilitiy
8491	Beautification	\$2,500.00	\$	0.00%	\$2,500.00	TOUM beautification and upgrades
8492	Small Tools & Equipment	\$2,500.00	\$4,919.86	196.79%	\$7,000.00	Purchases for tools and equipment
8493	Septic Tank	\$1,200.00	\$300.00	25.00%	\$1,200.00	Public works tank for restroom uses
8545	Mosquito Control	\$1,400.00	\$	0.00%	\$1,400.00	State administrated annual control for TOUM spray
	TOTAL	\$61,050.00	\$16,414.90	26.89%	\$65,550.00	
6530.202	State StreetScape	\$20,000.00	\$	0.00%	\$20,000.00	State grant
	Refuse Collection					
8546	Residential Waste Collection	\$41,124.00	\$18,578.09	45.18%	\$41,124.00	Contracted trash hauler
8547	Residential Recycle Collection	\$9,834.00	\$4,108.50	41.78%	\$9,834.00	Contraceted recycle hauler
8548	Bulk & Yard Waste	\$3,600.00	\$1,323.26	36.76%	\$3,600.00	Public works expenses for bulk pickup and dumping
	TOTAL	\$54,558.00	\$24,009.85	44.01%	\$54,558.00	
Public Works Total		\$361,108.00	\$111,390.56	30.85%	\$365,608.00	
Transfers to Other Funds						
7000	Committee Expenses	\$17,750.00	\$5,509.62	31.04%	\$	Expenses to all committees
9000	Capital Improvement Projects	\$66,000.00	\$20,000.00	30.30%	\$	Budgeted projects for capital improvement
Transfers Total		\$83,750.00	\$25,509.62	30.46%	\$	-
Total Expenses		\$2,187,378.00	\$699,815.85	31.99%	\$2,151,728.00	
Budgeted Revenues and Expenses		\$	\$230,550.96		\$	-

RESOLUTION: 2022-02

SESSION: Regular/Special Town Meeting

DATED: January 11th, 2022

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS DESIGNATING OR RE-DESIGNATING A PREVIOUSLY DESIGNATED SCHOOL ZONE ALONG OLD CRAIN HIGHWAY AND OLD MARLBORO PIKE (MD-725) AS RESIDENTIAL DISTRICTS FOR THE DEPLOYMENT OF SPEED MONITORING SYSTEMS WITHIN THE CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO

WHEREAS, Title 21 of the Transportation Article of the Maryland Annotated Code (hereinafter, the “Maryland Code”), authorizes and empowers the Commissioners of the Town of Upper Marlboro, Maryland (hereinafter, the “Board of Commissioners”) to implement and use a speed monitoring system (“SMS”) that is consistent with the requirements of Title 21, Subtitle 8 of the Transportation Article of the Code on a public highway; and

WHEREAS, on May 30, 2021, the General Assembly of Maryland enacted HB 619 (Ch. 447 of the 2021 Laws of Md.) authorizing, in addition to designated school zones, the placement of speed monitoring systems (also known as speed cameras) in Prince George’s County on highways in residential districts with a maximum posted speed limit of 35 miles per hour to be effective on October 1, 2021; and

WHEREAS, The Board of Commissioners for the Town of Upper Marlboro previously approved Ordinance 2018-02 (Automated Traffic Enforcement) which was amended by Ordinance 2021-06; and

WHEREAS, Ordinance 2021-06 further authorized the Board to designate by ordinance or resolution certain roadways to be designated as Residential Districts in addition to those designated as School Zones; and

WHEREAS, consistent with State law, Section 1 of Ordinance 2021-06 defines a residential district as an area that: (a) is not a business district; and (b) adjoins and includes a highway where the property along the highway, for a distance of at least 300 feet, is improved mainly with residences or residences and buildings used for business; and (c) has a speed limit established using generally accepted traffic engineering practices; and

WHEREAS, the Board finds that it will enhance the health, safety, and welfare of the Town’s residents and visitors to designate the same two "school zone" sites initially designated in 2018 as Residential Speed Zones; and

WHEREAS, Maryland Code, Transportation Article, §21-809(b)(1)(i) requires that a speed monitoring system may not be used in a local jurisdiction unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing; and

WHEREAS, Section 6(B) of Ordinance 2018-02 designated a school zone along Maryland Route 725 (Old Marlboro Pike) from Marlborough Drive to Elm Street; and

WHEREAS, the Board of Commissioners finds that driving in excess of posted speed limits, and failing to stop at red lights is a major cause of accidents, injuries and death; and

WHEREAS, the Board of Commissioners further finds that the speed limit on Old Marlboro Pike in the proposed residential area is 25 MPH and that the Upper Marlboro Police Department conducted a traffic study on seven separate school days using a radar device between April 1, 2018 and May 13, 2018 and recorded a total sum of 219,608 vehicle trips or an average of 31,373 vehicle trips per day; and

WHEREAS, the Board of Commissioners further finds that said traffic analysis indicates that the number of speed violations by motor vehicle drivers for the subject period were 165,200 (23,600 per day average) or an average of 74% of all passing vehicles exceeded the posted speed limit at an average speed of ~~328~~38 MPH; and

WHEREAS, the Board of Commissioners further finds that the highest speeds recorded during the subject study period exceeded 70 MPH on each of the seven monitored school days and the highest speed recorded was 90 MPH on May 6, 2018; and

