

# Town of Upper Marlboro

## REGULAR TOWN MEETING

May 9, 2017

Approved Minutes

### Call to Order

The meeting was called to order at 7:31 p.m.

Roll Call: James Storey, President of the Board of Town Commissioners;  
Nancy Clagett, Commissioner/Treasurer; Linda Pennoyer, Commissioner

Staff present: M. David Williams, Town Clerk/Administrator

Also present: Town Attorney/Kevin Best; THA&RP Manager/Fran McLellan; UMPD/Chief Washington & Officer Stan Madero; Marlborough Towne HOA Board members: Monica Williams/President, Maritsa Day/Vice-President, and Barry Morton/Secretary & Treasurer; Sustainable Communities Workgroup (SCW) Chair/Steve Sonnett; and various citizens and interested parties.

### Pledge of Allegiance

### Approval of Meeting Minutes & Financial Reports

President Storey asked for consent to the Agenda. Approval was granted by all Commissioners present. The Town Meeting minutes from April 11, 2017 plus, the minutes from the April 19, 2017 Extra Work Session and the April 25, 2017 Regular Work Session were acknowledged by the Board as reviewed. Commissioner Clagett motioned to approve all 3 sets of minutes, Commissioner Pennoyer seconded. All minutes from April's Regular Town Meeting and 2 Work Sessions were unanimously approved.

Commissioner Clagett reviewed highlights of the Treasurer's Report as of April 30, 2017. She noted that total operational revenues and general government expenses were within an acceptable range of the 83% benchmark for 10 months into FY2017. General Government Expenses Line item 8115 Computer & Support, plus, Public Safety Line Item 8274 Weapons & Duty Equipment were both noted as needing adjustments in the End-of-Year Detailed Budget Adjustments scheduled for June 2017.

As an addendum to her report, Commissioner Clagett reported she consulted with the Maryland Municipal League (MML) about standard and appropriate levels of municipal reserves. MML Director of Information, Jim Peck, advised that municipalities typically retain anywhere from 35-50 percent of their Annual Operating Budget in reserves, and keeping more than 50 percent, is considered to be hoarding of the tax payer's dollars and thus unethical. She noted that after the Town has paid out \$1.2 ML for the Town Hall Project, the Town will still have \$2,515,377 (roughly 150 percent of its Operating Budget) remaining in assets.

Commissioner Pennoyer motioned to approve the Treasurer's Report, President Storey seconded. The Treasurer's Report as of April 30, 2017 was unanimously approved.

### Reports

Staff/Committees: SCW Chair Steve Sonnett reported that a new FIP project application from 14710 Main Street (Mom's Thai) was received, and a previously stalled project is now back on track. He also gave an update on discussions with Howard Ways/Executive Director of the County's Redevelopment Authority, stating Mr. Ways suggested a partnership with the University of Maryland Planning & Design Center/National Center for Smart Growth, where they have grad students looking for independent study options for the summer. Mr. Sonnett said he had contacted them and has pinpointed 2 priority areas/projects where help is sorely needed: 1.) the Old Marlboro Elementary School (OMES); and, 2.) Creation of a pedestrian & bike trail to connect the Marlboro Community Center on Race Track Road to Water Street. Noting the process is slow moving, he added that he felt this was a good contact that could deliver, but will probably not have much happen before the fall semester.

TUMHC archivist Brian Callicott reported that he will step-up to fill the vacated Chair position on the committee, and that a new member will soon be joining. He also reminded all to attend the next "Memories & Morsels on Main Street" event on May 13<sup>th</sup>, which is gaining in popularity each year.

Chief Washington reported that he was able to acquire multiple, high-resolution Security Camera Units from the District Court/Office of the Sheriff for PGC, as surplus equipment. The acquisition represents a \$20K savings to the Town, while enabling a higher level of security for Town assets. He then proposed to the Board the hiring of an additional part-time officer (with ready-in-reserve status) primarily to enable a Saturday day-shift, and decrease the current trend in overtime paid-out due to unforeseen absences. He noted that Officer Madero had been struck by a vehicle while on duty on May 5<sup>th</sup> but was okay. He also thanked Officer Madero for donating steel cases for more secure meter coin collections.

The Clerk reminded all to please sign-in, and that guidelines for public comment were now printed on the reverse side of the agendas, noting speakers will need to stand at the designated spot and state their name and street name before delivering comments or questions to the Board.

Commissioner Clagett: Delivered a report on the advantages gained from having new offices and working space in the new Town Hall building. She noted in its design, security measures for employees and the public, spaces for Town committee's and civic association's events and meetings, emergency preparedness capabilities, and offices for personnel that could not have existed in the current building as it is. She also noted that cost-cutting efforts are well illustrated by the large amount of architect's drawings and production notes used in the refining of the design.

Commissioner Pennoyer: Reported that she attended the PGCMA meeting on April 25 at the CAB which was hosted by the County Executive, Rushern Baker. He stated that the County Government will remain in the Town even though some offices will be relocating to Largo. In his report, he said the County, including the Greater Upper Marlboro area, is presently the fastest growing population in the State.

