



# Town of Upper Marlboro

## REGULAR TOWN MEETING

14211 School Lane, Upper Marlboro, Maryland, 20772

Tuesday, October 25, 2022 at 7:00 PM

### **AGENDA**

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This meeting will be conducted via Zoom Video Teleconference. As the Town Hall remains closed to the public at this time, citizens may participate by video or phone (please sign-in with the Clerk):

<https://uppermarlboromd->

[gov.zoom.us/j/87179274163?pwd=SGo5d0d6dIYvbEpRTVQ1U3pWRUVXdz09](https://uppermarlboromd-gov.zoom.us/j/87179274163?pwd=SGo5d0d6dIYvbEpRTVQ1U3pWRUVXdz09)

**Passcode:**133246; **Webinar ID:**871 7927 4163; **Dial-in only:** +1 301 715 8592

### **REGULAR TOWN MEETING AGENDA: 7:00 PM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Review of Agenda**
- 5. Consent Agenda**
  - A. Meeting Minutes
  - [B.](#) Financial Report
  - [C.](#) Public Safety Report
  - [D.](#) Public Works Report
  - [E.](#) Administrative Report
- 6. Reports**
  - A. Arts Council Committee Report
  - B. CERT Committee Report
  - C. Events Committee Report
  - D. Green Team Committee Report
  - E. Greenwill Consulting Committee Report
  - F. Historical Committee Report
  - G. Sustainable Communities Committee Report
  - H. Commissioner Reports
- 7. Financial Expenditure Approvals**

*Public comment will be taken prior to vote (3 minutes per item)*

  - [A.](#) Resolution 2022-20 Approving Copier Contract (Board Vote)
  - [B.](#) Resolution 2022-21 Approving Toughbook Purchase For Police Department (Board Vote)
  - [C.](#) Resolution 2022-22 Approving Electrical Work In Pocket Park (Board Vote)
- 8. Business**

*Public comment will be taken prior to Business line items (3 minutes per item)*

  - [A.](#) Financial Legislation Package (Board Vote)
    - Charter Amendment 01-2022 Amending Section 82-45
    - Ordinance 2022-06 Procurement
    - Financial Policy on Town Credit Cards, Invoice Payments & Deposits

- [B.](#) Ordinance 2022-07 An Ordinance To Amend Ordinance 2012-02 Establishing A Historical Committee For The Town of Upper Marlboro (Board Vote or Introduction)
- [C.](#) Resolution 2022-23 Dignity & Respect (Board Vote)
- [D.](#) Resolution 2022-24 Road Engineering Firm Contract Amendment (Board Vote)
- [E.](#) Ordinance 2022-08 Parking (Board Introduction)
- F. Emergency Resident Assistance (Board Discussion)

**9. Administrative Updates**

**10. Public Comment**

*For items not necessarily on the immediate agenda (3 minutes per item)*

**11. Preliminary Approval of Next Meeting Agenda**

**12. Adjournment**

## **PUBLIC COMMENT PROCEDURES**

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

Agendas for meetings are posted on our website and notices of legislative items are also posted on the Town's social media accounts (Facebook, Twitter & Instagram).

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 2022-05: A 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."**

### **Citizen Input:**

- 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.
- 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.
- 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.
- 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.
- Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
- 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.
- 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.
- Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, misleading, or personal attacks are strictly prohibited. Violators may be removed from the Commission chambers.
- No placards, banners or signs may be displayed in the Board chambers or Town Hall. Exhibits relating to a presentation are acceptable.
- 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 and must be complete within the three-minute comment period allotted to the speaker.

**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 and raise your hand to comment on an item.*

All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 17.



# Town of Upper Marlboro

Town Hall, 14211 School Lane    Tel: (301) 627-6905    info@uppermarlboromd.gov  
Upper Marlboro, MD 20772    Fax: (301) 627-2080    www.uppermarlboromd.gov  
Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

## Town of Upper Marlboro September 2022 Treasurer Report Budget vs. Actuals: FY23 Budget July 2022 - June 2023

	Total		
	ACTUAL	BUDGET	OVER (UNDER) BUDGET
<b>Income</b>			
<b>Revenue</b>			
4000 Property Taxes	29,234	1,054,540	(1,025,306)
4200 Fines, Licenses, Permits	107,048	275,376	(168,328)
4300 Intergovernmental	24,937	404,899	(379,962)
4400 Miscellaneous Revenue	2,571	95,119	(92,548)
4500 Grants	482,311	1,497,788	(1,015,477)
<b>Total Revenue</b>	<b>\$ 646,100.70</b>	<b>\$ 3,327,722.00</b>	<b>\$ (2,681,621.30)</b>
<b>Expenses</b>			
5000 General Government	169,548	838,010	(668,462)
6000 Public Safety	145,163	765,293	(620,130)
7000 Public Works	92,353	484,344	(391,991)
8000 Grants & Awards	302,081	1,220,075	(917,994)
9000 Capital Outlays	-	20,000	(20,000)
<b>Total Expenses</b>	<b>\$ 709,146.13</b>	<b>\$ 3,327,722.00</b>	<b>\$ (2,618,575.87)</b>
<b>NET INCOME</b>	<b>\$ (63,045.43)</b>	<b>\$ -</b>	<b>\$ (63,045.43)</b>



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## Town of Upper Marlboro September 2022 Treasurer Report Budget vs. Actuals: FY23 July 2022 - June 2023

### Key Monthly Items

1. ARPA year 2 payment was collected earlier this year
2. Revenues are under budget year to date as a whole, activity will increase in Q2 of FY22
3. Expenses YTD are 15% under budget
4. Property Tax collections will increase from Oct till January accounting for approx 12.5% of Town's revenue budget.

### **Bank Accounts**

<b>1000 Checking Account (Premis) 6968</b>	55,157
<b>1001 Petty Cash</b>	750
<b>1010 Payroll Account (Premis) 6976</b>	1,545
<b>1040 Parking Meter Checking (M&amp;T)</b>	87,688
<b>1045 Speed &amp; Red Light (M&amp;T) 0013</b>	31,579
<b>1050 ARPA Checking 4957</b>	366,749
<b>1117 WesBanco (CD)</b>	103,276
<b>1140 MLGIP (MM)</b>	783,235
<b>Total Bank Accounts</b>	<hr/> <b>1,429,978</b>

# Town of Upper Marlboro Police Department

14211 School Lane, Upper Marlboro, Maryland 20772 Tel: (301) 627-6905



David A. Burse  
Chief of Police

For ALL Police Calls dial 911 or the Non-Emergency number at 301-352-2100

## Monthly Town Police Department Report For the Month of September 2022

### Incidents Reported in Town:

Commercial Alarm 1	Check on Welfare 10	Family Dispute 1
Unknown Trouble 1	Trespassing Complaint 2	Fraud Call 2
Vehicle Accident 3	Theft Call 1	Disorderly Call 11
Attempt Suicide 1	Hit & Run Accident 1	Residential Alarm 1
Traffic Complaint 3	Assault Call 1	Vandalism Call 1

Chief Burse participated in the Prince George's Chiefs Association meeting.

