

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Board of Town Commissioners

WORK SESSION

Tuesday, October 22, 2019 – 7:00 p.m.

AGENDA

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

Please join the Commissioners at 6:30 p.m. for the Swearing-in of the Town's newest Police Officer.

Roll Call

Pledge of Allegiance

Business

- 1) Board of Supervisors of Elections Appointment (Board discussion)
- 2) Board Compensation (Board discussion)
- 3) Ballot Questions (Board discussion)
- 4) Community Playground Proposal Review (Board discussion)
- 5) General Board & Administrative Staff items:
 - DRAFT Town Vehicle Use Policy
 - Grant Updates
 - Town Project Tracking Sheet
 - 2020 Town Election Calendar
 - General Roundtable (Commissioner & Staff Reports)

Adjournment

*All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217
See back of Agenda for Public Comment Procedures*

Kai Bernal-LeClaire
Commissioner

Wanda Leonard
Commissioner/President

Linda Pennoyer
Commissioner/Treasurer



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

Cc: Board of Supervisors of Elections (BoSE)

From: M. David Williams/ Town Clerk

Date: October 22, 2019

Re: Board approval and appointment of BoSE members for the 2019–21 term of office.

Dear Board of Town Commissioners,

A new Board of Supervisors of Elections (BoSE) needs to be established this November as per Charter Section 82-20:

“There shall be a Board of Supervisors of Elections, consisting of three members who shall be appointed by the President with the approval of the Board of Commissioners on or before the first Monday in November in every odd numbered year.”

“The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in November in the year in which they are appointed and shall run for two years.”

I have received confirmation from all three (3) current BoSE members (listed below), that they desire to continue on in their roles for the next 2019–2021 BoSE term of office:

- Yvonne Tucker, Chief Election Judge (14137 Spring Branch Drive)
- Joseph A. Hourcle, Election Judge (14307 Old Marlboro Pike)
- Ellen Storey, Election Judge (14100 Rectory Lane)

The Board needs to discuss and approve this slate of members at the October Work Session, which will enable the President/Mayor to administer the Oath-of-Office to these members at a later date (we are aiming to administer their Oaths at the November 12th Town Meeting.)

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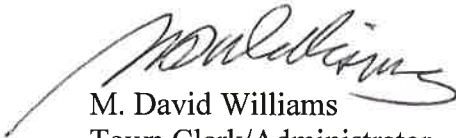
The directive could be interpreted to say they must be sworn-in by November 4th, however, traditionally, past Boards and appointees have preferred the ceremony be conducted at the November Regular Town Meeting.

In most previous instances, the BoSE members have been re-upping their appointments. As the Charter Section does not explicitly state that their term expires after the first Monday in November, technically, I believe their current appointments can cover their active status from November 4th up until taking their Oath on November 12th.

I present this to the Board for consideration and discussion. The Board could decide to conduct the Oaths for BoSE members, in private audience with the President/Mayor, after the October Work Session and before or on November 4th, as there is no Charter directive stating the ceremony be conducted at an official meeting of the Board.

The 2020 Election Schedule Calendar has been finalized and is attached.

Sincerely,



M. David Williams
Town Clerk/Administrator

Kai Bernal-LeClaire
Commissioner

Wanda Leonard
Commissioner/President

Linda Pennoyer
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MEMORANDUM

To: Board of Commissioners
From: Kyle Snyder, Chief of Staff
Date: Friday October 18, 2019
Re: Town Elected Official Compensation

Dear Commissioners,

Prior to the 2020 Town Election, I just wanted to bring the topic of compensation of Town elected officials before the Board, as the sitting Board would need to make any decisions for the 2020/2022 Board of Commissioners. Below are the Charter sections, current Town compensation rates, and an overview of some area municipalities' compensation rates:

Section 82-5. (Salary of Commissioners).

Each Commissioner shall receive an annual salary which shall be equal for all Commissioners and shall be as specified from time to time by an ordinance passed by the Board in the regular course of its business, provided, however, that the salary specified at the time any Board takes office shall not be changed during the period for which that Board was elected. The ordinance making any change in the salary paid to the several Commissioners, either by way of increase or decrease, shall be finally ordained prior to the general election for the members of the next succeeding Board and shall take effect only as to the members of the next succeeding Board.

Section 82-14. (Salary of the President)

The President may receive an annual salary in addition to that received as a Commissioner, as set from time to time by an ordinance passed by the Board in the regular course of business. Provided, however, that no change shall be made in the salary for any president during the term for which he was elected. The ordinance making any change in the salary paid to the President, either by way of increase or decrease, shall be finally ordained prior to the general election to elect the next succeeding Board, and shall take effect only as to the next succeeding President.

Town of Upper Marlboro Compensation Rates:

President: \$16,000 per year

Commissioners: \$1,200 per year

These compensation rates were established by Town Ordinance 2013-02 (Attached)

Below are some other area municipal elected official's compensation rates:

Mount Rainer- \$4,800 per year, plus \$50.00 per month for travel expenses.

Berywn Heights- \$250 per month or \$3,000 per year

Hyattsville- \$10,809 per year

Capitol Heights- \$6,100 per year

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Commissioner/ Treasurer

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MEMORANDUM

To: Board of Commissioners
From: Kyle Snyder, Chief of Staff
Date: Friday October 18, 2019
Re: Town Ballot Questions

Dear Commissioners,

I wanted to put the topic of Ballot Questions before the Board, in the event the Board wishes to place a question on the 2020 Town Election Ballot to obtain feedback from the residents on the different Town Charter amendments that have been discussed. Below is an email from Town Attorney Best regarding the Town placing questions on the ballot:

Potential Questions: President to Mayor, Elections held in November instead of January.

From Attorney Kevin Best Via Email on October 16th:

I conclude that, pursuant to Section 82-34 of the Town Charter, the Board may not place a non-binding question on any ballot of any Town election unless or until it passes an ordinance authorizing such non-binding ballot question(s).

Before I begin explaining my analysis, let me define the terms “initiative,” “referendum,” and “straw vote.” A straw vote would be a nonbinding ballot question or “an unofficial vote taken to indicate the relative strength of opposing issues.” See <http://www.merriam-webster.com>. An initiative process “allows citizens to propose laws and to enact or reject them at the polls.” 88 OAG 156 (2003). Whereas, the referendum “allows voters to petition an enactment of a legislative body to a vote of the people.” *Id.*

The Attorney General of Maryland has opined that Prince George’s County could not place nonbinding questions (i.e., straw votes) on an election ballot absent General Assembly (i.e., state law) or charter authorization. 61 OAG 384 (1976). The County unsuccessfully argued that the State Election Code (which only applies to county and state elections—not generally municipal elections) expressly authorized such a local question to be placed on the ballot but the Attorney General disagreed and said that the state election laws contemplated only questions “as may be formulated in pursuance of legislative permission or direction” such as acts sanctioned by the voters for the issuance of local bonds. However, charter counties are governed under different laws and State Constitutional provisions separate from the municipalities, so the AG’s opinion is not squarely on point—although it is very insightful.

Linda Pennoyer
Commissioner/ Treasurer

Kai Bernal-LeClaire
Commissioner

Wanda M. Leonard
Commissioner/ President

The Town Charter in Section 82-34, states “[t]he Board of Commissioners shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, candidacy and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.”

An ordinance could be passed in time for the next election to pose the non-binding question(s) if the Board can agree as to what question(s) to pose and do so by ordinance or resolution. In other words the Board can pass a general ordinance authorizing non-binding ballot questions (an enabling ordinance) and then pass a resolution agreeing as to the exact wording to be placed on the next ballot.

As for posing legally binding ballot questions (i.e., questions to approve legislation at the polls as proposed or initiated solely by the voters (a.k.a. an initiative), my answer is, the Town Charter must first be amended to authorize such questions to be placed on the ballot provided such questions do not seek to amend the Charter (i.e., the structure and organization of town government). 88 OAG 156 (2003) (By the way, some municipal charters allow the voters to petition an ordinance passed by the governing body to referendum.)

The reason that a binding question placed on the ballot cannot be done if it changes the Charter, is because a charter amendment (i.e., involving mayoral powers or otherwise involving the “organization, government or affairs” of the Town) can only be accomplished when initiated by the voters (or the Board) as a Charter Amendment Resolution enacted pursuant to existing state law as found in Section 4-305 of the Local Government Article of Md. Ann. Code. *See Hitchens v. Mayor or Cumberland*, 208 Md. 134 (1955) (holding that the provisions of state law occupy the “whole field” regarding the amendment of municipal charters).

In other words, existing state law that already prescribes the procedures on how charters are changed would preempt a municipality from attempting to change its form of government or the scope of mayoral powers (thereby effecting the structure of town government) in any other way unless it is done so according the procedures found in state law. Therefore, at the municipal level in this state, an “initiative” process for the Charter’s provisions must follow the Maryland Constitution (Art. XI-E, §4) and LG Art., § 4-305 (Initiation of charter amendment by petition of voters).

In conclusion, it is my legal opinion that nonbinding ballot questions as proposed by the commissioners must first be authorized by charter amendment or ordinance. Furthermore, legally binding questions pertaining to or changing the structure of town government must be done using the charter amendment process as spelled out in state law; otherwise, binding questions posed by initiative can only be done so once the Charter is amended to allow it.

In sum, you can place a non-binding question on the ballot asking the voters to state whether they are in favor changing the form of government or moving the election date but you cannot change the charter to reflect the voters' desires unless you follow the charter amendment procedures found in the Local Government Article of the Annotated Code of Md.