WHEREAS, the Board of Commissioners further finds that traffic studies indicate that the presence of speed cameras has contributed to as much as an 80% - 90% decrease in the number of drivers exceeding the speed limit by 12 miles per hour or more in the vicinity of school facilities; and

WHEREAS, the Chief of Police has advised that Speed Monitoring Systems will advance public safety if they are strategically placed in designated areas to advance the safety of the motoring public and pedestrians; and

WHEREAS, upon due consideration of the testimony and comments of the public, experts and staff received at a duly convened public hearing and/or placed into the journal for review, and in furtherance of the public health, safety and welfare, the Board of Commissioners finds that it is in the best interest of the citizens of the Town of Upper Marlboro, Maryland and sojourners thereto to adopt and establish residential district or zone and authorize the use of speed monitoring systems within designated residential districts or zones; and

WHEREAS, the Board of Commissioners requires that appropriate signage shall be erected in accordance with the manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration before activating an unmanned stationary speed monitoring system, if not already in place, at each Residential District Zone and publish the location of the unmanned stationary speed monitoring system on the Town of Upper Marlboro Website, and in a newspaper of record, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Upper Marlboro, that the following Residential District, and SMS Boundary and Location Plan for Old Crain Highway and Old Marlboro Pike are hereby approved, adopted and established according to applicable statutes and ordinance referenced in the recitals above and incorporated

herein by reference, and the provisions stated ~~hereinbelow~~herein below describing the boundary of the applicable Residential District and the proposed location of speed monitoring systems:

- A. The Proposed Boundary of the Applicable Residential Districts: This Resolution 2021-27 establishes Residential Districts that specifically includes (i) Old Marlboro Pike from Spring Branch Drive to Elm Street, and (ii) Old Crain Highway from Church Street to MD Rt. 4 Pennsylvania Avenue. See Exhibit A (1 & 2), attached hereto and incorporated by reference herein.
- B. The Proposed Location of the Speed Monitoring System: The entire segment of roadway designated as a Residential District is depicted on a map attached herein as Exhibit A. The Upper Marlboro Police Department will operate a radar or lidar-based camera system mounted on a mobile trailer, on a pole or in a fixed cabinet. The system will monitor traffic in both directions. If placed on a mobile trailer, the camera system is further mounted on a single pole attached to the trailer and requires no power, data, or traffic signal connections. The trailer, pole or fixed camera cabinet will be installed in the unimproved portion of the right-of-way as shown on Exhibit A, attached hereto and incorporated by reference herein. The speed monitoring devices shall be initially deployed within said corporate boundaries along a segment of Old Marlboro Pike (MD-725) at an initial camera location situated near the abutting property at [REDACTED] Old Marlboro Pike and [REDACTED] Old Crain Highway, as depicted, which is a right-of-way owned and maintained by the State or the Town.
- C. Signage: The current posted speed limit along the relevant segments of Old Marlboro Pike and Old Crain Highway is 25 MPH. See Exhibits, attached hereto and incorporated by reference herein. The Town shall ensure that additional signs will be posted designating the Residential District and indicating that a speed monitoring system is in use in the Residential District. The signs will be installed using existing or standard wooden poles installed in accordance with the Maryland Manual on Uniform Traffic Control Devices. The signs will be placed in such a manner as not to interfere with existing traffic control devices or infrastructure. The Town shall be responsible for the cost of placing and maintaining signs and other traffic control devices applicable to the ~~school zone~~residential speed established on Old Marlboro Pike and ~~School Lane~~Old Crain Highway.

AND BE IT FURTHER RESOLVED that as prescribed by law, reasonable notice of the use of Speed Monitoring Systems shall be provided through advertisement in a newspaper of general circulation in Upper Marlboro and the Towns website at least ~~fifteen~~thirty (30) days prior to the activation of an unmanned speed monitoring system in a Residential District for the first time.

~~**AND BE IT FURTHER RESOLVED** that the President shall be authorized to sign this Resolution on behalf of the Board.~~

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

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland after a Public Hearing was conducted at a Meeting held on January ____, 2022.

The Town of Upper Marlboro

RESOLUTION: 2022-03
SESSION: Regular/Special Town Meeting
DATED: ?

A ~~RESOLUTION~~ RESOLUTION FOR THE ADOPTION OF NEW RULES OF ORDER AND REGULATIONS FOR PUBLIC MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO.

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro (the “Board”) must meet and follow the Open Meetings Requirements (Subtitle 3) of the Open Meetings Act (Title 3) found in the Maryland Annotated Code, General Provisions Article, and the Town Charter; and

WHEREAS, in addition to the entire Charter, the Board is also specifically governed pertaining to meetings by the Town Charter, Sections 82-6 (Meetings of Board), 82-7 (Board to be the Judge of Qualifications of it [its] Members), 82-8 (Quorum), and 82-9 (Procedure of Board); and

WHEREAS, pursuant to said Section 82-9 of the Charter, the Board shall determine its own rules of order of business, and further pursuant to Section 82-13 of the Charter, the President shall preside at all meetings of the Board in accordance with the accepted rules of parliamentary procedure, except that ~~he~~they may vote on any questions before the Board; and

WHEREAS, pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question; and

WHEREAS, pursuant to Section 82-3 of the Charter, all legislative powers of the Town shall be vested in a Board of Commissioners consisting of ~~three~~five Commissioners who shall be elected ~~and~~s therein after provided and who shall hold office for a term of two years and until the succeeding Board takes office; and

WHEREAS, the Board intends to repeal and re-adopt its rules for the conduct of meetings as stated ~~herein below~~herein below; and

WHEREAS, the Board of Commissioners further finds that the following rules of order for the conduct of meetings and regulations for public meetings regarding observation of or participation in said meetings should be adopted as stated herein below.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Upper Marlboro hereby approves, adopts and authorizes the following rules of procedure for the conduct of meetings and regulations for public meetings:

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ARTICLE 1. AUTHORITY, APPLICABILITY, & AMENDMENT

1.1 Authority.

Section 82-9 of the Town Charter of the Town of Upper Marlboro, Maryland, grants the Board of Commissioners (the “Board”) the right to determine its own rules of procedure, and the following rules are enumerated under and by authority of said provision.