Chief Burse participated in the Maryland Chiefs of Police meeting.

Chief Burse, Sgt. Irby and Cpl. Brooks conducted high visibility patrols throughout the Town.

Chief Burse attended the Maryland Chief's Association Training Conference.

Chief Burse, Sgt. Irby participated in the Cheverly Police Public Safety Day event.

Chief Burse participated in the Criminal Justice Coordinating Council Meeting with Judge Adams.

Chief Burse participated in the weekly Prince George's County Police Crime meeting.

Chief Burse, Cpl. Johnson participated in the Mt. Rainier Police Public Safety Day event.

Chief Burse participated in the monthly Carjacking Task Force meeting.

Chief Burse, participated in the Sheriff's Department annual Purple Light Night event.



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[www.uppermarlboromd.gov](http://www.uppermarlboromd.gov)

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

**Date:** Monday Oct 17, 2022

**Subject:** Public Works' Status Report

**RE:** September 2022 – Monthly Status Report

## Public Works Related

- PWD continued to work with S. Patel of Mead and Hunt to converse on contract issues.
- PWD assisted Ms. Pancho of Insurity with info for an emergency preparedness grant.
- PWD completed composting survey about our municipality for MML.
- PWC completed beautification, pick-up, and event set-up ahead of the Crain Hwy Monument Centennial.

## Maintenance and Beautification

- All PW vehicles passed inspection by the health Dept and received new licenses.
- Truck 364 went to shop for suspension service.
- Water St and Main St at Gov Oden Bowie Dr had banners replaced.
- Planters were purchased and decorated with Morning glow juniper evergreen, assorted pansies, Ivy, and mums.
- Water Street had lirioppe and black eyed susan's planted.

## Street and Sidewalk

- PWC worked with CC Officer Stewart to fix broken meters along Main St and Gov Oden Bowie Dr.
- PWD reported downed trees onto power lines on Service Ln, and Old Crain Hwy.
- PWD attended the hybrid Pepco and municipality customer streetlight ownership process meeting.
- Ordered cones, detour signs and corresponding brackets, and stands.

## Refuse Accumulations

- Bulk day accumulations for solid wastes (Landfill) are 4.03 tons. Bulk day accumulations for yard waste collections are 3.30 tons. We had no dump body rentals for the month.

Sincerely,

Darnell F. Bond III  
*Public Works Director*

**Sarah Franklin**  
**President**

[sfranklin@uppermarlboromd.gov](mailto:sfranklin@uppermarlboromd.gov)

**Janice Duckett**  
**Commissioner / Treasurer**  
[jduckett@uppermarlboromd.gov](mailto:jduckett@uppermarlboromd.gov)

**Thomas Hanchett**  
**Commissioner**  
[thanchett@uppermarlboromd.gov](mailto:thanchett@uppermarlboromd.gov)

**Karen Lott**  
**Commissioner**  
[klott@uppermarlboromd.gov](mailto:klott@uppermarlboromd.gov)

**Charles Colbert**  
**Commissioner**  
[ccolbert@uppermarlboromd.gov](mailto:ccolbert@uppermarlboromd.gov)



# Town of Upper Marlboro

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## MEMORANDUM

To: Board of Town Commissioners  
From: Kyle Snyder, Town Administrator  
Date: Tuesday, October 18<sup>th</sup>, 2022  
Re: October 2022 Monthly General Government Report

Commissioners,

Below is the update on some of the projects and statistics from the Town of Upper Marlboro General Government undertaken in September 2022.

The Town has hired former intern Aiden Thomas part-time as a special assistant, assisting the Town Administrator with special projects and general office support. This helps offset the lost man hours of the currently vacant positions (grant manager, bookkeeper, and events coordinator which we are hiring for). Town is still distributing COVID-19 tests at Town Hall during office hours.

Major Projects Underway	
Event Planning	Staff has been planning many events, including Old Crain Hwy Centennial, Happy Leaf Arts Festival (canceled), Trunk or Treat, Horse Show Food Trucks, Blood Drive, Christmas Towne, and several smaller misc. events.
Codification	The Town Clerk is working with the Municode team, with the legal review will be submitted to the Town Attorney in February / March, 2023. This is a 10 month process
Annual Audit	The Town Administrator working with the Auditing and Accounting firms to complete the FY22 annual audit.
Town Financial Policies & Legislation	One Charter Amendment, one Procurement Ordinance, and a set of financial policies introduced September Town meeting.
Grant Applications	PEPCO Grant applications for the pocket park and emergency generators have been submitted.Gen
Playground	Phase 2 & 3 playground is in the planning & permitting phase, with equipment being delivered in October to the vendor. Vendor working with County and WSSC permitting.
Beautification	Gen Gov staff are working with Town DPW to purchase and coordinate beautification efforts before the horse shows. Also working with State & County agencies on their projects.
ParkMobile	Staff working with ParkMobile to set up the new mobile parking system and integrate it with the Town's existing IPS enforcement and parking equipment.
Annexation	Working with Town Annexation Legal team on drafting Annexation Resolution 2022-01 for Phase 3 Annexation.
State Highway Projects	Working with SHA teams on 1) Main St/ Water St sidewalk update 2) Water Street bridge 3) Water Street repaving (Completed!), 4) Ritchie Marlboro Rd exit reconstruction (Completed!)



**Office Statistics:**

- Phone Call Volume: 672 incoming calls (average of 33 calls per working day M-F)
- Room Rentals: 0
- Notaries: 3
- Parking Permits: 38
- Food Truck Permits: 0