I hope you and the commissioners find this helpful. Let me know if you wish for me to write or review the enabling ordinance.

S/

Kevin J. Best Town Attorney
Upper Marlboro



PROPOSAL

Proposal Number: 003727-1

Proposal Date: October 17, 2019

Opportunity No.: 003727

**ALL PURCHASE ORDERS, CONTRACTS, AND CHECKS TO BE
MADE OUT TO:**

Sparks at Play, LLC
3705 Crondall Lane
Owings Mills, MD 21117
T: 410-356-4151 F: 410-356-2198

Proposal Presented To:

Town of Upper Marlboro

TO: Kyle Snyder

FROM: Justin Wilson

RE: Town of Upper Marlboro Town Hall Playground

Customer ID	Good Through	Payment Terms	Sales Rep Name
Town of Upper Marlboro	30 days from proposal date	50% Due Upon Signing, Balance Upon Completion	Justin Wilson

Quantity	Unit Type	Item	Description	Unit Price	Amount
1	Lump Sum	Engineering	<u>Contract Professional Engineering Services:</u> <ul style="list-style-type: none">Contract with local engineering firm for the following services: Land Surveying - Topographic Survey Simplified Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) and Forest Stand Delineation Civil Engineering Work <ul style="list-style-type: none">Concept PlanErosion and Sediment Control PlanPreliminary Design SetFinal Design/Permit SetAttend Meetings Construction Administration (CA) Phase	\$30,000.00	\$30,000.00
1	Lump Sum	Other Product	5-12 Playground: Provide playground shown in Phase 2 of the presentation contained in Appendix A. This includes: <ul style="list-style-type: none">Design of the PlaygroundEngineering and FabricationShipping and Receiving of MaterialsInstallation of Playground	\$117,000.00	\$117,000.00



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Quantity	Unit Type	Item	Description	Unit Price	Amount
1	Lump Sum	Other Product	<u>Project and Construction Administration</u> including: <ul style="list-style-type: none"> • Attendance of (1) community or planning meeting • (1) Pre-Con meeting • (1) Final Punchlist • (1) Project walk through with client; • Additional project and construction administration services including: <ul style="list-style-type: none"> o Management of project permit o Design submissions o Product submittals o Project documentation o Responses to RFI's o Managing sub-contractors o Coordination with client and contractors 	\$10,000.00	\$10,000.00
1	Lump Sum	Other Product	<u>Permit Expediter:</u> <ul style="list-style-type: none"> • Contract with Local Permit Expediter for submittal to public agencies for permits 	\$4,000.00	\$4,000.00
1	Lump Sum	Playbound PIP Install	<u>Playground Surfacing and Borders:</u> <ul style="list-style-type: none"> • Install rubberized playground surfacing to meet ASTM standards • Surfacing design and concept based on future design and concept found in Phase 2 of attached presentation in Appendix A • Install borders per future design 	\$30,000.00	\$30,000.00
1	Lump Sum	Site work	<u>Perimeter Fencing:</u> <ul style="list-style-type: none"> • Install Perimeter Fencing based on future design • 48" Height • Aluminum Materials • Includes 1 gate 	\$10,000.00	\$10,000.00
1	Lump Sum	Site work	<u>Site Work related to Playground Installation:</u> Scope will be based on civil findings and recommendations and includes: <ul style="list-style-type: none"> • Grading • Temporary Fencing • Stone Base and Filter Fabric 	\$24,000.00	\$24,000.00



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Quantity	Unit Type	Item	Description	Unit Price	Amount
				SUBTOTAL	\$225,000.00
				SALES TAX	\$0.00
				TOTAL AMOUNT	\$225,000.00

SCOPE OF WORK:

Provide labor, material and equipment to furnish and perform work per line item descriptions/options above. . Pricing is based on direct access to the site for Sparks@Play employees, equipment and vehicles necessary to perform the work. .

EXCLUSIONS:

Sparks at Play excludes installation, wage rates, permits, fees, inspections, maintenance of traffic, traffic control, and all other work not stated in the above SCOPE OF WORK. See also Appendix A and Assumptions after this Document.

SECURITY NOT PROVIDED: Based on the SCOPE OF WORK above, Sparks at Play, LLC will not be responsible for security after our crew has left the job site each day, unless we are the acting general contractor.

WEATHER: Favorable weather conditions must be present for the proper installation products. Sparks at Play, LLC reserves the sole and exclusive right to determine if appropriate daily weather conditions exist prior to our dispatch of installation crew.

WORK DAY: Normal work hours are weekdays between 7 am and 5 pm. However, work hours may be adjusted to early morning or late evening to facilitate the installation. This pricing does not include any weekend or evening work.

Please note all pricing and terms are subject to change unless contract agreement has been made.

TERMS: Unless stated otherwise in the body of the proposal, payment terms are as follows:

50% deposit due upon signing, with the balance due upon completion of this proposal. By signing this proposal, the customer and/or customer's agent agrees that in the event that the customer cancels this order, the customer will need to pay a cancellation fee. If the order is cancelled prior to being shipped, the fee will be 30% of entire proposal amount. Once the product has left the manufacturer the cancellation fee will be 100% of the shipped product plus 20% of the remainder of the proposal. Proposal expires in 30 days.

New customers for projects not secured by a payment and performance bond or government funding will require a credit application.



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All payments made with a credit card will incur a 4% transaction fee.

Note that prices increase after January 1. All product must be ordered **and** shipped prior to December 31. Check lead times and available delivery dates to ensure your order is placed and shipped this year to avoid a price increase. Orders will not be placed until submittals are approved.

COLLECTION EXPENSE: Sparks at Play, LLC shall be entitled to recover from purchaser its collection costs, including the reasonable fees of counsel, if Sparks at Play, LLC turns purchaser's account over to an attorney or collection agency for collection.

Please call if you have any questions.

Accepted by Customer: _____

Print Name: _____

Customer PO Number: _____ **Date:** _____

***IF YOU ARE A TAX-EXEMPT ORGANIZATION PLEASE SUPPLY A COPY OF YOUR TAX EXEMPTION
CERTIFICATE AT TIME ORDER IS PLACED OR SALES TAX WILL BE CHARGED.***



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Estimated Timeline

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

Phases:

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

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

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

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

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

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

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

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

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

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

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

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



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(7.) Pre-con Meeting Phase

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

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

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

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

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

Change Orders – if required

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



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ASSUMPTIONS

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

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



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

Appendix A:

**Playground
Presentation - Basis
of Design**



Upper Marlboro Playspace



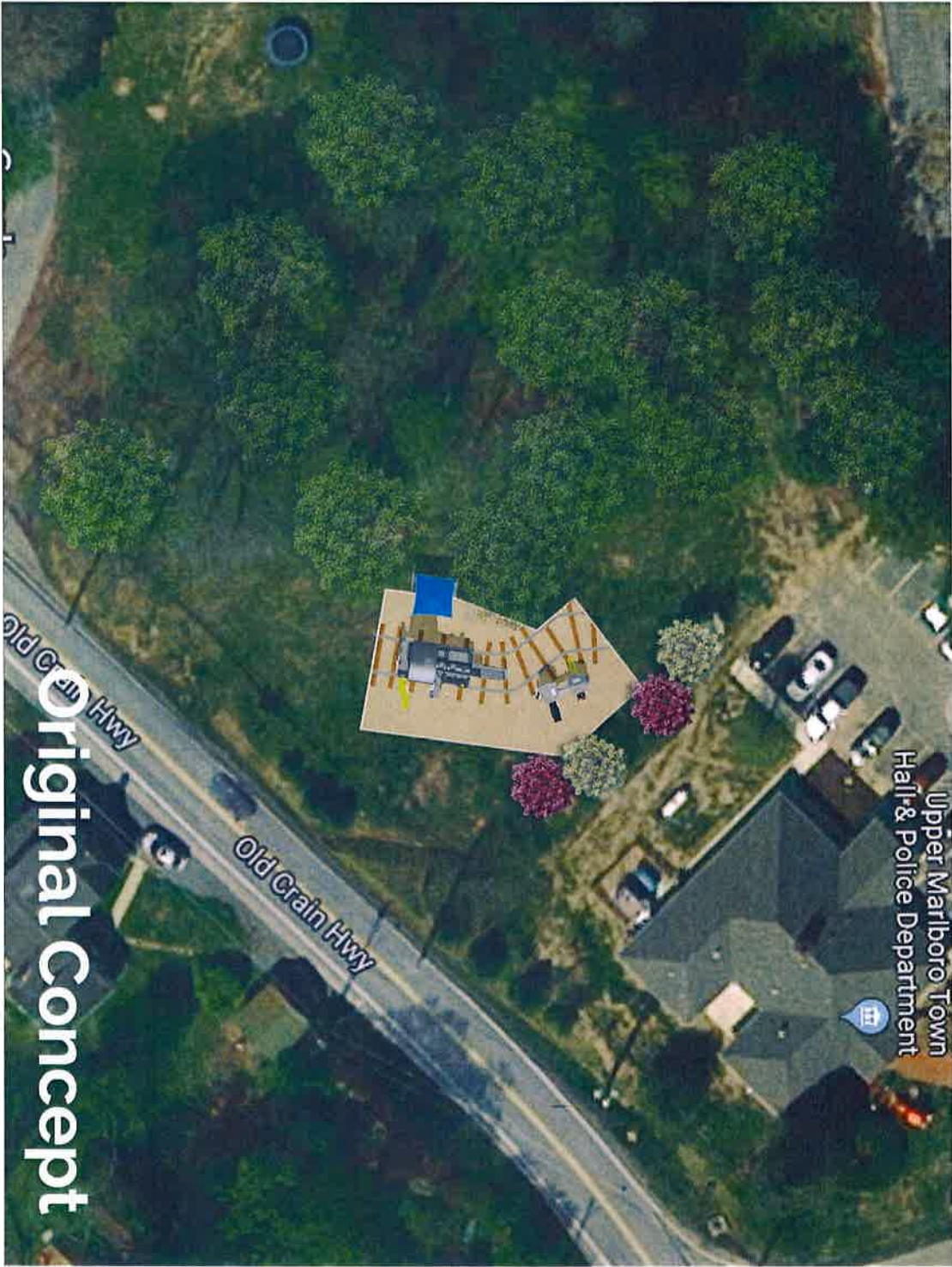
We are all [#SHAPEDBYPLAY](#). It builds who we are. It strengthens our bodies and minds. It helps develop our internal wiring that is critical to our ability to regulate emotions, make plans, and solve problems. Play prepares us for life, love, and the challenges we will face.