1.2 Applicability; Robert’s Rules.

The rules of procedure adopted by the Board are applicable to Town Board of Commissioners meetings. Should these rules be silent or inapplicable on a matter of procedure then the latest edition of Robert’s Rules shall control.

1.3 Amendment.

These rules may be amended, or new rules adopted, by a majority vote of the members of the Board present.

1.4 Recession and Suspension of Rules.

A motion to suspend these rules and procedures may be brought pursuant to a majority vote of the members of the Board present.

ARTICLE 2. GENERAL RULES OF PROCEDURES & POLICES

2.1 Meetings Shall be Public; Open Meetings.

A. A meeting occurs when a quorum of the Board convenes to consider or transact public business. Pursuant to Section 82-8 of the Town Charter, a quorum is a majority of the Board’s elected membership, or ~~twethree~~ (32) commissioners. However, no ordinance shall be approved, nor any other substantive action taken unless the measure or action is approved by at least ~~threetwo~~ (32) commissioners.

B. All meetings of the Board shall be governed by the Maryland Open Meetings Act and shall ordinarily be public, and notices thereof shall be posted as provided under the Maryland Open Meetings Act, General Provisions Article, Title 3, Annotated Code of Maryland, Section 3-302, stating that except in the case of an emergency meeting, notice of all meetings shall be given at least 24 hours in advance. Nothing in this section precludes the body from meeting in closed session as outlined in the Maryland Open Meetings Act. The information required in 3-306 of the Open Meetings Act as to notice to the public of the time, vote, persons present and topics discussed shall be appended to the minutes of the next public meeting.

C. Maryland Open Meetings Act. *The Maryland Open Meetings Act, Chapter 3-A-The right to "attend" a meeting, Section 3- 303(a) provides, "[w]henver a public body meets in open session, the general public is entitled to attend."* This means that members of the public may come to a meeting and observe it and not necessarily speak at the meeting unless the Charter or the meeting rules state otherwise. This includes any motion being considered to close a meeting, where the Act does not permit the public generally to be entitled to speak (*City of New Carrollton v Rogers*, 287 Md 56, 72 (1980) (While the Act does not afford the public any right to participate in the meetings, it does assure the public the right to observe the deliberative process and the making of decisions by the public body at open meetings). So, unless the public body is governed by laws that require the particular body to receive public comment, the decision of whether to allow members of the public to speak is up to the public body. Pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question, but that right is during the designated period. Ordinarily, the management of the public comment period is up to the presiding officer. See, e.g. 9 OMCB Opinions 232, 233 (2015) (stating that the Act does not regulate the presiding officer's decisions on whether to allow a member of the public to speak). Complaints about the manner in which a presiding officer conducts a public comment period thus do not state Open Meetings Act violations. 8 OMCB Opinions 84, 85 (2012).

2.2 Regular Meetings.

A. Regular meetings. From the Charter: "The newly elected Board shall meet at 8:00 p.m. on the first Monday of December following its election for the purpose of organization, including electing a President and appointing a Treasurer, after which the Board shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings may be called upon the request of the President or a majority of the members of the Board. All meetings of the Board shall be open to the public, except that the Board may, by majority vote, meet in closed session for any purpose then authorized by State law; and, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question."

AB. Regular Town Meetings of the Board of Town Commissioners are held on the 2nd Tuesday of each month at 7:00 p.m. at the Town Hall. Regular Town Meetings are open to the public and time is provided on the agenda for public comment.

BC. The Board also conducts Work Sessions, which are open to public observation only, but participation is at the discretion of the Board. Board Work Sessions are conducted on the 4th Tuesday of each month at 7:00 p.m. Occasionally, the Board will call a Special Meeting, or, an Emergency Meeting should a timely business item need immediate action.

2.3 Work Sessions.

A. Purpose. The Board may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Board.

The work session is a meeting subject to the Open meetings Act. However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Amendments, other legislation or formal (written) resolutions, should not be done at a work session, unless the rules are suspended.

B. The Board conducts Work Sessions, which are open to public observation only, but participation is at the discretion of the Board. Board Work Sessions are conducted on the 4th Tuesday of each month at 7:00 p.m. Work Sessions, like special or emergency sessions, are not regular meetings and no opportunity need be provided under Section 82-6 of the Charter for citizens to speak. See also Maryland Open Meetings Act, Chapter 3-A- The Right to "attend" a meeting, Section 3-303(a).

2.4 Special Meetings.

Occasionally, the Board will call a Special Meeting, or, an Emergency Meeting should a timely business item need immediate action. Special meetings may be called upon the request of the President or a majority of the members of the Board.

2.5 Emergency Meetings.

A. In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall be provided also to the media, as applicable should any member of the media regularly attend Town meetings, and the public by electronic or website notification.

B. An emergency meeting is a type of special meeting. An emergency ordinance may be introduced and passed at any public meeting of the Board provided the rules allow it or are properly waived.