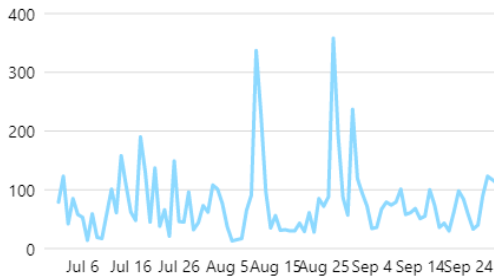
**Outreach Statistics:**

*Facebook & Instagram-*

**Page and profile visits**

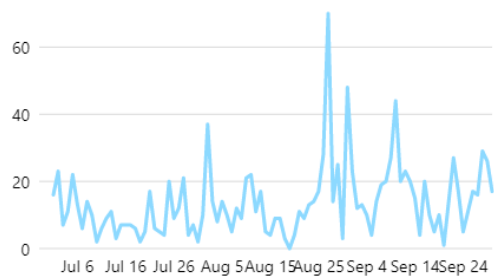
Facebook Page visits ⓘ

7,203 ↑ 49.8%



Instagram profile visits ⓘ

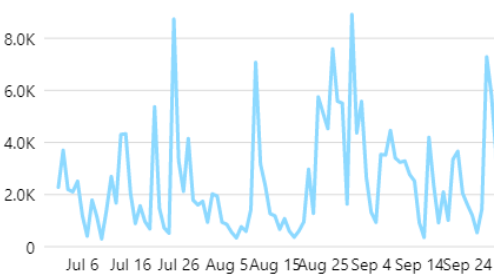
1,263 ↓ 14.5%



**Reach**

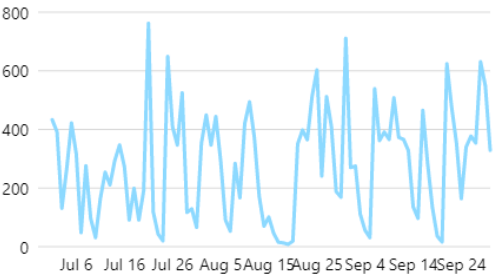
Facebook Page reach ⓘ

79,151 ↑ 37.2%

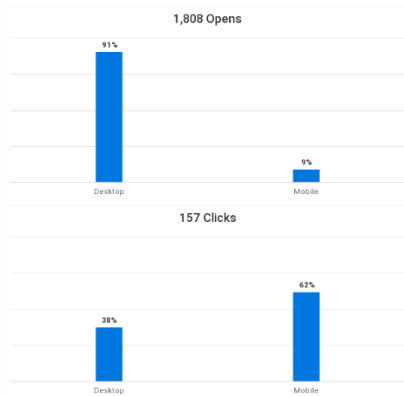


Instagram reach ⓘ

2,772 ↓ 38.1%



*Constant Contact-*



## The Town of Upper Marlboro

RESOLUTION: 2022-20  
SESSION: Regular Town Meeting  
DATED: October 25<sup>th</sup>, 2022

### **A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO ENTER INTO LEASE AGREEMENTS WITH ENCORE COPIER FOR THE LEASE OF TWO PRINTERS.**

**WHEREAS**, pursuant to Local Government Art., § 5-205 of Md. Ann. Code, a municipality may spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants, and a municipality may further provide for printing and publishing statements of its receipts and expenditures; and

**WHEREAS**, Ordinance 2011-02 (Procurement), Section 4(b) states that upon having obtained three (3) quotes or proposals “[a]ll procurements between \$10,000 and \$ 2,000 shall be approved by the Board,” and

**WHEREAS**, the Town Board of Commissioners hereby finds that sufficient funds have been appropriated for these lease agreements, which includes the scope of the subject proposals, and ENCORE BUSINESS SYTEMS, INC., a Maryland Corporation, is a local, responsible offeror, in good standing with the State, whose proposals are the most advantageous to the Town taking into consideration price and the other evaluation factors.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 25th day of October 2022, that the Town Board of Commissioners hereby authorizes the President to execute the lease proposals, attached hereto and incorporated by reference herein, for the General Government printer lease \$174.70 per month for 60 months, and the Police printer lease at \$89.00 per month for 60 months with Encore Business Systems, Inc.

**AND, BE IT FURTHER RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, that the Town Administrator shall obtain proof of insurance and a reasonable release and waiver of liability form signed by the Contractor as deemed necessary to protect the Town and carry out the performance of the project or tasks described herein prior to the execution of the proposal or contract approved herein.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
John Hoatson, Town Clerk

\_\_\_\_\_  
Sarah Franklin, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Ordinance, and that said Ordinance is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 25th day of October 2022.

\_\_\_\_\_  
John Hoatson, Town Clerk

ATTACHMENT A- Lease Proposal for General Government Canon iRC5540llli

ATTACHMENT B Lease Proposal for Police Kyocera M5526CDW



**ENCORE BUSINESS SYSTEMS, INC.**  
 609-611 COMMERCE DR.  
 UPPER MARLBORO, MD 20774

**Canon**  
 ImageRUNNER™ OPD  
 LASER CLASS FAX  
 AUTHORIZED DEALER

Section 7, Item A.

October 17, 2022

Quote for **NEW** Kyocera M5526CDW Color MFP to include Print, Color Copy, Scan, & Fax

Kyocera M5526CDW

- 27 PPM Color/Black/White
- 50 Sheet Duplex Automatic Document Feeder
- (QTY2) 250 Sheet Cassette
- Base Cabinet
- Color Universal Send, UFR Printing
- 10/100/1000 Base TX Ethernet, and USB 2.0/3.0 connectivity
- Standard Wireless
- Blue Tooth
- Scan to email
- Super G-3 Fax Board
- CMYK toners

**Canon 60mo. Lease Payment: \$89.00**

Includes:

Standard delivery (No steps) . Set up to network up to 1 hour, and operator training:

Acceptance: \_\_\_\_\_ Date: \_\_\_\_\_

## The Town of Upper Marlboro

RESOLUTION: 2022-21  
SESSION: Regular Town Meeting  
DATED: October 25<sup>th</sup>, 2022

### **A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO AUTHORIZE THE PURCHASE OF A TOUGHBOOK COMPUTER FOR THE POLICE DEPARTMENT**

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro has authority pursuant to §§82-83 and 82-84 of the Town Charter to construct, operate, and maintain any buildings and structures it deems necessary for the operation of the Town government, and to do whatever may be necessary to protect Town property and to keep the same in good condition; and

**WHEREAS**, Ordinance 2011-02 (Procurement), Section 4(b) states that upon having obtained three (3) quotes or proposals “[a]ll procurements between \$10,000 and \$ 2,000 shall be approved by the Board,” and

**WHEREAS**, the Town Board of Commissioners hereby finds that sufficient funds have been appropriated for these lease agreements, which includes the scope of the subject proposal, and GLOBAL PUBLIC SAFETY., a Maryland Corporation, is a local, responsible offeror, in good standing with the State, whose proposal is the most advantageous to the Town taking into consideration price and the other evaluation factors.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 25th day of October, 2022, that the Town Board of Commissioners hereby authorizes the President and Chief of Police to purchase a Panasonic Toughbook not to exceed \$3,500.00.

**AND, BE IT FURTHER RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, that the Town Administrator shall obtain proof of insurance and a reasonable release and waiver of liability form signed by the Contractor as deemed necessary to protect the Town and carry out the performance of the project or tasks described herein prior to the execution of the proposal or contract approved herein.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
John Hoatson, Town Clerk

\_\_\_\_\_  
Sarah Franklin, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Ordinance, and that said Ordinance is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 25th day of October, 2022.