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

Concept Narrative

Located near the newly constructed Upper Marlboro Town Hall, the proposed Playground and Recreation Area will be located on a Town-owned vacant lot adjacent to the Sasser Athletic Fields regularly used by the Marlboro Boys & Girls Club. This playground will be built around the existing mature tree canopy to provide shade to the play structures and seating areas.

There are currently no public playgrounds within the cooperate limits of the Town of Upper Marlboro. The Upper Marlboro Community Playground will not only serve Town residents, but also the greater Upper Marlboro area and become the first step in the Town's effort to bring recreational amenities to the growing Town.



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

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

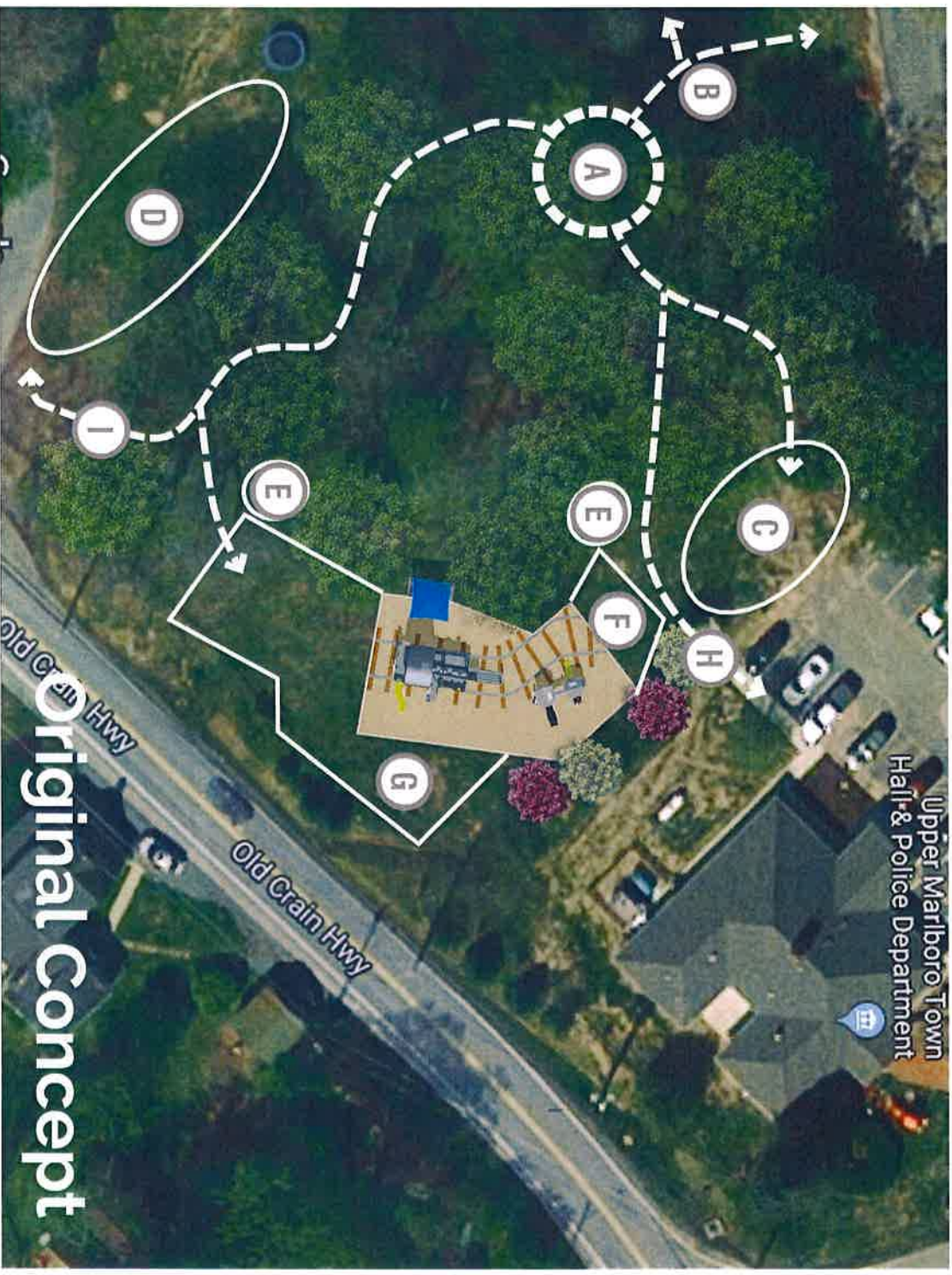


Future Phases

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

Plan Legend

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



Original Concept

Sparks@Play

Scale: 1" = 30'



The Town of Upper Marlboro | Conceptual Master Plan - Future Phases

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

Updated Concept

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

Plan Legend

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



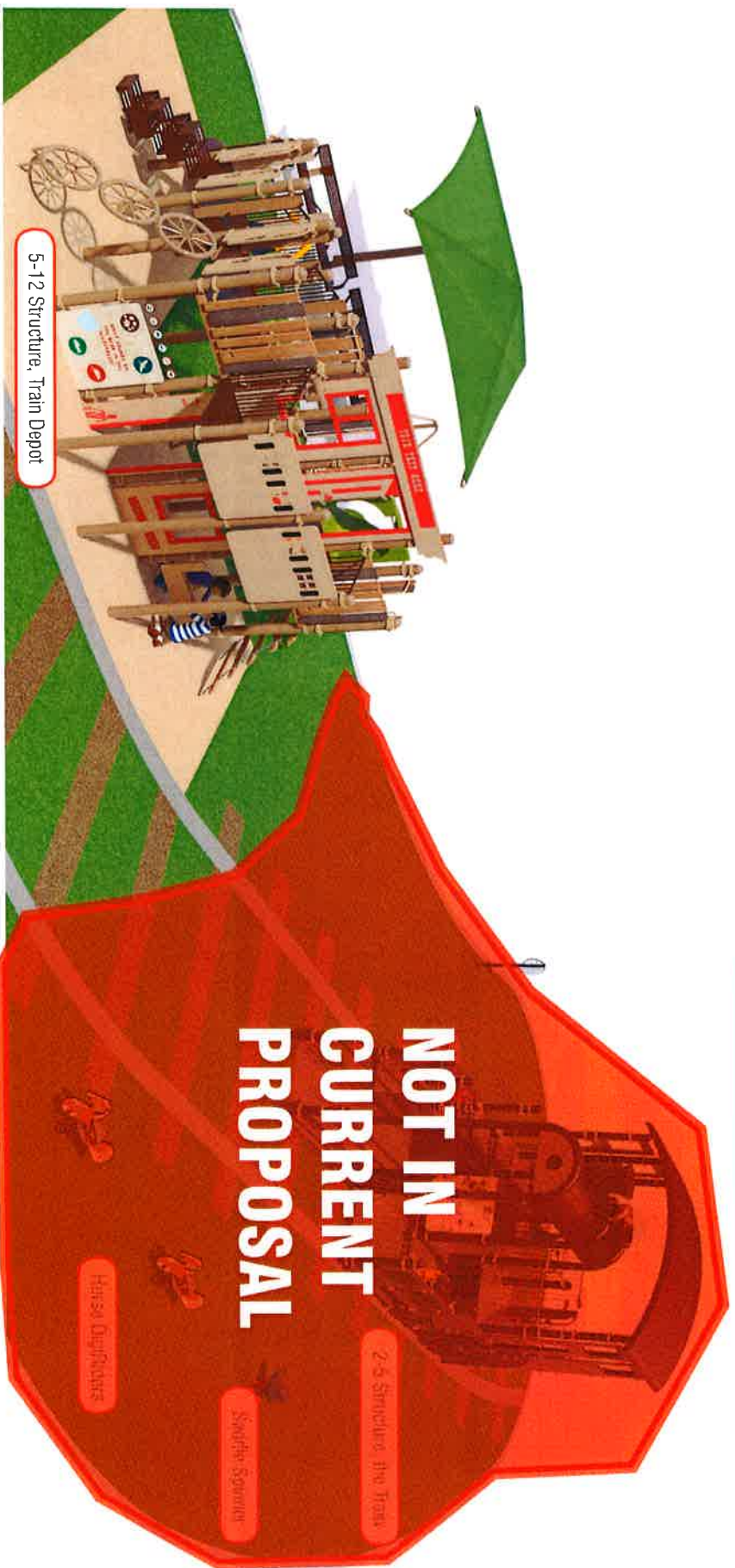
The Town of Upper Marlboro | Conceptual Master Plan - Updated