2.6 Closed Sessions.

The Board may close a meeting to the public by a vote in open session under the circumstances, conditions, and for reasons set forth in the Maryland Open Meetings Act, Closing a Meeting - Section 3-305-306 (c). Notice of Closed Sessions shall be given as required by law. Closed sessions also encompass executive or administrative sessions of the governing body or joint meetings with staff. An executive or administrative session may be convened and closed to discuss the implementation of existing law, or policy or the

discussion of pre-decisional administrative matters only and may not delve into policy or legislative or administrative rule making.

2.7 Recessed Meetings.

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion agreed to by the Board.

2.8 Information Meetings.

The Board may hold information meetings to present information to, and obtain feedback from, residents of the Town. The Board will determine the rules governing presentations at such meetings. Information meetings are similar to public hearings but are not mandated by law.

2.9 Public Hearings.

This section is only used when a statutorily required public hearing is part of the order of business. The President/Mayor shall first request staff comments. The Mayor shall open the public hearing and receive citizen input in the following order: proponents, then opponents. While the public hearing is open, the Commissioners may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the President may close the public hearing. The Board may deliberate or take action on the matter at hand upon the closing of the public hearing, provided the closure is permitted by the Maryland Open Meetings Act.

2.10 Roll Call and Attendance.

- A. A majority of the members of the Board then in office shall constitute a quorum.
- B. Before the Board proceeds with the business before it, the Town Clerk shall conduct a roll-call and note the members present for the minutes. The late arrival of members shall be entered into the minutes.
- C. Except when participating by telephone, or video conference, members must be physically present at the Board's chamber ~~and~~ to vote. Proxy or absentee voting is not permitted. Participation by telephone or video conference is permitted provided a meeting is physically conducted at the designated public meeting place and properly advertised in the agenda.—

2.11 Quorum.

- A. Majority of the members elected to the Board shall constitute a quorum to do business,

but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Town legislation, ordinance or rule.

B. The affirmative vote of a majority of the members elected to the Board shall be necessary to adopt any ordinance, or approve any other action taken except that a vote to adjourn, or decide a procedural matter, or regarding the attendance of absent members, may be adopted by a majority of the members present.

C. No member shall be excused from voting except as required by law or on matters involving the consideration of ~~his or her~~their own ethical conduct or conflict of interest.

D. Three (3) Commissioners consist of a quorum.

~~D.E.~~ If conducting a virtual meeting or blended meeting, the at least three Commissioners (a quorum) on the call shall have their video on and faces visible to the public.

2.12 Loss of a Quorum.

A. Once a meeting has been properly convened with the presence of a quorum and the number of persons necessary to constitute a quorum is no longer present, the President or Presiding Officer shall declare the meeting recessed until a quorum is reestablished. A member of the Board has a duty to attend all meetings called unless there is good cause to be absent.

B. Upon reestablishment of the quorum, the Board shall resume consideration of the matter before it at the time of the recess.

C. If, in the opinion of the President or Presiding Officer, a quorum cannot be obtained within a reasonable period of time; the President or Presiding Officer shall declare the meeting adjourned until the next scheduled meeting.

D. At that next meeting, after taking up the usual preliminary matters, the Board shall resume its consideration of the matter that was before it when it previously adjourned. This shall not prevent any Board member from moving to table, defer, postpone, or make any other appropriate motion with respect to any pending matter.

2.13 Conflict of Interest.

A. A Board member prevented from voting by a conflict of interest shall file a conflict of interest statement with the Town Clerk as soon as possible after the posting of an agenda which contains a conflict; unless a prior conflict of interest statement has already been filed with the Town Clerk.

B. A Board member prevented from voting by a conflict shall step down from the dais and take a seat in the audience, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Board's deliberation of the matter in any

way, and shall not attend Closed Sessions regarding the matter. Definitions and examples of conflicts or potential conflicts of interest may be found in the Town of Upper Marlboro Public Ethics Ordinance (Ord. 2016-04), as amended.

2.14 Presiding Officer.

A. The President/Mayor shall serve as the Presiding Officer for all meetings of the Board. In the absence of the President, the senior Commissioner by time in office shall serve as the Presiding Officer. In the absence of a senior Commissioner, the clerk to the board shall call the meeting to order if a quorum of the Board is present and the first order of business shall be for the Board to elect by majority vote, a temporary Presiding Officer from the members seated and in attendance. The temporary Presiding Officer shall serve in such capacity until the meeting is adjourned.

2.15 Place of Meeting.

All meetings of the Board, unless otherwise determined, shall be held at the Town of Upper Marlboro Town Hall, Board of Commissioners' Chambers. In addition to the customary forms of notification, the notice of change in meeting place shall be prominently posted on the door or other prominent place at the regularly scheduled meeting place. The Town may also conduct virtual or blended (virtual & in-person) as needed, with links to join virtually~~virtually~~ included on the agenda.

2.16 Notice of the Meeting.

Written notice of all public meetings of the Board shall be posted on the bulletin board or other customary place at Town Hall, and posted on the Town's website and ~~Cable Channel~~ and social media outlets, if any. The notice will show the date, time, place and topic(s) of such meetings and shall include a proposed agenda and, if applicable, a notice that portions of the meeting may be closed.

2.17 Conduct of Meetings.

Commissioners shall be recognized by the Presiding Officer before speaking. Other persons at the meeting of the Board may speak when called upon or ~~authorized~~ invited.