\_\_\_\_\_  
John Hoatson, Town Clerk

**The Town of Upper Marlboro**

RESOLUTION: 2022-22  
SESSION: Regular Town Meeting  
DATED: October 25<sup>th</sup>, 2022

**A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO AUTHORIZE THE EXECUTION OF THE PROPOSAL TO INSTALL ELECTRICAL CONNECTIONS TO THE POCKET PARK NOT TO EXCEED \$8,000.00.**

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro has authority pursuant to §§82-83 and 82-84 of the Town Charter to construct, operate, and maintain any buildings and structures it deems necessary for the operation of the Town government, and to do whatever may be necessary to protect Town property and to keep the same in good condition; and

**WHEREAS**, Ordinance 2011-02 (Procurement), Section 4(b) states that upon having obtained three (3) quotes or proposals “[a]ll procurements between \$10,000 and \$ 2,000 shall be approved by the Board,” and

**WHEREAS**, the Town Board of Commissioners hereby finds that sufficient funds have been appropriated for these lease agreements, which includes the scope of the subject proposal, and C&S General Contractor., a Maryland Corporation, is a local, responsible offeror, in good standing with the State, whose proposal is the most advantageous to the Town taking into consideration price and the other evaluation factors.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 25th day of October, 2022, that the Town Board of Commissioners hereby authorizes the President to authorize the execution of the proposal to install electrical connections to the Pocket Park not to exceed \$8,000.

**AND, BE IT FURTHER RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, that the Town Administrator shall obtain proof of insurance and a reasonable release and waiver of liability form signed by the Contractor as deemed necessary to protect the Town and carry out the performance of the project or tasks described herein prior to the execution of the proposal or contract approved herein.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
John Hoatson, Town Clerk

\_\_\_\_\_  
Sarah Franklin, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Ordinance, and that said Ordinance is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 25th day of October, 2022.

\_\_\_\_\_  
John Hoatson, Town Clerk





# GENERAL CONTRACTOR

WHERE A STELLAR JOB IS OUR GOAL

## CHRISTOPHER SIMMS OWNER/OPERATOR

6025 Paternoster lane  
Hughesville MD 20637  
csgeneralcontractor@gmail.com  
301- 751- 0567 /301-751-7044

## UPPER MARLBORO PRATT STREET POWER

14801 PRATT STREET, UPPER MARLBORO, MD 20772

7.13.21

C&S GENERAL CONTRACTORS COMPLETED THE FOLLOWING  
SCOPE OF WORK / ELECTRICAL WORK

Provide and install 200-amp electrical service on empty lot.  
Provide and install new 200-amp, 30 space, outdoor main breaker panel.  
Provide and install new 200-amp PEPCO meter base.  
Provide (8) weatherproof receptacles at panel location.  
Weatherproof enclosures and panel mounting structure provided by others.  
Permit fees included

TOTAL COST DUE 6,400

Sincerely,  
General Contractor

The Town of Upper Marlboro  
CHARTER AMENDMENT RESOLUTION NO. 01-2022

**A CHARTER AMENDMENT RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, MARYLAND AMENDING SECTION 82-45 (LAPSE OF APPROPRIATIONS), OF THE CHARTER OF THE TOWN OF UPPER MARLBORO, MARYLAND THEREBY AUTHORIZING THE CREATION OF CERTAIN RESERVE OR OTHER NON-LAPSING FUNDS TO BE MADE AVAILABLE FOR UNANTICIPATED OR EXTRAORDINARY EXPENSES THAT MAY BE INCURRED, OR FOR ANY OTHER SPECIFIC INTENDED PURPOSE AS AUTHORIZED BY STATE STATUTE OR ORDINANCE; AND AUTHORIZING THE BOARD TO APPROPRIATE FUNDS FROM ANY RESERVE ESTABLISHED FOR UNANTICIPATED, EMERGENCY OR EXTRAORDINARY EXPENSES PROVIDED IN THE BUDGET OR OTHER ORDINANCE TO MEET EXTRAORDINARY OR UNANTICIPATED EXPENDITURES; AND PROVIDING THAT RESERVE FUNDS SHALL NOT LAPSE AT THE END OF THE BUDGET YEAR BUT SHALL REMAIN AVAILABLE UNTIL APPROPRIATED AND EXPENDED; AND AMENDING SECTION 82-56 (PURCHASING AND CONTRACTS) OF THE CHARTER OF THE TOWN OF UPPER MARLBORO, MARYLAND TO AUTHORIZE THE PRESIDENT OF THE TOWN BOARD OF COMMISSIONERS TO MAKE CERTAIN PURCHASES AND EXECUTE CERTAIN CONTRACTS AT OR BELOW \$10,000.00 WITHOUT BOARD APPROVAL; AND BY PRESCRIBING THAT THE BOARD BY SUPERMAJORITY VOTE MAY DETERMINE A DIFFERENT METHOD OF COMPETITIVE PROCUREMENT AND SHALL PROVIDE BY ORDINANCE FOR CERTAIN RULES AND REGULATIONS TO CONDUCT COMPETITIVE PROCUREMENT THROUGH REQUESTS FOR PROPOSALS, NEGOTIATED BIDS AND PROPOSALS, AND OTHER FORMS OF PURCHASING; AND BY SUBJECTING ALL CONTRACTS AND PURCHASES EXCEEDING \$75,000 TO BE APPROVED IN WRITING AND MADE USING COMPETITIVE OR OTHER PROCUREMENT METHODS; AND GENERALLY RELATING TO PURCHASING AND CONTRACTS, RESERVE FUNDS AND MUNICIPAL FINANCE**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, MARYLAND** adopted pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and the Local Government Article, § 4-301 *et seq.* of the Annotated Code of Maryland, to amend Sections 82–45 (Appropriations Lapse After One Year), and 82-56, (Purchasing and Contracts) of the Charter of The Town of Upper Marlboro to authorize the creation by ordinance of certain non-lapsing reserve funds by the Board of Commissioners and to further authorize the Board of Commissioners and the President to make

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certain purchases and enter into certain contracts, and to provide that certain alternative forms of competitive bidding or other procurement methods including sealed bids and requests for proposals be used when procuring goods and services for the Town.