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



Town of Upper Marlboro Playground

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



5-12 Structure, Train Depot

The Town of Upper Marlboro | Playground Renderings

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



Town of Upper Marlboro Playground

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



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

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

Town of Upper Marlboro Playground

Town of Upper Marlboro

November 12, 2018

003727TUM-1.2

Train Depot Facade

Shade Canopy

NOT IN
CURRENT
PROPOSAL

Wiggle Ladder

SlideWinder 2

Corkscrew Climber

ADA Transfer Station

Benches



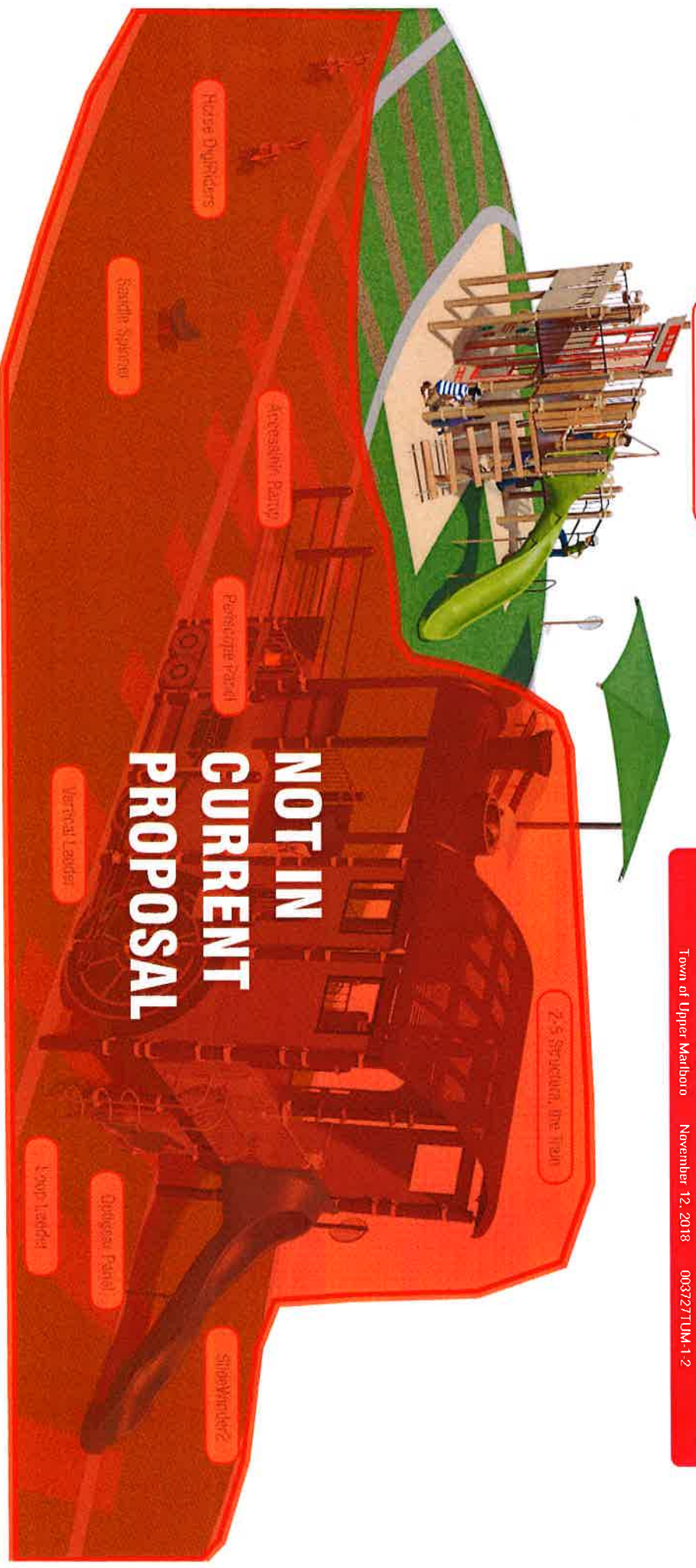
The Town of Upper Marlboro | Playground Renderings - 5-12 Years, The Train Depot

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

5-12 Structure, Train Depot

Town of Upper Marlboro Playground

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



**NOT IN
CURRENT
PROPOSAL**



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

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

Town of Upper Marlboro Playground

Town of Upper Marlboro

November 12, 2018

003727TUM-1-2

2-5 Structure, the Train

**NOT IN
CURRENT
PROPOSAL**

Driver Panel

30000 Panel

Passenger Panel

Vertical Ladder

Accessible Ramps



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

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

Town of Upper Marlboro Playground

Town of Upper Marlboro

November 12, 2018

00372/TUM-1-2

0.5 Shredder the Train

Shredder

NOT IN CURRENT PROPOSAL

Panel

Periscope Panel

Driver Panel

Bongo Panel

Accessibility Ramp

Sailing Spinner

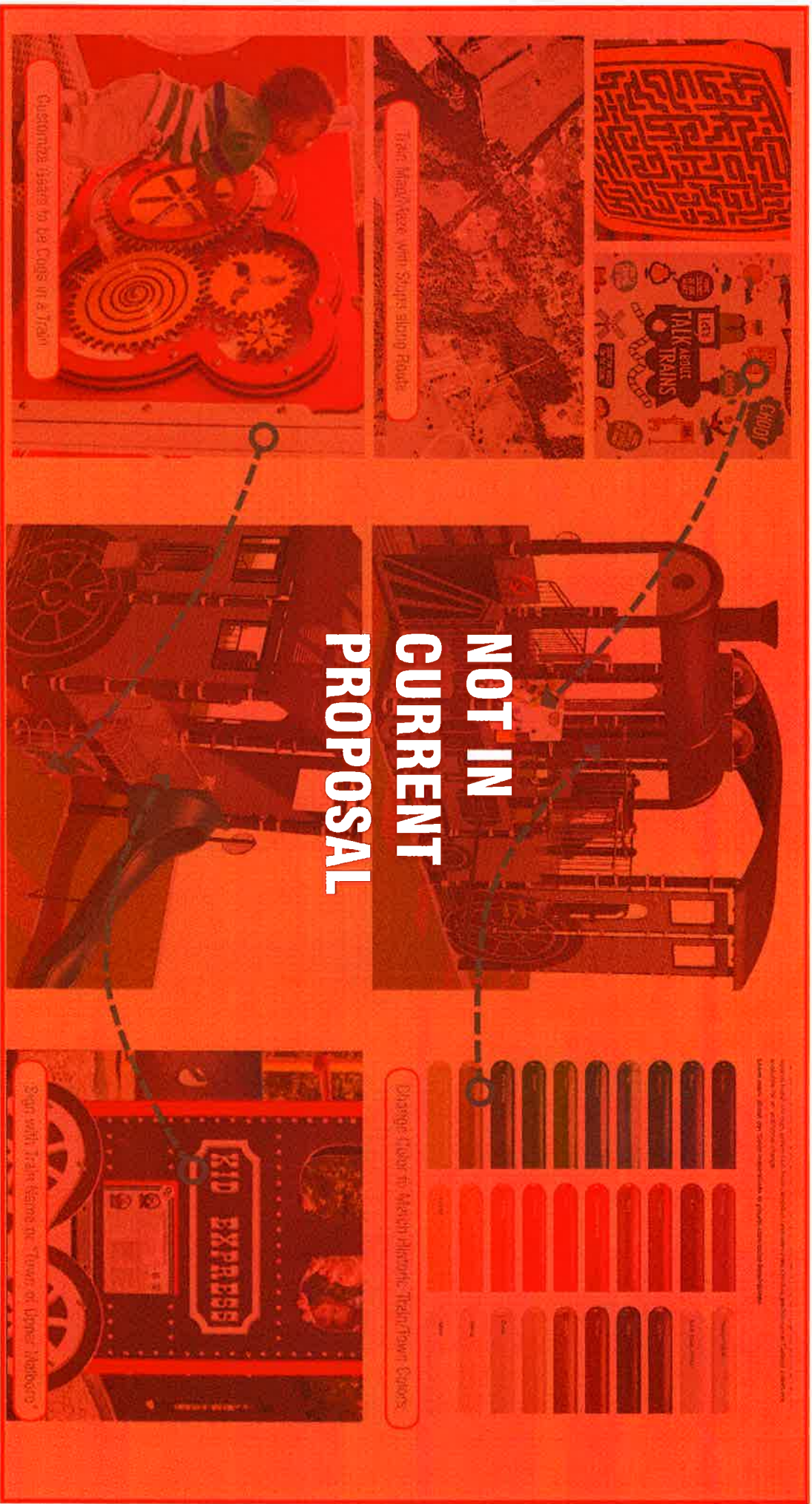
Vertical Ladder

ADA Transfer Station



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

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



NOT IN CURRENT PROPOSAL



The Town of Upper Marlboro | Theming Options
This document is strictly conceptual. Final design will be dependent on site survey, programming, civil engineering and regulatory requirements.