2.18 Dissents and Protests.

Any member shall have the right to express dissent from or protest against any ordinance, resolution, or act of the Board and have the reason therefor entered into the minutes. Such dissent or protest may be filed in writing, if couched in respectful language, and presented to the Clerk no later than the next regular meeting following the date of passage of the ordinance or other legislation.

2.19 Courtesy, Decorum, Conduct and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum

appropriate for the efficient discussion of business. It is the responsibility of the President/Mayor (and members of the Board) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings.

- A. Before a Board member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments will be limited to three (3) minutes or as determined by the presiding official. Persons making inappropriate, disrespectful and/or, personal attacks, overly redundant or slanderous remarks may be barred by the Mayor from further comment before the Board during the meeting. Audience members who wish to speak during an agenda must first sign-up on the sign-in sheet and submit it to the Town Clerk. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, inappropriate, disrespectful, redundant, or slanderous. The Maryland Open Meetings Act-Section 3-303 allows for the presiding officer or public body to remove an individual from a meeting if the Presiding Officer determines the behavior of the individual is disrupting an open session.
- B. If a person fails to request to speak before speaking, the Mayor shall rule them “out of order” and remind them that they do not have the floor. While the Board of Commissioners is in session, all members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of any Board meeting, whether a Regular meeting, Special meeting or a work session, nor disturb any other person while speaking or refuse to obey the orders of the Mayor or Presiding Officer. Members of the Commission should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a motion to recess.
- C. Every person desiring to speak shall address the entire body and shall not single out a member of the Board, the audience or a staff member and shall confine themselves to the items on the agenda, avoiding all personal attacks and indecorous language.
- D. With a “call for orders of the day,” this is simply another way of saying, “let's return to the agenda.” If a Board member believes the discussion has strayed from the agenda, this motion may be raised. The motion does not require a vote. If the Presiding Officer discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.

- E. A member indulging in any language or conduct unbecoming a Commissioner shall be called to order by the ~~P~~residing ~~O~~fficer and, in such case; the offending member shall lose the floor and shall not proceed without the approval of a majority of the members present. The Board may, by majority vote, expel a member from a meeting for disorderly conduct or violation of Board rules. A member of the staff or the public can likewise be expelled by order of the Mayor subject to review by the Board. The Mayor may be expelled if a motion is made by a Commissioner and approved by a majority of the Board. The Board would then choose a temporary presiding officer to continue the meeting.-
- F. Members shall not raise personnel matters pertaining to alleged improper performance or conduct of any Town employee(s) or Board appointee(s) at a public open meeting. Any concerns about conduct or performance of any Town employee(s) or appointee(s) shall be brought to the attention of the Town's Director of Finance & Human Resources, or a Closed Session of the Commission may be requested to discuss the personnel matter.
- G. Members of the Board acting in their capacity as Commissioners shall not take positions on either national or foreign political issues that do not affect the Town.
- H. Demonstration or Disorder Amongst Bystanders - If any confusion, demonstration or disorder arises in the Board Chambers, the ~~P~~residing ~~O~~fficer may, upon his or her initiative or upon the request of any member, enforce order. If the offending person(s) be a spectator, such person(s) may be ejected from the Chambers. If any member of the Board shall object to the ruling of the presiding officer, such member shall have the right to appeal to the body.
- I. Members of Staff - The Chief Operating Officer, Chief of Staff Town Administrator and Town Clerk shall have the right to take part in the discussion of all matters coming before the Board, and other members of staff shall be entitled to take part in discussions of the Board relating to their respective offices.
- J. Members of the public may speak for three (3) minutes, during Public Comment Time, at Regular Town meetings of the Board of Commissioners according to procedures established by the Board.
1. A sign-up sheet will be placed on the side table in the room for people to sign-in if they wish to speak. They will be called to speak at the

podium in the order in which they were signed-in. If the meeting is held virtually, the public will be able to “raise their hand” or chat with the Town Clerk to sign up to speak.

2. Each speaker is limited to one presentation per agenda item allowing for public comment per meeting and a maximum timed limit of three (3) minutes unless another limit is established.
3. If the subject matter does not pertain to Town business the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
5. Citizens speaking on non-agenda items shall only speak on matters pertaining to Town business or issues which the Board would have the authority to act upon if brought forth as an agenda item.
6. The Board may not act upon or discuss any issue brought forth as a non-agenda item; except to: Make a statement of specific factual information given in response to the inquiry, or a recitation of existing policy in response to the inquiry.
7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited and violators may be removed from the Commission chambers.
8. No placards, banners or signs may be displayed in the Board chambers or Town Hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda, or that are municipal issues.

2.20 Board May Discipline its Own Members.

A. In the event a Board member violates the Charter, an ordinance, these rules or any other law or regulation of the Town or acts in a manner that causes embarrassment or disgrace to the Town of Upper Marlboro, the Town Board of Commissioners by majority

vote of its members may discipline the offending member.

B. Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the Board of Commissioners or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the body may proceed in his or her absence.

C. The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Maryland Open Meetings Act:

1. *No Action*. The Board chooses to take no action.
2. *Private Censure* – The Board may choose to privately censure the offending member, leaving their individual or collective comments to the offending member left in the confines of the closed session.
3. *Public Censure* – The Board may choose to publicly censure the offending member through a written or oral resolution passed by majority vote and entered into the public record. The public censure may include a separate written letter of censure that will be considered to be a public record and placed in the member's personnel record along with any formal resolution.