**WHEREAS**, currently the Town Charter states in Section 82-45 that all appropriations shall lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered and that any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year; and

**WHEREAS**, the Government Finance Officers Association (“GFOA”) recommends, at a minimum, that general-purpose governments, regardless of size, maintain unrestricted budgetary fund balances in their general funds of no less than two months of regular general fund operating revenues or regular general fund operating expenditures; and

**WHEREAS**, the Board further finds that a reasonable level of unreserved, unappropriated fund balance or a reserve consistent with prudent budgeting practices, necessary to ensure the orderly operation of the government, provides a cushion for unforeseen expenditures or revenue shortfalls and helps to ensure that adequate cash flow is available to meet the cost of operations; and

**WHEREAS**, the Board further finds that reserve funds having specific intended purposes may provide a mechanism for legally saving money to finance all or part of future infrastructure, equipment, emergency relief, and other requirements; and

**WHEREAS**, the Maryland Municipal League in a paper entitled “Municipal Government Finances” published in 2012 regarding municipal financing of capital projects states that:

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Several strategies can be implemented to provide adequate funding under the pay-as-you-go approach. For example, a municipality could allocate several years' appropriations to a reserve fund, usually a capital projects fund, to accumulate sufficient resources for costly projects. In addition, some jurisdictions earmark a certain percentage of property tax proceeds or other specific revenues to fund capital activities. For example, the municipality may accumulate the proceeds from one cent of the property tax rate in a capital fund or reserve revenues from the sale of fixed assets. Finally, some municipalities may dedicate a specific annual appropriation for a capital projects fund, such as \$100,000 for a smaller municipality or \$1,000,000 for a larger city and treat the allocation as a routine expense. Capital projects reserves also provide an additional source of interest revenue to the municipality; and

**WHEREAS**, the Board further finds that the Town would benefit from enacting this Charter amendment to conform the Town Charter and future financial and budgetary practices with sound financial and procurement practices as recommended by MML and GFOA, and to modify and make more efficient the purchasing and contracting requirements of the Town Charter.

**Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO** on this \_\_\_ day of October 2022, that Section 82-45 (Appropriations Lapse After One Year), and Section 82-56, (Purchasing and Contracts) of the Charter of The Town of Upper Marlboro, Maryland shall be and are hereby amended to read as follows:

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**Finance**

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Section 82-45. (Appropriations Lapse After One Year; RESERVE FUNDS).

(A) **EXCEPT FOR APPROPRIATIONS FOR ANY RESERVE FUND CREATED PURSUANT TO THIS SECTION, [[A#]] ALL** appropriations shall lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered. **EXCEPT AS STATED HEREIN, [[Any]] ANY** unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. **AN APPROPRIATION FOR A RESERVE FUND OR SIMILAR NON-LAPSING**

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**FUND SHALL CONTINUE IN FORCE UNTIL EXPENDED, REVISED OR REPEALED, OR THE ENTIRE FUND IS DISSOLVED WITH ANY SURPLUS OR UNEXPENDED FUNDS TO BE TRANSFERRED TO THE GENERAL FUND.**

**(B) A RESERVE FUND OR FUNDS MAY BE ESTABLISHED BY ORDINANCE. SUCH RESERVE FUNDS MAY BE USED FROM TIME TO TIME FOR SUCH PURPOSES AS (I) CAPITAL EXPENDITURES, I.E., EQUIPMENT, FACILITIES, LAND ACQUISITION, STREET CONSTRUCTION AND THE LIKE, (II) TO GUARANTEE THE TEMPORARY CONTINUATION OF SERVICES DIRECTLY AFFECTED BY A LOSS OF SUPPORTING BUDGETED REVENUES, (III) TO PROVIDE FOR LONG TERM INVESTMENTS, AND (IV) TO PROVIDE DISASTER OR EMERGENCY RELIEF FOR RESIDENTS, PROPERTY OWNERS, AND BUSINESSES OF THE TOWN OF UPPER MARLBORO. A FAVORABLE VOTE OF AT LEAST A MAJORITY OF THE ENTIRE BOARD SHALL BE NECESSARY FOR THE ADOPTION OR REPEAL OF AN ORDINANCE CREATING SUCH A RESERVE FUND.**

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Section 82-56. (Purchasing and Contracts).

All purchases and contracts for the Town government shall be authorized by the Board or the President as provided herein. The President, as prescribed by ordinance, may be authorized to make individual purchases and execute contracts up to \$~~[[2,000]]~~ **10,000** in cost so long as the duration of the purchase or contract is one year or less without prior Board approval if such contracts or purchases were previously authorized by a budget ordinance or approved within any detailed budget documents supporting said budget ordinance. The Board shall provide by ordinance for rules and regulations regarding the use of sealed competitive bidding, request for proposals, negotiated proposals, negotiated bids and other forms of bids or offers, **AND ANY OTHER CONTRACTUAL MATTERS** as appropriate, for all Town purchases and contracts in keeping with good procurement practices and fiscal responsibility. All expenditures for contracts and purchases with an anticipated cost of more than ~~[[ten thousand dollars (\$10,000)]]~~ **\$75,000** shall be subject to **A competitive** ~~[[sealed bidding]]~~ **PROCUREMENT PROCESS DETERMINED BY THE BOARD** unless the Board, by ~~[[unanimous]]~~ **SUPERMAJORITY** vote of the full Board, finds another method of procurement, **AS PRESCRIBED BY ORDINANCE**, to be more advantageous. The Board shall ~~[[advertise]]~~ **ADVERTISE** for competitive sealed bids **OR ANOTHER METHOD OF PROCUREMENT** in such manner as shall be prescribed by ordinance for all such competitive ~~[[sealed bids]]~~ **OR OTHER METHODS OF PROCUREMENT**. ~~[[Competitive sealed bidding]]~~ **COMPETITIVELY PROCURED** contracts shall be awarded to the bidder **OR OFFEROR** who offers the lowest or best bid **OR OFFER**, quality of goods and work, time of delivery or completion, and responsibility of bidders **OR OFFERORS** being considered. All such ~~[[competitive sealed bidding]]~~ **COMPETITIVELY PROCURED AND OTHER CONTRACTS EXCEEDING \$75,000** shall **BE IN WRITING AND** approved by the Board before becoming effective. The Board shall have the right to reject all bids, **PROPOSALS OR OFFERS** and re-advertise. The Town, at any time in its discretion, may employ its own force for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids **OR**

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**OFFERS.** All contracts may be protected by such bonds, penalties and conditions as the Town may require. ~~[[For each fiscal year ending in a five or zero, the Board may adjust by ordinance the dollar amount the President is authorized to contract for or the dollar amount subject to competitive sealed bidding in an amount that may not exceed the cumulative Consumer Price Index for all urban consumers published by the United States Department of Labor for the preceding five or ten year period, or since the last adjustment was otherwise established by ordinance pursuant to this section.]]~~

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**Section 2.** **BE IT FURTHER RESOLVED** that the Board finds that in addition to the other procedural charter adoption provisions found in State law, the General Assembly of Maryland passed HB 615 during the 2018 session effective July 1, 2018, requiring the legislative body of a municipality to hold a public hearing and give at least 21-days’ notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

**Section 3.** **BE IT FURTHER RESOLVED** that this Charter Amendment Resolution is adopted on the aforementioned date, and that upon adoption by the Board of Commissioners of The Town of Upper Marlboro, Maryland a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in The Town of Upper Marlboro not less than four (4) times at weekly intervals within the forty (40) days following the adoption of this Charter Amendment Resolution.