President Storey: To clarify for the record, President Storey read aloud highlights from correspondence by the Town's Counsel, concerning a letter from a resident that asserts two recent professional services contracts for the THA&R Project were not conducted according to the Town Charter, and were thus null and void. After sufficient research, the Town's Attorney deduced that the Board had substantially complied with the procedural requirements of the Charter for implementing an alternative procurement procedure for the project.

The President then delivered reports on the following topics: 1.) Attended the Marlborough Towne HOA Meeting in April and met with and discussed the PGC "Clean Water Partnership Program" which will be installing "natural filter systems" at School House Pond this summer. He noted a possible conflict with an "Alzheimer's Walk" being planned for September 23rd; 2.) Have asked the SHA to help complete the 135-foot segment of new sidewalk on Rte. 725; 3.) Collaborating with Frederick Douglass HS Audio-Visual Department to supplement the 2016 Zip-Trip footage to create a longer video to market the Town; and, 4.) The I-Net Team will conduct a site survey at Town Hall on May 25<sup>th</sup>.

## **Business**

Memorial Day Ceremony: The President reviewed the plans for the May 29<sup>th</sup> annual event, and asked for volunteers to help with set-up and/or clean-up. It was noted that the Town Hall is a living War Memorial.

Town Hall Addition & Renovation Project: A prepared list of talking points was read aloud by the President and given to the Clerk for the record. It addressed concerns voiced by a few residents about rising construction costs, permitting requirements and municipal legislative procedures. He then opened the floor for comments and/or questions, noting that Project Manager Fran McLellan, and Town Attorney Kevin Best, were both present to respond to inquiries respective to their areas. A resident complained that the \$770K Capital Outlay Budget line item for the THA&RP did not match the cost estimate in the contract; Another resident asked if the Board planned on spending any more of this year's fiscal budget on the project; A third resident requested the Board hold a Public Hearing to address the concerns of the citizens; And, a fourth resident expressed upset by the lack of due process by the current Board. Both Mr. McLellan and Mr. Best delivered replies to the four residents to help clarify the issues.

Elm Street Repaving & Sidewalk Project: The President delivered an update on the joint project with the County. He reported the project should commence on June 19 with some prep work to start June 14. He added that signs and notices will be posted, as well as, posted on the Town website and social media.

Ordinance 2017-02: The President delivered a statement outlining the financial environment of The Town of Upper Marlboro (corporation) and filed the document with the Clerk. He then introduced Ordinance 2017-02: Town Operating Budget for Fiscal Year 2018, and also reviewed the accompanying Detail Budget spreadsheet highlighting decreased line items. He said adjustments will be discussed and made at the next Work Session and the Ordinance will be up for adoption at the June Town Meeting.

Historical Committee: Re-appointments for a new Chair and an additional member for the Town of Upper Marlboro Historical Committee became necessary last month, as the Chair had resigned the position and the committee had also lost a sufficient quorum to hold meetings. TUMHC Archivist Brian Callicott agreed to step-up as Chair and Karen Simpson was nominated to be a new member. Board approval of the new roster of committee members and appointment of the Chair, as stated, was unanimous.

June Board Work Session: Because of scheduling conflicts, the May Work Session has been moved to Monday, May 22, and, the June Work Session moved to June 20.

General/Administration issues: No issues or new items were brought before the Board at this time.

### **Public Comment**

A resident cited Section 82-44 of the Town Charter (Over-Expenditure Forbidden), to exemplify an assertion that the Board violated the Charter directive by signing a contract for \$1.2M when the FY2017 Budget line item for the THA&RP was only \$770K. A spoken list of expenditures to date, plus a *Gazette* article from April 2015 were cited as support that the total cost of the project (over the years) has well exceeded the original \$700K (\$770K) budget estimate in the current approved budget.

Past President, Steve Sonnett, stated he was delighted that the current Board is investing in the Town's infrastructure as they are, and added that, he had attempted to do the same during his time in office.

A citizen expressed concern that if money is spent on the Town Hall there won't be enough left over to spend on the OMES buildings, which could be used for our meeting space.

A resident asked Attorney Best to clarify Charter Section 82-44 brought up earlier. Mr. Best stated that the directive "appears" to allow the signing of a contract and have the necessary funding budgeted in a subsequent fiscal year. The resident then revisited the full-vote issue asking for clarification of the Town Attorney's response. Mr. Best reiterated his opinion. The resident then asked why his letter addressing these matters has not been released to the public, to which Mr. Best replied that as attorney/client privileged information that decision rests with the client.

Three visiting members of the Marlborough Towne/HOA spoke in defense of THA&P stating it would be a positive move for the whole Town, adding that it is also vital the Town have a real Police Department. They mentioned that currently, the Town seems broken up into separate areas, and they feel that the larger Town Hall will help facilitate these groups coming together.

### **Adjournment**

Commissioner Clagett made a motion to adjourn, Commissioner Pennoyer seconded the motion. With all in favor, the meeting was adjourned at 9:12 p.m.

Respectfully submitted,



M. David Williams  
Town Clerk/Administrator