Option A - All at Once \$310,000

Scope Includes:

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

**NOT IN
CURRENT
PROPOSAL**

Pros:

Complete Playground
by Summer 2020
Cost Efficiencies
Less Mobilizations

Cons:

Higher Up-Front Cost

Scope by Others:

Asphalt Paths
Tree Pruning

Sparks @ Play | September 2019 | 14

 Sparks@Play



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

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

Option B - Phasing

NOT IN: \$190,000

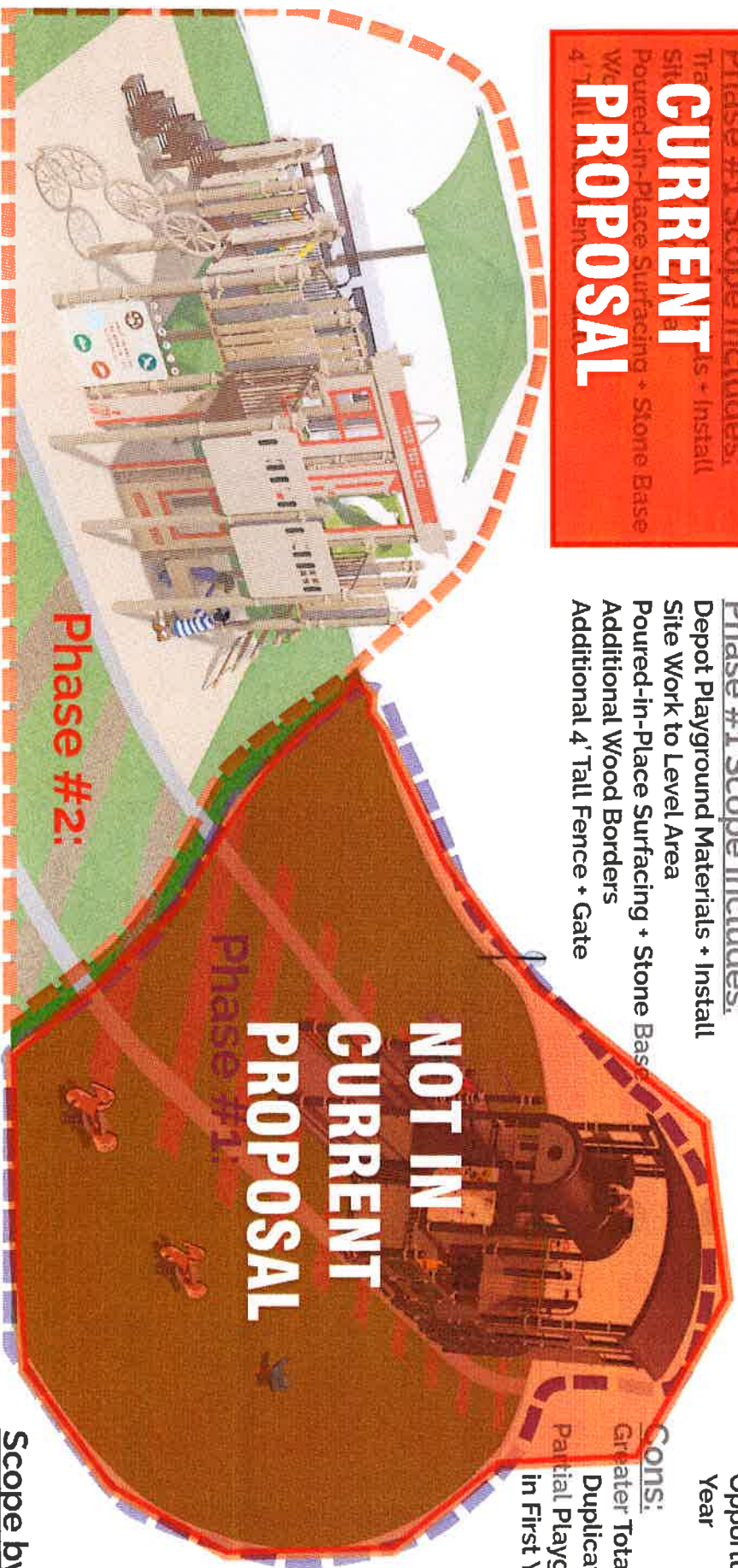
CURRENT PROPOSAL

Phase #2: \$160,000

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

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

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



The Town of Upper Marlboro | Playground Budget Option B - Phasing

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

Scope by Others:
Asphalt Paths
Tree Pruning
Sparks@Play
Sparks@Play
Sparks@Play 2015 15

Option C - Revising Playground

Meet a Determined Budget

Next Steps:

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

**NOT IN
CURRENT
PROPOSAL**



Possible Revision to Train

Pros:
Completed Playground
in First Year
Efficiencies

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

Scope by Others:
Asphalt Paths

Tree Pruning

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

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



Sparks@Play
Saeed © May | Copyright 2016 13

Town of Upper Marlboro

Vehicle Use Policy

DRAFT 1

1. PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and standards for:

- Vehicle Uses – Municipal or Personal Vehicles
- Personal Vehicle Use for Work Related Travel
- Municipal Vehicle Assignments
- Commuting and Imputed Tax
- Vehicle Accident Reporting
- Responsibilities When Driving a Municipal or a Personal Vehicle

2. APPLICABILITY

The entire policy applies to all General Government employees. Employee's whose employment is regulated by individual agreement or collective bargaining agreements are subject only to those portions of this policy that are not specifically regulated by law or agreement.

If any provision of this policy violates any governing law or regulation, or if any law or regulation applicable to this policy becomes effective after the effective date of this policy, then this policy shall be deemed changed to be in compliance with such governing law or regulation.

3. DEFINITIONS

Expense Reimbursement – payment for approved expenses relating to Personal Vehicle use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

Municipal Vehicle – those automobiles, truck, vans, or other self-propelled equipment owned, rented, or leased by Town and licensed for travel on a public way.

Personal Vehicle – that vehicle owned or available for private use by the employee.

Commuting – the use of Municipal Vehicle for travel between the employee's residence and his or her principal work location. Under Internal Revenue Service (IRS) regulations, the benefit of using a Municipal Vehicle for commuting is considered taxable income to an employee and the value of the personal use of the Municipal Vehicle will be included in his or her compensation.

Department Head – A senior staff employee who is charged with overseeing the respective Department vehicle fleet as outlined here: Chief of Police is charged with the Town's Public Safety Department fleet, the Public Works Superintendent is charged with the Public Works Department Fleet, and the Chief of Staff is charged with the Administrative Department's vehicle fleet.

4. VEHICLE USES

Municipal Vehicles

It is the policy of the Town of Upper Marlboro that certain positions require employee access to Municipal Vehicles, either during their work shift or on a 24-hour on-call basis. Municipal Vehicles are not Personal Vehicles and are not for personal use. Municipal Vehicles should be viewed as belonging to the citizens of Upper Marlboro and are assigned solely for purposes consistent with providing services to those citizens.

Personal Vehicles

It is the policy of the Town to reimburse employees for reasonable expenses which they incur as a result of Personal Vehicle use on behalf of the Town. Receipts and Expense Reports must be submitted in a timely manner in order for employee to be reimbursed for such expenses.

Registering and Insuring a Vehicle

Whenever a new vehicle is purchased and registered, the Chief of Staff must be notified, and appropriate paperwork completed immediately to add the vehicle to the Town's insurance policy.

5. PROCEDURES

A. Employee Driving Records

Employees in the course of their employment on a regular basis may be subject to driving record check, through the Motor Vehicle Administration. This is necessary for the Town to appropriately identify potential risk of liability.

A copy of the operator's Maryland driving record shall be obtained by the Chief of Police to verify the historical driving record of the operator. If the operator has an out of state license, then the operator must provide, upon request, a copy of their existing state driving record to the Chief of Police. Any out of pocket expense in obtaining a copy of the driving record will be reimbursed by the Town upon submission of a receipt, in a timely fashion. Driving records shall be reviewed by the Chief of Police and/or the Chief of Staff.

Driving records determined to be a safety concern by the Chief of Police and/or the Chief of Staff, may result in the disapproval of an employee's vehicle use in the course of employment, after consultation with the appropriate Department Head. Attachment B is the rating system to evaluate driving records.

B. Work-Related Use of Personal Vehicles

Work related use of Personal Vehicles must be approved in advance by the Department Head and/or

Upper Marlboro Vehicle Use Policy DRAFT

President.

Use of Municipal Vehicles is preferable to use of Personal Vehicles. When an employee is authorized to use a Personal Vehicle for work-related travel, he or she shall be reimbursed for mileage at the IRS standard mileage rate, unless covered by contract or stipend. According to the IRS, the standard mileage rate for business purposes is based on an annual study of the fixed and variable costs of operating a vehicle. Employees will be notified by the Town of any changes to the IRS rate. In accordance with IRS regulations/rulings, the mileage rate is intended to cover, but is not limited to, the cost of fuel, repairs, insurance, all operating costs, and general wear and tear on the Personal Vehicle.

In addition to the mileage rate, the Town will reimburse employees authorized to travel outside of the Town, driving a Personal or Municipal Vehicle, within the scope of employment, for tolls and reasonable parking expenses, when receipts are provided. Employees will not be reimbursed for tolls that are paid by the employee during his or her normal commute to work.

Insurance

Employees who are authorized to use Personal Vehicles for work related travel are required to show proof to their Supervisor/Department Head, on an annual basis, of the following minimum levels of insurance coverage:

- Bodily Injury: \$100,000/\$300,000
- Property Damage: \$50,000

Employees will not be reimbursed for commuting between their homes and offices or other regular work locations.

In order to be reimbursed for Personal Vehicle use, employees must complete a Reimbursement/Expense Form provided by the Town Accountant/Finance Director and submitted with appropriate supporting documentation and/or receipts in a timely manner.

C. Assignment of Municipal Vehicles

Employees assigned a Municipal Vehicle are required to have a valid motor vehicle license for the class of vehicle to be operated issued by the State of Maryland or their state of current residence and must show proof of such valid license to his/her Supervisor or Department Head prior to being assigned a Municipal Vehicle.

Department Heads may assign employees to particular vehicles for use during work hours.