**Section 4.** **BE IT FURTHER RESOLVED** that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of The Town of Upper Marlboro, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the

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requirements of State law shall be presented to the Board of Commissioners of The Town of Upper Marlboro, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

**Section 5. BE IT FURTHER RESOLVED** that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Board of Commissioners of The Town of Upper Marlboro, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

**Section 6. BE IT FURTHER RESOLVED** that the Town Clerk of The Town of Upper Marlboro is specifically instructed to carry out the provisions of Sections 2, 3, 4 and 5 hereof, as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Board of Commissioners Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 5, and shall further complete and execute the Certificate of Effect attached hereto.

**INTRODUCED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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**PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Attest:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Sarah Franklin, President

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

\_\_\_\_\_  
John Hoatson, Town Clerk

\_\_\_\_\_  
Thomas Hatchett, Commissioner

CHARTER RESOLUTION CERTIFICATE

I, JOHN HOATSON, the duly appointed, and qualified Clerk to the Board of Commissioners of the Town of Upper Marlboro, a municipal corporation of the State of Maryland, do hereby certify that (i) the attached copy of Charter Amendment Resolution 01-2022 is true, correct and complete; (ii) Charter Amendment Resolution 01-2022 was duly adopted by the Board of Commissioners of the Town of Upper Marlboro at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2022; (iii) said meeting was duly convened and a quorum was present and acting throughout; (iv) Charter Amendment Resolution 01-2022, after having been introduced and fully discussed, was duly adopted, by a majority of Commissioners elected to the body and voting in the affirmative; and (v) Charter Amendment Resolution 01-2022 has not been subsequently amended, modified or repealed and remains in full force and effect as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of Town of Upper Marlboro this \_\_\_\_ day of \_\_\_\_\_, 2022.

(SEAL)

\_\_\_\_\_  
John Hoatson, Town Clerk  
The Town of Upper Marlboro

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CHARTER AMENDMENT TIMELINE

DATE 21-DAY HEARING NOTICE POSTED: \_\_\_\_\_  
DATE OF HEARING: \_\_\_\_\_  
DATE OF INTRODUCTION: \_\_\_\_\_ (May be same as hearing)  
DATE PASSED/POSTED: \_\_\_\_\_ (May be same as introduction)  
40-DAY POSTING END DATE: \_\_\_\_\_  
FAIR SUMMARY NEWSPAPER (x 4)  
WEEKLY PUBLICATION DATES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
EFFECTIVE (50<sup>TH</sup> DAY) DATE: \_\_\_\_\_

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

ORDINANCE: 2022-06  
SESSION: Regular Town Meeting  
INTRODUCED: September 27, 2022

**AN ORDINANCE GOVERNING AND PROVIDING RULES AND REGULATIONS REGARDING TOWN PURCHASES AND CONTRACTS CONSISTENT WITH SECTION 82-56 OF THE TOWN CHARTER, AS AMENDED**

**WHEREAS**, pursuant to LG Art., § 5-202 of the State Code and § 82-16(1) of the Town Charter, the Board of Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town’s property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

**WHEREAS**, the Charter of the Town of Upper Marlboro (the “Charter”) in Section 82-56 (Purchasing and Contracts) mandates that the Board of Commissioners adopt an ordinance to provide rules and regulations regarding all Town purchases and contracts in keeping with good procurement practices and fiscal responsibility, and consistent with said Section, and

**WHEREAS**, contemporaneous with this ordinance, the Board has introduced for passage Charter Amendment Resolution No. 01-2022 that amends the finance provisions of the Charter including Section 82-56 (Purchasing and Contracts); and

**WHEREAS**, the Board finds it in the best interest of the Town of Upper Marlboro to enact a new and comprehensive procurement ordinance as provided herein.

**NOW, THEREFORE**, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does hereby ordain and enact Ordinance 2022-06 as follows:

**PURCHASING AND CONTRACTS**

**SECTION 1. Purpose.**

The purpose of this Ordinance is to:

- (a) Provide for fair and equitable treatment of all persons involved in public purchasing and contracting administered by the Town;

- (b) Ensure the maximum purchasing value of public funds in procurement;
- (c) Provide safeguards for maintaining a procurement and disposition system of quality and integrity; and
- (d) Protect the Town from liability, or controversy and ensure legal sufficiency of written agreements entered into by the Town using municipal funds.

## **SECTION 2. Definitions.**

For the purpose of this Ordinance, the following words and phrases shall have the meanings set forth in this section:

- A. *Public Improvement* – Any improvement undertaken by the Town, including construction or reconstruction in whole or in part of any road, bridge, street, building or water, sewer or storm drain facility or any similar structure or facility necessary in carrying out the activities of the Town government.
- B. *Employment Contract* – An agreement or term of hire that is extended from the Town as an employer to a Town employee to set the terms and conditions of their employment. While usually a written document, these agreements can also be verbal.
- C. *Contractual Services* – Includes all types of services required by the Town, but typically not furnished by its own employees, except professional services typically provided by independent contractors which are by their nature typically not subject to competition. Contracts may be oral or written.
- D. *Independent Contractor* – Includes professionals such as lawyers, accountants, contractors, subcontractors, surveyors, or auctioneers and the like who are in an independent trade, business, or profession in which they offer their services to the general public. An individual typically is an independent contractor if the Town has the right to control or direct only the result of the work and not what will be done and how it will be done.
- E. *Purchasing Agent* – The Town Administrator or Department Head, as applicable.
- F. *Supplies* – Includes all commodities, materials, equipment and all other articles or things furnished to be used by any department or Town official or employee.

## **SECTION 3. Specific Regulations.**

- A. *Under Ten Thousand Dollars (\$10,000.00)*. Expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving less than Ten Thousand Dollars (\$10,000.00) shall be made by the Mayor, provided the amount of the procurement is appropriated within the approved budget and the term is for one year or less.
- B. *Ten Thousand Dollars (\$10,000.00) to Seventy-Five Thousand Dollars (\$75,000.00)*. Except as otherwise provided in this section, expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving Ten Thousand Dollars (\$10,000.00) to Seventy-Five Thousand Dollars (\$75,000.00), shall be made by the Board without requiring any quotes, advertisements offering sale, proposals

or through the use of any other competitive procurement methods; however, a majority of the Board present and voting may elect to require any such competitive method so designated be used.