D. Town elected officials alleged or found to be in violation of the Town's Public Ethics Ordinance may, in addition to or in lieu of receiving a censure under these rules, be further subject to the enforcement procedures and penalties of the ethics ordinance.

2.21 Motions – when reduced to writing.

~~Every motion or proposition shall be reduced to writing on the call of any member, and should a motion be made and seconded, shall be deemed in possession of the body and shall be read by the Town Clerk before debate and may be withdrawn at any time previous to the vote being taken.~~

Any member of the Board may call for a motion that has been made and seconded to be written down and read by the Town Clerk before debate.

2.22 Other Procedural Motions.

1. *Motion to Adjourn* – This motion, if passed, requires the Board to immediately adjourn to its next regularly scheduled meetings. This motion requires a simple majority.
2. *Motion to Recess* – This motion, if passed, requires the body to immediately take a recess. Normally the Mayor will determine the length of the recess which could

last for a few minutes to several hours. It requires a simple majority vote.

3. *Motion to Table* – This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Town Board of Commissioners meeting.
4. *Motion to Remove from the Table* – This motion, if passed, allows the Board to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the body can take action on an item that was tabled.
5. *Withdraw a Motion* – During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Board members are free to make the same motion or another motion.

2.23 Rules of Discussion of pending questions.

After the previous question has been seconded and the main questions ordered, the member who has introduced, or the staff member who has reported on the matter under consideration, shall have ample time to discuss the proposition pending, at the close of which the vote shall be taken.

ARTICLE 3. VOTING

3.1 Voting Rules.

A. When a question is put, every Board member present shall vote either in the affirmative or a negative, or abstain if there is a conflict of interest on the matter being voted on before the Board of Commissioners. Any member shall be entitled to abstain so long as such member gives a reason for abstaining and such reason falls within one of the following:

1. When the vote would or could be considered improper pursuant to the Town Public Ethics Ordinance.
2. When the vote could or may show bias for or against a person, organization or business that the member has a close personal relationship with thus reflecting poorly on the member and office such member holds.

3. When any member has a direct financial gain or personal gain from the outcome of the vote.

B. Except when determined by the body to vote using another method, all voting shall be made by voice vote. All votes will be taken by a “roll call” by the Town Clerk and shall be stated as a “yea” or “nay.” A record of the “yeas” and “nays” shall be entered upon the minutes of the proceedings of the Board.

D. Prior to a Board vote, the President/Mayor shall go down the list of the Commissioner’s names to check individually if there are any comments, questions, or concerns, prior to the vote.

3.2 Voting Disqualification.

A. A member shall not vote upon any matter on which the member is disqualified due to a conflict of interest, or any quasi-judicial action regarding that in which the member is biased.

B. A member shall openly state an abstention due to a conflict of interest or bias.

C. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

D. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.

~~E. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter. However, the member may remain on the dais for Consent Calendar items if the member states the abstention from the vote due to the described conflict of interest before the Consent Calendar is voted on in one motion.~~

~~F.E.~~

3.3 Tie Votes in Filling Vacancy.

In the case of a vacancy under Section 82-32 of the Town Charter in the office of President and the remaining ~~four~~^{two} elected members of the Board cannot agree on a successor to temporarily fill the office of President, then the Board member receiving the highest number of votes in the most recent general election shall become the Interim President/Mayor until the vacancy can be filled by a majority after a special election.

ARTICLE 4. MINUTES & RECORD KEEPING

4.1 Minutes of Meetings.

Minutes of regular meetings, special meetings, public hearings, public meetings, and work sessions shall be made available to the Public by the Town Clerk. However, *minutes shall not be available until approved by the Board in a regular meeting.* Approved minutes are also posted on the Town's website. Minutes of closed sessions of the body held in accordance with applicable state law *shall not be open to public inspection, shall be approved in closed session, and shall remain sealed until the body votes to disclose them which should be reviewed and decided on a periodic basis or as otherwise agreed upon by the Board.*

4.2 Record of Meetings.

The Town Clerk or designee shall be responsible for minutes of each Regular or Special Meeting and Work Session of the Board of Town Commissioners and for maintaining the official record, which shall include all Board actions. Minutes shall include:

- A. All motions made, the name of the motion maker and second, the method and outcome of the votes taken, names of guests and their affiliation; and
- B. Copies of resolutions, new or revised ordinances or other actions approved by the Town Board of Commissioners.
- C. All ordinances, charter amendment resolutions, and annexation resolutions shall have their titles and sequential numbers read into the record.

ARTICLE 5. SUSPENSION & AMENDMENT OF RULES

5.1 Suspension of Rules.

Any provisions of these rules not governed or controlled by federal, or state law, or the Town Charter or ordinances may be temporarily suspended by a majority vote of all elected members of the Town Board of Commissioners and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the Town Board and shall have received preliminary approval of the Town Board at such meeting.

5.2 Enforcement of Rules and Procedures.

The following provisions may be used to enforce the good order of the meeting. The action may be taken by the President/Mayor under his or her own action, or upon a motion to enforce by any Board member.

- A. *Warning* – The President/Mayor may order any person (Board member, staff member or audience member) in violation of these rules to be silent.
- B. *Removal* – If, after receiving a warning from the Mayor or presiding officer, the person continues to disturb the good order of the meeting, the Mayor or presiding

officer may order the person to leave the meeting. If the person does not leave the room, the President/Mayor may have the individual removed by the Police.