Assignment of Vehicles for 24-Hour Use (Use approved for commuting purposes)

The assignment of Municipal Vehicles for 24-hour will only be considered for employees who

require a vehicle for the ordinary and necessary discharge of their job functions, as identified in an approved position description provided by the Board of Town Commissioners. The following criteria will be used in the determination of eligibility for 24-hour vehicle use:

- Officially designated on-call status;
- Requirement for frequent emergency availability during non-working hours;
- Issuance of Town cell phone or other communication device; and/or,
- Emergency or other equipment contained in the vehicle.

Positions are currently authorized for 24-hour use are:

Police Chief
Police Officers
Public Works Superintendent

Prior to the assignment of a take-home municipal vehicle the Chief of Police/designee shall obtain and review a copy of the operator's Maryland driving record as described in this policy.

Municipal Vehicle assignments may be rescinded in writing for good reason or cause by the Chief of Police or Chief of Staff. Please refer to the Upper Marlboro Police Department General Orders for take home and vehicles use policies to be followed by all police vehicles.

Vehicle use is limited to travel to and from the residence and at the place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be used for personal travel outside a direct commuting route.

Whenever a position becomes vacant, the authorization for 24-hour use will be re-evaluated.

Employees assigned a Municipal Vehicle for 24-hour use involving a commute of more than 20 miles one way, shall reimburse the Town for the additional fuel cost as determined by the Town Treasurer.

Employees assigned Town vehicles will be given a copy of this policy and will be required to sign a confirmation of receipt.

Imputed Income Taxation

Employees authorized to commute in a Municipal Vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Town Treasurer shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Municipal Vehicles for commuting purposes, and the

normal, one-way commuting distance, each December 1st.

Employees who are assigned marked and unmarked police vehicles, and/or Municipal Vehicles that meet eligibility criteria as defined under 26 CFR 1.274-5T will not be subject to imputed income taxation as a result of the vehicle assignment.

Non-Assigned Town Owned vehicles

Town-owned vehicles not specifically assigned to a Town employee, such as DPW vehicles, police cruisers, etc. are not to be used for personal use. There will be no exceptions.

D. Responsibilities When Driving a Municipal Vehicle or Personal Vehicle for Work

Employees who drive a Municipal or Personal Vehicle are responsible for, but not limited to, the following:

- Municipal Vehicles may only be used for legitimate Town business.
- Individuals assigned a Municipal Vehicle with commuting privileges may take “incidental personal uses” such as stopping at a grocery store or going to the bank, on his/her way home, but only if the stop does not add mileage to the trip.
- Operators should exercise sound judgment at all times when using assigned Municipal Vehicles and should avoid the appearance of misuse.
- The Maryland Ethics Code discusses unwarranted privileges. Using public equipment or resources for personal use constitutes use of an official position to obtain an unwarranted privilege not similarly available to others. Misuse of an assigned Municipal Vehicle is an ethics violation.
- Municipal Vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not ordinarily be transported in Municipal Vehicles. Police Officers transporting individuals in the performance of their normal job duties are exempt from this provision.
- The use of Personal Vehicles for transporting individual’s unrelated to municipal business shall not occur on town work time.
- Municipal Vehicles shall contain only those items for which the vehicle is assigned.
- The Town shall not be liable for the loss or damage of any personal property transported in the Municipal Vehicle or for any personal property while using their Personal Vehicle for work related travel.
- Employees are expected to keep Municipal Vehicles clean, and to report any malfunction, damage, needed repairs or other vehicle problems to their Supervisor immediately.
- Employees assigned Municipal Vehicles for commuting purposes are expected to park such vehicles in safe locations and to lock the car when not in use. Operators should never leave

vehicles unattended with the keys in the ignition keys or anywhere in the vehicle.

- Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a Municipal Vehicle wear seat belts at all times, if the Municipal Vehicles is so equipped.
- All operators of vehicles that require a CDL license, must be tested for drugs and alcohol as provided by US DOT regulations and the town drug/alcohol policy.
- Employees may not operate Municipal Vehicles or Personal Vehicles being used for work related travel, under the influence of alcohol, illegal drugs, or any controlled substances.
- Employees are prohibited from possessing open alcoholic containers, illegal drugs, or controlled substances in a Municipal Vehicle or in a Personal Vehicle being used for work related travel. Police Officers who are required to carry prohibited items in performing their normal job duties are exempt from this provision.
- Employees operating a Municipal Vehicle or a Personal Vehicle while on work related travel, must maintain a valid motor vehicle license issued by the State of Maryland or the state of their current residence, which must be provided upon request by a Supervisor during a specific or periodic license check.
- Employees operating a Municipal Vehicle or a Personal Vehicle while on work related travel, shall drive defensively and obey all applicable traffic and parking regulations, ordinances, and laws.
- Employees who incur parking or other fines/citations while operating or using an assigned Municipal Vehicle or using a Personal Vehicle on work related travel, will be personally responsible for payment of such fines/citations, unless payment of such fine/citation is approved by the President of the Board of Town Commissioners.
- Employees who are issued citations for any offense while operating or using a Municipal Vehicle must notify their Supervisor immediately when practicable, but in no case later than 24 hours after the issuance of an issued citation. Copies of issued citations while operating municipal vehicle shall be placed in the employee's personnel file.
- An employee who is assigned a Municipal Vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in his or her Personal Vehicle or in a Municipal Vehicle, must notify his or her Supervisor immediately when practicable, but in no case later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of Municipal Vehicle privileges.
- No employee may use a Municipal Vehicle for out of state use without advance approval of the President of the Board of Town Commissioners.
- Smoking is not permitted in a Municipal Vehicle in accordance with M.G.L. c270 s22. Those utilizing a Personal Vehicle for work related travel should be considerate of others in the vehicle that do not smoke.

E. Cell Phones and Handheld Electronic Devices

For the safety of the employee and all those on the road, employees shall not use a hand-held cellular/mobile telephone while the Municipal Vehicle or Personal Vehicle being used for work related travel is moving, unless the employee must place an emergency call to 911 or to another local emergency number, or the cellular/mobile telephone is used with a hands-free set.

F. Vehicle Accidents

In the event that an employee's Personal Vehicle is damaged during an approved, work-related trip, and the damage is not due to negligence of the employee, the Town will reimburse the employee to cover the part of the cost of repair, up to a maximum of \$500 or the amount of the deductible, whichever is less, per occurrence. A copy of a police report and evidence of the employee's vehicle insurance deductible (comprehensive or collision) payment shall accompany any request for reimbursement.

When an employee using a Municipal Vehicle or Personal Vehicle on work related travel is involved in a motor vehicle accident, the operator must:

- Stop the vehicle
- Obtain the following information:
 - Name(s) and address(es) of the other driver(s);
 - Driver's license number(s) of the other driver(s);
 - Name(s) and address(es) of the owner(s);
 - Registration number(s) of the other vehicle(s) involved;
 - Name(s) and address(es) of other driver(s) insurance company(ies); and,
 - Name(s) and address(es) of any witness(es) to the accident.
- Do not admit liability for the accident, even if the employee believes it was their fault.
- Immediately report details to the employee's immediate Supervisor.
- When any person has been injured and/or when vehicles have suffered significant damage, the local or state police must be called to the scene.
- Do not move the vehicle in these circumstances until authorized by the police.
- Unless an injury prevents the operator from doing so, he/she must fill out a Vehicle Accident Report (VAR) within 48 hours of the accident. A blank copy of the form may be obtained from the Town Offices. The completed VAR shall be filed with their direct Supervisor.
- The Supervisor shall ensure all information is in the report and file a copy with the President, Board of Town Commissioners, Director of Finance & HR, and the Chief of Staff. A copy shall be placed in the employee's personnel file.

G. Vehicle Markings

All Municipal-owned vehicles, with the exception of the vehicle assigned to the Chief of Police, must follow the below guidelines:

- Have a valid State of Maryland Local Government (LG) tags on the front and rear
- Bear at least two (2) Town Seals
- Bear the "Town of Upper Marlboro" at least twice

- Bear a Department ID number for identification purposes
- Bear the Town website, www.UpperMarlboroMD.gov , at least once

H. County Fuel Usage

The Town of Upper Marlboro is under contract with the Prince George's County Office of Central Services to utilize its County fuel pump system. Each Municipal vehicle, and qualified Municipal driver is to be assigned a County Fuel Pump ID within 15 days of delivery or employment. The use of County fuel pumps are for Town vehicles only. The use of the fuel pumps for personal vehicles is strictly forbidden and grounds for termination at the first offense. Department heads will work with the Director of Finance to track and reconcile fuel usage on a quarterly basis.

I. Maintenance & Reporting

It is the responsibility of each Department Head to ensure the vehicles assigned to their respective Department are well maintained, overall good appearance, and operated in a safe and professional manner at all times. The Department head shall be ultimately held responsible for the failure to maintain any of the vehicles assigned to their respective Department. Department heads shall include a section outlining vehicle maintenance in their monthly report to the Board of Town Commissioners including itemized maintenance done to each vehicle that month, the mileage of each vehicle as of the end of the month, as well as note any additional information that is

J. Citizen Complaints

The Town shall investigate all complaints regarding unsafe, reckless, or improper uses of a Town vehicle from a citizen or other agency and take such investigation seriously. If an employee is found to be at fault of a complaint, a written write-up and a copy of the complaint shall be placed in the employee's personnel file, in addition to any further corrective action found appropriate by the Department Head and/or President. The President shall be made aware of all complaints regarding the usage of Town vehicles.