- C. *Seventy-Five Thousand Dollars (\$75,000.00) or above.* Except as otherwise provided in this section, expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving Seventy-Five Thousand Dollars (\$75,000.00) or above, shall be subject to a competitive procurement process determined by the Board unless the Board, by supermajority vote of the full Board, finds another method of procurement, as prescribed by this Ordinance, to be more advantageous. The Board shall advertise for competitive sealed bids or another method of procurement in such manner as shall be prescribed by this Ordinance for all such competitive or other methods of procurement. All such competitively procured and other contracts exceeding Seventy-Five Thousand Dollars (\$75,000.00) shall be in writing and approved by the Board before becoming effective.
- D. *Sole-source procurement.* Notwithstanding anything herein to the contrary, a contract involving Seventy-Five Thousand Dollars (\$75,000.00) or more may be awarded without using competitive procurement methods when the Town Administrator under the supervision of the Mayor determines, after a review of available resources and the receipt of a written recommendation of the department head where applicable, that there is only one source reasonably available for the required item or service or there is limited time to efficiently and cost effectively accomplish both the competitive procurement process and the public service or project in need of completion. The Town Administrator or department head shall negotiate, as appropriate, regarding price, delivery, and terms. A sole-source procurement shall be approved by the Board.
- E. *Professional Services.*
1. For architectural, engineering, surveying, and planning services or the like, anticipated to be Seventy-Five Thousand Dollars (\$75,000.00) or less, the Town Administrator shall obtain multiple proposals when practical. The Town Administrator shall submit one or more proposals, with a recommendation, to the Board for its determination. Services anticipated to be in amounts less than Ten Thousand Dollars (\$10,000.00) shall be subject to the provisions of Subsection A hereof.
  2. All contracts for other professional services, such as accounting, auditing, legal and insurance, anticipated to be in excess of Seventy-Five Thousand Dollars (\$75,000.00) shall be subject to competitive procurement requirements but shall be approved subject to use of an alternative method of procurement as prescribed by the Board on an individual basis by the Board.
- F. *Employment Contracts.* Employees are normally recruited and hired as “at-will” employees without an employment contract and the terms of employment are governed by the Employee Handbook and other personnel policies and regulations; however, the Board may enter into employment contracts with individuals having unique skills, experience or special training and education. Employment contracts and recruitment shall not be subject to the competitive bid requirements governed by this Ordinance but

shall be approved on an individual basis in accordance with the Charter and any other applicable law or policy.

- G. *Multiple Purchases.* No anticipated contract or purchase shall be divided to avoid the requirements of Subsection 3.B.
- H. *Awarding Contracts.* Competitively procured contracts shall be awarded to the bidder or offeror who offers the lowest or best bid or offer, quality of goods and work, time of delivery or completion, and responsibility of bidders or offerors being considered. The Board shall have the right to reject all bids, proposals or offers and re-advertise.
- I. *Alternative Methods.* When the advertisement for sealed bids is impractical, unreasonable, or disadvantageous to the Town, the Purchasing Agent may institute an alternative method by utilizing the open market. The Purchasing Agent shall obtain at least one (1) price quote or offer and present it to the Board with a recommendation. The Board may reject the method, or the bids or offers or accept such as is in the best interests of the Town.

#### **SECTION 4. Emergency Purchases.**

- A. An emergency for purposes of this ordinance shall be deemed to exist when a breakdown in equipment, machinery, and/or a threatened curtailment of essential services or a dangerous condition develops, or when any unforeseen circumstance arises causing curtailment or diminution of an essential services.
- B. In cases or emergency, the Purchasing Agent may directly purchase the required supplies or services. The Purchasing Agent shall, whenever practical, obtain three (3) competitive informal bids and order from the lowest responsible bidder. The Mayor shall be notified of the emergency, and a written record shall be prepared as promptly as possible concerning the circumstances of the emergency. A tabulation of any bids and the amount expended shall be presented to the Mayor and Board at its next meeting.
- C. The Purchasing Agent shall endeavor to reduce emergency purchases to a minimum by use of service contracts or other arrangements for standby services.
- D. This Section shall be construed in harmony with Section 9 of Ordinance 2020-04 (Emergency Operations), as amended.

#### **SECTION 5. Written Contracts.**

All supplies, contractual services, and capital improvements, where the estimated cost exceeds Seventy-Five Thousand Dollars (\$75,000.00), or a multi-year contract, shall be purchased by formal written contract with the lowest responsible bidder as detailed in Section 7 unless another procurement process is authorized in accordance with the Charter. The following procedures shall be observed:

- A. The Purchasing Agent shall cause appropriate written specifications to be prepared. The Town may, but is not required to, use "value engineering" and/or "design/build" clauses in specifications and contracts for construction projects of sufficient size to offer reasonable opportunities for cost reduction. The Town is encouraged to liberally include reasonable termination clauses for both cause and convenience in the contracts.

- B. Advertisement to prospective bidders shall be given in at least one issue of a newspaper having general circulation in the Town at least fifteen (15) days before the date for the opening of bids. The Purchasing Agent may also advertise in any publication, website or other platform which is particular to the proposed project, including advertisement on any State mandated online procurement system. Such advertisement shall include a general description of the supplies or contractual services involved or the capital improvement to be undertaken and shall state where bid forms and specifications may be obtained and the place and time of opening bids.
- C. Sealed bids shall be opened publicly by the Purchasing Agent and recorded by the Town Clerk. The Purchasing Agent shall review and evaluate the bids then make a recommendation to the Board at its next meeting. The Board, by motion, shall award the contract to the lowest or best responsible bidder, except that the Board may reject all bids, parts of all bids or all bids for any one or more items included in the proposed contract, or waive technical defects whenever, in its judgment, the public interest will be served thereby.
- D. All contracts for supplies, contractual services, and capital improvements shall be signed on behalf of the Town by the Mayor or Purchasing Agent.

#### **SECTION 6. Negotiated Adjustments.**

If the lowest responsible bid exceeds the available funds as certified by the Treasurer, the Town Administrator is authorized to negotiate an adjustment of the bid price in order to bring the bid within the amount of available funds when:

- A. This can be achieved without materially changing the scope of the procurement; and
- B. When time or economic considerations preclude solicitation of work of a reduced scope.
- C. Any such negotiated adjustment shall be based only on eliminating independent deductive items specified in the invitation for bids.
- D. Regardless of the amount by which the bid exceeds available funds, the Town may reduce the scope of the project during the budget year and allow for completion of the project in the next budget year.