- C. *Motion to Enforce* – Any Board member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the body shall require the President/Mayor to do so. A motion to enforce is an allowable interruption and is not debatable. ["Failure of the Mayor to comply will result in the Board selecting a new presiding officer and direct staff to have the Mayor removed from the meeting"](#)

ARTICLE 6. THE AGENDA

6.1 Agenda.

- A. The agenda shall outline the established order of business.
- B. The President shall include on the agenda any item at the request of any member of the Board, provided that the member shall have furnished to the Town Clerk a description of the item in time for inclusion with the printed agenda [within 3-5 days prior to the meeting](#).
- C. At least ~~tweten~~ [ten](#) days before each regular meeting, the Town Clerk shall provide each member of the Board a copy of the agenda for the forthcoming meeting, together with copies of all ordinances, resolutions, and background material of matters to be considered at the meeting.
- D. Under Section 3-302(c) of the Maryland Open Meetings Act found in the General Provisions Article of the Maryland Code, the ability to observe does not mean that the public body must provide to the audience copies of the documents being reviewed by the members. However, the public must be given a grasp of what is being discussed and acted upon at the meeting. The Md. Open Meetings Compliance Board has advised that an oral summary or general description of the documents in question will ordinarily serve this purpose.
- E. Copies of the agenda shall be posted on the Town website and on the bulletin board in the Town Hall at least one business day prior to each regular meeting. A reasonable number of copies of the agenda shall be available to the public at the Board meeting or earlier upon request, as available.
- F. All meeting agendas and amendments to the agenda shall be approved by the Town Board of Commissioners at the beginning of the meeting. Items on the agenda can be reordered by the Board during the scheduled meeting.
- G. Items of routine business that generally require no discussion by the body may be placed on a Consent Agenda of a Regular Meeting. Any member of the Board may remove an item from the Consent Agenda and place it under Action Items.

- H. All meeting agenda and amendments shall be approved the Board at the beginning of the meeting. Items on the agenda can be approved by the Board during the scheduled meeting.
- I. Agendas for Regular Meetings and Work Sessions shall be published at least ~~one~~five? business day prior to the meeting. Agendas for special or emergency meetings may be published as far in advance as reasonably practicable.

6.2 Order of Business.

The Town's governing body shall observe the following order of business at Town regular or special meetings subject to amendment at the subject meeting:

- I. Call to Order
- II. ~~Opening Prayer (non-denominational) or moment of silence~~
- ~~III.~~ III. Pledge of Allegiance
- ~~HH.~~IV. ~~Consent to the Agenda~~
- ~~IV.~~V. Approval of Minutes/~~Financial Reports~~Agenda
- ~~V.~~VI. ~~Staff Reports~~Public Comments
- ~~VI.~~VII. Commissioner Reports
- ~~VH.~~VIII. ~~Staff Reports~~
- ~~VIII.~~ ~~Unfinished Business~~
- IX. ~~Financial Business~~
- ~~X.~~ ~~New Business~~
- XI. Administrative Updates
- ~~X.~~XII. Public Comment
- ~~XI.~~XIII. Adjournment

ARTICLE 7. WORK SESSION POLICIES & PROCEDURES

7.1 Purpose.

The President or Board may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Town Board of Commissioners. *The work session is a meeting subject to the Open meetings Act. However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Ordinance Amendments, and other legislation or resolutions, should not be done at a work session.* The following rules shall prevail for the call and conduct of work session meetings.

7.2 Agenda.

Only a limited number of matters shall be considered by the Board during a work session,

and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

7.3 Documents and Exhibits to be Presented.

When possible, staff shall make available to the Board all documents, proposed legislation, policies, contracts, exhibits, maps, plans, architectural drawings, specifications, correspondence or other similar documents at least ~~48 hours~~seven days before the beginning of the session.

7.4 Technical or Legal Questions.

All questions of a technical or legal nature, which require a detailed explanation for understanding, may be considered in a work session. The Commissioners may, through the President, request the attendance of such staff members, the Town Attorney or outside experts as may be required to answer such questions. A work session or portion thereof, like any other public meeting, may be closed to confer with legal counsel, staff or other experts as permitted by the Maryland Open Meetings Act.

7.5 Audience Comments or Questions.

Audience comments or questions will not be considered at a work session.

ARTICLE 8. GENERAL COMMISSIONER REQUESTS

8.1 Commissioner Requests.

Commissioner requests that deal with policy issues and Commissioner requests that may be construed as direction or orders shall be directed to the President or ~~their~~her designee, except for general inquiries or questions involving constituent services, in which case the Commissioners may go to the ~~Chief of Staff, Chief Operating Officer, Chief of Police or Superintendent of Public Works provided such subordinate contact is reported to the Chief Operating Officer.~~Town Administrator, unless opposed by a majority of the Board.

8.2 Commissioner Requests for Funding.

Commissioner requests requiring funding must go through the President, ~~and~~ Treasurer, and Director of Finance. The President ~~or his or her designee,~~ and Treasurer shall respond in a timely manner.

8.3 Use of Staff Resources.

A request for use of staff time, other than standard requests for information from department heads, by a Commissioner must be made through the ~~Chief Operating Officer~~Town Administrator unless already approved by the Board of Commissioners.