K. Vehicle Idling

Idling of vehicles wastes fuel, creates pollution and causes premature engine wear. It is every Town of Upper Marlboro employee's responsibility to minimize fleet operating costs while reducing harmful effects to the environment. Violators are subject to disciplinary action. Town vehicles will not be parked with the engine running unless it is essential for performance of work. Exceptions are during an initial engine warm-up period and during periods of extreme cold or hot weather. If engines must be left operating for any reason, the operator shall remain with the unit.

L. Discipline

Failure to comply with any and all applicable provisions of this policy may result in disciplinary action up to and including suspension or removal of Town vehicle privileges, suspension and/or termination of employment. A Department Head has the authority within their department to suspend usage of a municipal vehicle usage or up to two weeks without needing approval from the President of the Board of Town Commissioners. Any further action would require the approval of the President, Board of Town Commissioners.

Attachment A – Acknowledgement

I, _____ (print name), as a Commissioner/Employee of the Town of Upper Marlboro hereby acknowledge that I have received, read, understand, and agree to abide by the Town's *Vehicle Use Policy*.

If assigned a Municipal Vehicle and/or receive authorized to use a Personal Vehicle for work related travel, I shall comply with the respective provisions of the policy or those portions of the policy not specifically regulated by law or collective bargaining agreement or individual agreement/contract.

In addition, I authorize the Town designee to obtain or shall provide to the designee (out of state residents), on an annual basis for Municipal Vehicle usage or on a case by case basis for Personal Vehicle usage, and at no cost to me, a copy of my driving record, which shall only be used in determining my safety record, enabling me to be assigned and/or operate a Municipal Vehicle or to use my Personal Vehicle for work related travel, should the need be required. In consultation with the appropriate Department Head, the Chief of Police & Chief of Staff shall make such a determination.

Once signed, this form will be placed in the employee's personnel file for records purposes.

Employee Signature: _____ Date: ____/____/____

Department Head Signature: _____ Date: ____/____/____

President Signature: _____ Date: ____/____/____

(Only applicable if Employee signing is a Department Head or Commissioner)

Attachment B – Guidelines for Acceptable Drivers

An acceptable rating to drive a Town vehicle or for employees to use personal vehicles for municipal business shall be 1 or 2.

Rating (based on last 3 years of driving experience)

(1) Superior – no traffic citation or motor vehicle accidents

(2) Good – no more than 1 moving traffic citation, or 1 motor vehicle accident (not at fault)

(3) Marginal – no more than 2 moving traffic citations, or 2 motor vehicle accidents (not at fault), or 1 at fault motor vehicle accident

(4) Probationary status – anything in excess of marginal rating. A six months watch is indicated, and Motor Vehicle Record (MVR) is checked at six months intervals.

(5) Unacceptable – any driver whose MVR shows any one of the following records is not acceptable:

- Three or more accidents (at fault) in the last three years.
- One or more Type A violations in the last three years.
- Any combination of accidents and Type B violations equaling four or more in the last 2 years.
- An operator's license that has been suspended or revoked within the past three years.

Type A Violations

1. Driving while intoxicated
2. Driving under the influence of drugs
3. Negligent homicide arising out of the use of a motor vehicle
4. Operating a motor vehicle during a period of suspension or revocation of an operator's license.
5. Using a motor vehicle for the commission of a felony.
6. Aggravated assault with a motor vehicle.
7. Operating a motor vehicle without the owner's authorization.
8. Permitting an unlicensed person to drive.
9. Reckless driving.
10. Speeding contest.
11. Hit and run (bodily injury and physical damage) driving.

Type B Violations

All moving violations not listed as Type A violations



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

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

MEMORANDUM

To: Board of Commissioners
From: Kyle Snyder, Chief of Staff
Date: Friday October 18, 2019
Re: Community Development Block Grant

Dear Commissioners,

This memo serves as a brief overview to the Town attempting to apply for Community Development Block Grant (CDBG) funding. The Community Development Block Grant (CDBG) program, administered by Department of Housing and Community Development (DHCD)'s Community Planning and Development Division, provides annual grants on a formula basis to entitled municipalities and non-profit organizations. The program is intended to develop viable urban communities by:

- Providing decent housing
- Providing a suitable living environment
- Expanding economic opportunities, principally for low and moderate-income persons.

The Town discovered it was illegible to participate in this grant program as the Town chose to opt-out in 2017. The Town will not be eligible until the Federal Government Fiscal Year 2021. Some potential uses of CDBG fund for the Town could include economic development, hiring of a Code Enforcement Officer, street & sidewalk upgrades, and much more.

Below are some attachments to provide additional insight into the Town's CDBG situation:

Attachment A- Invitation for the Town to participate in Cooperative Agreement

Attachment B- Letter from Town opting out of UGLC program

Attachment C- Letter declining Town CDBG application & email from County with explanation

Please let me know if you have any additional questions or concerns,

Linda Pennoyer
Commissioner/ Treasurer

Kai Bernal-LeClaire
Commissioner

Wanda M. Leonard
Commissioner/ President



Rushern L. Baker, III
County Executive

PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

June 6, 2017

Mr. James Storey
President of Board of Commissioners
14211 School Lane
Upper Marlboro, Maryland 20772

Dear Mr. Storey:

Prince George's County is in the process of re-qualifying its entitlement status as an urban county to receive Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) grant funds during Federal Fiscal Years 2018-2020 from the U.S. Department of Housing and Urban Development (HUD). It is the County's intent to use the grant funding, in part, to undertake eligible community development and housing activities that will primarily benefit low- to moderate income individuals and families residing in Prince George's County. A municipality that desires to assist the County's efforts to administer and/or provide approved activities pursuant to its CDBG, and where applicable HOME and Emergency Solutions Grants (ESG) Programs, may elect to enter into a Cooperation Agreement with the County that authorizes the County to include the municipality's population with that of the County's incorporated areas to increase the County's annual entitlement.

If your municipality previously entered into a Cooperation Agreement with the County and/or is interested in entering into a new Cooperation Agreement with the County, the County is required to inform you of the following:

A decision to enter into a Cooperation Agreement for the purpose of participating in the County's CDBG and, where applicable, HOME programs would be effective for the three-year period that includes Federal Fiscal Years 2018, 2019, and 2020. Thereafter, participating municipalities may be eligible to receive project-financing assistance through the County's CDBG and, where applicable, HOME programs that will begin July 1, 2018 through June 30, 2020.

14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772
(301) 952-4131
www.princegeorgescountymd.gov

Mr. James Storey

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June 6, 2017

Furthermore, it is important for you to understand that your decision to include your municipality's population stats for the purpose of HUD determining the County's urban county entitlement status and appropriating entitlement funds would make your municipality *ineligible to apply for entitlement funds, with the possible exception of grant funds awarded through the State's Small Cities CDBG Program*, during the applicable Qualification Period. In addition, your municipality's formula allocation under the HOME Program, if any, could only be awarded to the County and your municipality could not otherwise form a HOME consortium with other units of general local government ("UGLG") in the event that the County did not receive a HOME formula allocation during the applicable Qualification Period.

As a designated UGLG, the County is further required to inform you of the following option that address your municipality's right to either participate or elect not to participate as a UGLG under the County's urban county status during the Qualification Period are as follows:

1. A municipality may elect to be identified as one of the County's participating UGLGs during the Qualification Period, must execute and return to the County no later than **June 30, 2017**, two (2) copies each of the enclosed Cooperation Agreement and Certification form. The Cooperation Agreement must be authorized by the municipal governing body and executed on its behalf by you or another authorized official.

Please return the signed Cooperation Agreement and Certification form to:

Estella Alexander, Deputy Director
Attention: Tannia Jackson, Administrative Aide
Department of Housing and Community Development
9200 Basil Court, Suite 500
Largo, Maryland 20774

2. A municipality may elect to **not** participate as one of the County's UGLGs during the Qualification Period. By choosing this option, the municipality **must** notify HUD and Prince George's County no later than **June 12, 2017**. Notification to HUD must be in writing from you or another authorized official, and should be addressed to:

Marvin W. Turner, Director
U.S. Department of Housing and Urban Development
District of Columbia Field Office
820 First Street, NE., Suite 300
Washington, DC 20002
Phone: 202-275-6291; Fax: 202-275-6380
Email: Marvin.Turner@hud.gov

Mr. James Storey

Page 3

June 6, 2017

The County must also be informed of the municipality's decision not to participate by providing a copy of the notice sent to HUD to Ms. Estella Alexander at the address provided in Paragraph 1 above.

3. Finally, a municipality may elect **only** to participate for Federal Fiscal Year 2018 or 2019 or 2020. In any case, the municipality must notify HUD and Prince George's County by **June 12, 2017** of the municipality's intentions to participate in one or more of three Fiscal Years (2018, 2019 and/or 2020) during the Qualification Period in accordance with the notification procedures outlined in Paragraph 2 above.

Under this option, a participating municipality must return a fully executed Cooperation Agreement, Certification form and evidence of the authorization to enter into the agreement to the County by **June 30, 2017** in time for inclusion in the package with all of the Cooperation Agreements and Certification forms to be submitted by the County to HUD. Furthermore, please be advised that HUD will not accept Cooperation Agreements submitted after its deadline.

Failure to elect one of the three (3) options above and to provide the required notice to HUD and the County prior to the deadline will be interpreted by HUD as a notice for **exclusion** from participation. Should you need further information or additional assistance, please feel free to contact Mr. Eric C. Brown, Director, DHCD at 301-883-5531.

Sincerely,

A handwritten signature in black ink, appearing to read "Rushern L. Baker, III", with a stylized flourish at the end.