ARTICLE 9. PUBLIC STATEMENTS BY COMMISSIONERS

9.1 Representation or position by the Board or President.

When the individual Commissioners give a public statement in their elected capacity on an issue affecting the Town, the Board member shall first identify the adopted position of the Town Board of Commissioners with respect to that subject, if any. Thereafter, the elected official may provide a statement of personal opinion or comment (including a minority or opposing viewpoint), provided the Board member expressly acknowledges that such statements do not represent the position of the Town. Notwithstanding anything in this Article to the contrary, the President/Mayor as the Chief Executive Officer shall be the principal spokesperson for the Town on any municipal matter and pursuant to the Charter may reserve the paramount right and prerogative of speaking exclusively on behalf of the Town pertaining to the administration of the day-to-day affairs of the Town and the faithful execution of all laws and policies of the Town.

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

ATTEST:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarlboromd.gov
www.uppermarlboromd.gov

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

MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator & Darnell Bond, Director of Public Works
Date: Tuesday December 21st, 2021
Re: Roadway Engineering Firm RFP 2021-03 Overview

Commissioners,

As you may be aware, the Town was awarded \$450,000 in grant funding for the design, planning, and construction of upgrades to School Lane, Wilson Lane, Spring Branch Drive, and Old Mill Road. A request for proposals was released for engineering firms, and the Town received three responses.

Director Bond and I reviewed the proposals and came up with the below highlights. After review, School Lane & Wilson Lane are going to be the biggest lift and cost for this project, as they require a complete redesign of the roadway including stormwater management, pedestrian safety, and to reduce traffic speed.

Company Name	Proposed Price	Notes
Kim Engineering	\$37,560	<ul style="list-style-type: none">• Came in under-budget• County-based business
Mead & Hunt	\$249,930	<ul style="list-style-type: none">• Has worked with County and other municipalities• In-depth site visits with Darnell & myself and walked the roadways.• Sinkhole investigation background
CB3 Consulting Services	\$168,000	<ul style="list-style-type: none">• Worked with the Town previously on Elm Street & Town Hall• Minority owned in-County business

Next steps will be for the Board to hold a closed session prior to the January 11th, 2022, regular Town Meeting to discuss the selection of the vendor and award the contract in the open portion of the Town meeting afterwards.



Town of Upper Marlboro

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Draft Town Staff Vaccination Policy

Purpose

The Town of Upper Marlboro (the Town) endeavors to provide and maintain a workplace that is free of all known health hazards. In light of the COVID-19 public health emergency, the Town is implementing this policy as a measure of safeguarding the health of our employees; the residents and guests that Town staff exists to serve; and the community at large from COVID-19, as it has been advised by the Centers for Disease Control and Prevention, and demonstrated by public health statistics, that the spread and ultimate effect of COVID-19 is substantially reduced among individuals receiving vaccinations.

Scope

The Board of Town Commissioners for the Town of Upper Marlboro requires all employees (including regular full-time and part-time, and temporary) to receive complete doses of one of the three COVID-19 vaccinations currently approved for use by the Food and Drug Administration ("FDA") by no later than January 31st, 2022. These include vaccinations developed Pfizer, Inc.; Moderna, Inc.; or Johnson and Johnson. After January 31st, 2022, the Board of Town Commissioners will assess cases of any employees ~~requestionsrequesting~~ -an exemptions status-~~of employment~~, and any employees who have not been vaccinated at all. Currently ~~the~~ three approved vaccinations have received emergency use authorization from the FDA to combat the spread of COVID-19. Partially vaccinated employees may be allowed to remain employed with the Town past the January 31st, 2022, date until they are fully vaccinated under the following conditions:

1. Employees will be required to wear KN-95 face masks at all times while on Town property, and while dispensing the duties of their jobs.
2. Employees will be required to maintain social distance (at least six feet from all other individuals whenever possible) while on Town property, and while dispensing the duties of their jobs.
3. After January 31st, 2022, employees will be required to provide the Human Resources Office with proof of a negative COVID-19 test every Monday by 9:00 a.m., or at another weekly interval approved by the unvaccinated employee's immediate supervisor and department head. Results must include proof that the test was administered no more than two days prior to the time that it is presented to the Human Resources Office. Any associated costs for the tests will be the responsibility of the employee.
4. Employees will not be permitted to attend in-person training events or participate in other job-related activities involving travel.
5. Employees will not be eligible to receive additional sick leave for any COVID-19 related absences for themselves or for the care of others.
6. Employees will not be eligible for promotion.
7. Employees who remain unvaccinated beyond February 28th, 2022, may be subject to termination of employment.

Reasonable Accommodation

Any employee in need of an exemption from this policy due to a bona fide medical or religious reason must make this request by submitting an email explaining the need for exemption to the Director of Finance & Human Resources William Morgan to begin the interactive accommodation process. Accommodations will be granted where they do not cause the Town undue hardship or pose a direct threat to the health and safety of others. Please direct any questions regarding this policy to the Human Resources Office at (240) 544-5613, or wmorgan@UpperMarlboroMD.gov

Booster Shots:

Once a booster shot is fully approved by the FDA, all Town staff are highly encouraged to receive an approved booster shot. The Board of Commissioners may consider incentives for staff who receive the booster shot.

New Hires:

Any staff hired after the effective date of this policy shall be fully vaccinated prior to their official start date. The Town of Upper Marlboro is committed to the safety and welfare of all staff, the public and visitors to Town facilities. We look forward to returning to life pre-COVID and being able to reopen our facilities to all staff and visitors.

Vaccines are a critical method of controlling the spread of COVID. As such, all staff who may have contact with the public or other essential staff as part of their daily job responsibilities will be required to receive both doses of the COVID-19 vaccination, or a single dose of Johnson & Johnson.

Staff shall submit documentation of receiving the vaccine to Human Resources or electronically to wmorgan@UpperMarlboroMD.gov.