Rushern L. Baker, III
County Executive

Enclosure(s)

Cooperation Agreement
Certification of Cooperation Agreement

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

June 9, 2017

Estella Alexander, Deputy Director
attn.: Tannia Jackson, Admin Aide
Department of Housing and Community Development
9200 Basil Court, Suite 500
Largo, MD 20772

Dear Deputy Director Alexander,

The Town would like to opt-out of participating in the UGLG program at this time. We are less than a half-square mile in area, and 60 percent of that land area is government/county owned.

We are currently active with DHCD grants as a designated Sustainable Community since 2015. Being already built-out, small staffed, and financially solvent, the Board of Town Commissioners do not see a need to secure any other grant programs for the foreseeable future.

Sincerely,



James Storey / President
Board of Town Commissioners

Nancy C. Clagett
Commissioner/ Treasurer

Linda Pennoyer
Commissioner

James Storey
President

PHONE: 301-627-6905 • FAX: 301-627-2080
E-MAIL: info@uppermarlboromd.gov • WEBSITE: uppermarlboromd.gov
MAILING ADDRESS: P.O. Box 280 • Upper Marlboro, Maryland 20773

July 1, 2019

Mr. Kyle Snyder
Chief of Staff to the Mayor
Town of Upper Marlboro
14211 School Lane
Upper Marlboro, Maryland 20772

Dear Mr. Snyder:

Thank you for submitting your grant application/proposal for the Program Year (PY) 45 Community Development Block Grant (CDBG) funds. As you may know, each year the Department of Housing and Community Development (DHCD) receives numerous requests in response to the Notice of Funding Availability (NOFA) opening cycle. Unfortunately, DHCD is unable to fund every project requesting support. We regret to inform you that your request for CDBG funds for the activity entitled: **Downtown Upper Marlboro Streetscape & Economic Development Initiative** was not granted because of one or more of the following reason(s):

- ☐ The application did not meet one of the National Objectives;
- ☒ The proposed activity is ineligible for CDBG funds due to the Town declining to participate in the Cooperative Agreement for Entitlement funds;
- ☐ The application scored below the funding category's threshold evaluation criteria.

This year Prince George's County received seventy-three (73) CDBG funding proposal totaling \$8,591,970.00, while the County's CDBG entitlement grant from the U.S. Department of Housing and Urban Development (HUD) totaled \$5,029,514.00.

The Program Year 45 debriefings will be held during the week of July 16th – July 19, 2019. Please call to schedule an appointment by contacting Ms. Priscilla Hafford at 301.883.5540. In the interim, the next NOFA for Program Year 46 will open September 2019. To receive the notification, please use this link to subscribe to "MYPGC" at: <https://public.govdelivery.com/accounts/MDPGC/subscribers/new>

Sincerely,



Estella Alexander
Acting Director

cc: Patricia Isaac, Program Manager, DHCD
Adedamola George, Community Service Manager, DHCD
Priscilla Hafford, Administrative Aide III, DHCD



RE: Town of Upper Marlboro CDBG Eligibility

George, Adedamola O. <AOGeorge@co.pg.md.us>

Thu 10/17/2019 5:22 PM

To: Kyle Snyder <ksnyder@uppermarlboromd.gov>

 2 attachments (1 MB)

HUD Notice CPD 17-03 - Instructions for Urban County Qualification for Participation in the CDBG Program for FYs 2018-2020.pdf; Upper Marlboro - Letter to Municipality regarding the Cooperation Agreement from Prince George's County Executive.pdf;

Good Afternoon Kyle,

As discussed, please see attached for the letter that was sent to the Town of Upper Marlboro regarding the County's Cooperation Agreements. I have also attached the notice from HUD relating to that certification period. As I mentioned, please discuss with Pat Isaac, CDBG Program Manager, regarding eligibility for PY46 CDBG funding. She can be reached at PAIsaac@co.pg.md.us. Thank you.

~Funmi

Best Regards,

Adedamola "Funmi" George, Esq.

Community Services Manager/Senior Compliance Manager

Prince George's County

Department of Housing & Community Development

9200 Basil Court

Third Floor, Suite 306

Largo, MD 20774

Email: aogeo@co.pg.md.us

Phone: (301) 883-5536



From: Kyle Snyder <ksnyder@uppermarlboromd.gov>

Sent: Wednesday, October 16, 2019 12:37 PM

To: George, Adedamola O. <AOGeorge@co.pg.md.us>

Subject: Town of Upper Marlboro CDBG Eligibility

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Good Afternoon,

I just left you a voicemail, I am reaching out to see if the Town of Upper Marlboro is eligible to receive CDBG Funding for Program Year (PY) 46. I understand in 2017 the Town chose to "Opt-Out", documentation attached.

Thank you in advance!

Kyle Snyder

Chief of Staff

The Town of Upper Marlboro

Prince George's County Seat of Government

14211 School Lane, Upper Marlboro, MD. 20772

O: (301) 627-6905 | **Fax:** (301) 627-2080



[Our NEW Site!](#)

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October 2019

Town of Upper Marlboro Project Tracker Spreadsheet

DRAFT

Project Name

Project Description

Cost/Budget

Estimated Completion

Additional Notes

Active/Funded Projects

Heritage Area Expansion
New Town Playground Construction

\$5,000
\$250,000

Jul-20

Downtown Parking Meter Upgrade
Police Vehicle Purchase

\$102,000

Oct-19 Awaiting activation of Park Smarter Mobile App
Oct-19

To install 123 new IPS MS single splace parking meters
Approved,
Performing a full inventory and placing Property/Serial number decals on Town-
owned items exceeding \$50.

Town Asset Inventory

\$600.00

Nov-19 Cost covers purchase of asset "proeprty of" decals with serial numbers

Pepco grant to install two electriict vehicle chargers at the Church Street lot

Pepco Vehicle Charging Station

\$0

Application & site under review by Pepco

Funded Project- Placed on Hold

Western Branch Waterway Park

\$400,000

Placed on hold pending completion of DPW&T dredging project

Upper Marlboro Welcome Center

\$175,000

Placed on hold pending property being turned over to the Town

Unfunded Projects in the Feasibility Stage

Main Street Pocket Park
Water Street Parking Lot
Paving of the Church Street Lot
Sasser Field Upgrade/Spashpark
Annexation Phase 2
Cencus 2020 Outreach Initiative
Main Street Maryland Program

Potential Town Legislation

Food Truck Regulation Ordinance
Personell Ordinance
Police Department Ordiance
Emergency Operations Ordiance
Board Compension Ordiance (To Amend)
Ballot Questions Ordiance

The Town of Upper Marlboro

2020 TOWN ELECTION SCHEDULE

Tue-Oct 22, 2019	<u>Board Work Session</u> 7:00 p.m.
Mon- Nov 4, 2019	Board of Supervisors of Elections (BoSE) officially begins two-year term.
Mon-Nov 11, 2019	Veterans Day (observed) – Town Offices closed.
Tue- Nov 12, 2019	<u>Regular Town Meeting</u> 7:30 p.m.— 2019-2021 BoSE Oath-of-Office administered.
Tue- Nov 19, 2019	Last day for BoSE to put a public notice in the newspaper as to the Dec. 9 voter registration deadline & Dec. 9 deadline for candidates. Include date, time and location <i>(can be done earlier – newspaper deadlines may change due to Thanksgiving holiday)</i>
Tue- Nov 26, 2019	<u>Board Work Session</u> 7:00 p.m.
Nov 28–29, 2019	Thanksgiving (observed) – Town Offices closed Thursday & Friday.
Mon–Dec 9, 2019	5:00 p.m. Deadline to register to vote in election (C.O.B./ postmark okay?)
Mon–Dec 9, 2019	5:00 p.m. Deadline to file candidate petition to Board of Supervisors of Elections— in order for name to appear on ballot (postmark okay?)
Mon–Dec 9, 2019	First opportunity to request Absentee Ballot application
Tue- Dec 10, 2019	<u>Regular Town Meeting</u> 7:00 p.m.
Wed–Dec 11, 2019	BoSE deadline to certify candidate registrations & update voter cards.
(by) December 13	Prepare absentee ballots, forms & envelopes (print in-house) Prepare Official Ballots for printers/printing (submit by Fri. Dec 13 C.O.B.)
Tue- Dec 17, 2019	Last day for Board of Supervisors of Elections to put a public notice in the newspaper as to the election date , time and location <i>(can be done earlier – check newspaper deadline, may change due to holiday schedule.)</i>
Fri–Dec 20, 2019	Post the Election Notice on Town Hall entrance, website and social media outlets with sample ballot (marked “sample”).
Fri–Dec 27, 2019	Last day for voters to submit Absentee Ballot applications (due in office by C.O.B.)
Wed–Dec 25, 2019	Christmas Day (observed) Town Offices closed.
Wed- Jan. 1, 2019	New Year’s Day (observed) Town Offices closed.
Mon- Jan 6, 2020	Election Day at Town Hall (polls open 1:00–8:00 p.m.)
Tue- Jan 7, 2019	Post Election results on Town Hall entrance(s) Notify MML, Board of Elections, State, etc.
Thu- Jan 9, 2019 (by 12:00 noon)	Deadline for BoSE to certify election results— <u>can be done before</u> <i>(Commissioners cannot be sworn in by Clerk of Circuit Court until BoSE certification is given to Town Clerk.)</i>
Mon- Jan 13, 2019 (8:00 p.m.)	2020-2022 newly elected Commissioners conduct Charter mandated “Organizational Meeting” (open to public.)