#### **SECTION 7. Lowest Responsible Bidder or Offeror.**

- A. In determining the lowest responsible bidder and the lowest or best bid or offer, the Town shall consider:
  1. The ability, capacity, and skill of the bidder or offeror to perform the contract or provide the service required;
  2. Whether the bidder or offeror can perform the contract or provide the service promptly or within the time specified without delay or interference;
  3. The character, integrity, reputation, judgment, experience, and efficiency of the bidder or offeror;
  4. The quality of performance of previous contracts or services, with the Town and/or with references provided;

5. The previous and existing compliance by the bidder or offeror with laws and ordinances relating to the contract or service;
  6. Whether the bidder or offeror is in arrears on debt or contract or is a defaulter on surety or whether the bidder's or offeror's taxes or assessments are delinquent;
  7. Such other information as may have a bearing on the decision to award the contract.
- B. The Town reserves the right to disqualify any bidder or offeror, whether an individual or an entity, who has been debarred or suspended from consideration for contracts by the Town or any other State or local governmental entity.

### **SECTION 8. Correction or Withdrawal of Bids or Proposals.**

Correction or withdrawal of inadvertently erroneous bids or proposals before or after bid opening, or cancellation of awards based on such bid or proposal mistakes, may be permitted by the Town Administrator under the following conditions:

- A. Bids or proposals with mistakes discovered before bid opening may be modified or withdrawn upon written notice received by the Town before the time of bid opening;
- B. After bid or proposal opening, no changes in bid or proposal totals, prices, or other provisions prejudicial to the Town's interest or to fair competition shall be permitted;
- C. In lieu of bid or proposal correction, a bidder or proposer alleging a material mistake of fact may be permitted to withdraw its bid if:
  1. The mistake is clearly evident on the face of the bid document or proposal; or
  2. The bidder or proposer submits evidence which adequately demonstrates that a mistake of fact was made.
- D. All decisions to permit bids or proposals to be corrected or withdrawn based on bid or proposal mistakes shall be at the Town's sole discretion.

### **SECTION 9. Cooperative Purchasing.**

In lieu of the competitive bid process outlined in this Ordinance, the Town Administrator may participate in cooperative or "piggyback" purchasing with other governments or intergovernmental associations, providing the public notice for the bid, proposal or contract is in accordance with the rules and regulations of the soliciting entity.

### **SECTION 10. Purchase Order Procedures.**

- A. All purchase orders will be signed by the Town Administrator or his or her designee.
- B. Before any payment on a delivery will be made, the Purchasing Agent will ensure that the item or services have been delivered in good condition.

### **SECTION 11. Sale of Any Items, including Supplies, Equipment, and Other Materials.**

- A. The Purchasing Agent is authorized to exchange or trade-in obsolete equipment or surplus supplies in lieu of full payment for new supplies or equipment.
- B. The Purchasing Agent may sell any Town owned items, including supplies, equipment and other materials which are determined to be surplus, obsolete, or no longer needed.

Any personal property of the Town exceeding Ten Thousand Dollars (\$10,000.00) in estimated potential market value shall be approved as surplus for disposal by the Board.

- C. This provision shall not apply to materials sold to the general public, including commemorative items, collectible items, or items marked with the Town Seal or name.

### **SECTION 12. Credit Cards.**

Certain employees may be authorized to utilize debit or credit card accounts established by the Town in accordance with the Financial Policy adopted by resolution. These accounts shall not be used for personal business by any such employee. Receipts and all other documentation of any credit card use shall be provided to the Town's finance team as soon as practicable after the use.

### **SECTION 13. Additional Provisions.**

- A. Except as provided in Subsection 3.A, no elected official, department head, Town Administrator, Clerk, Treasurer or subordinate employee is authorized to enter into any contract for non-budgeted items for the Town without the approval of the Board, and the Town shall not be liable on any such contract.
- B. No elected official shall direct that the Town Administrator, or a department head, to procure goods or services from any specific person or entity except as provided by this ordinance.
- C. Every contract, purchase or binding transaction shall be documented appropriately by written contract, receipt, invoice, voucher, or memoranda delivered in hard copy or electronically to the Town's finance team.

### **SECTION 14. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance, it being the intent of the Town that this ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion thereof.

### **SECTION 15. Section Headings, Titles.**

Section headings, and titles, etc., are for the purpose of description or ease of use and do not form a part of the text of this Ordinance or any Code or test adopted hereby.

### **SECTION 16. Existing Liabilities.**

This Ordinance shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this Ordinance shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Ordinance had not become effective.



**SECTION 17.** BE IT FURTHER ENACTED AND ORDERED that this Ordinance shall take effect twenty (20) calendar days after its final approval by the Board of Commissioners of the Town of Upper Marlboro, Maryland, provided that Charter Amendment Resolution 01-2022 amending Section 82-56 of the Town Charter is effective; otherwise, this Ordinance will become effective immediately after said resolution becomes effective pursuant to State law.

**SECTION 18.** BE IT FURTHER ENACTED AND ORDERED that this Ordinance shall repeal and replace Ordinance 2011-02 passed on July 5<sup>th</sup>, 2011.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
John Hoatson, Town Clerk

\_\_\_\_\_  
Sarah Franklin, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Ordinance, and that said Ordinance is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John Hoatson, Town Clerk



# Town of Upper Marlboro

Town Hall, 14211 School Lane      Tel: (301) 627-6905      info@uppermarlboromd.gov  
Upper Marlboro, MD 20772      Fax: (301) 627-2080      www.uppermarlboromd.gov  
Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

## Policy on Town Credit Cards, Invoice Payments, and Deposits --DRAFT--

### Policy Goal

The Goal of this policy is to ensure a strong checks & balances system within the financial institution of the Town of Upper Marlboro to ensure Town tax dollars are being spent in a responsible and appropriate manner. This policy does not supersede or replace Ordinance 2011-02 Procurement or the Town Charter, this policy is meant to enhance these pieces of legislation.

### Position Responsibilities

Below are each positions' general responsibilities in terms of this policy:

**President/Mayor:** Oversees the Town's fiscal well-being and expenditures. 2<sup>nd</sup> signer of checks over \$5,000

**Treasurer:** Primary signer of all checks, reviews monthly Treasurer's reports.

**Board:** Board of Town Commissioners for the Town of Upper Marlboro

**Town Administrator:** Serves as the Department head for General Government, and serves as the lead staff member for the Town's Financial operations. Has access to Town Bank accounts, and works with the Treasurer, Mayor, and Town Accounting Firm on the higher-level financial operations of the Town.

**Bookkeeper:** Assists the Town Administrator with the day-to-day financial record keeping and operations.

**Chief of Police:** Serves as the Department head for Public Safety and is responsible for all Public Safety expenditures.

**Director of Public Works:** Serves as the Department head for Public Works and is and is responsible for all Public Works expenditures.

**Town Clerk's Office:** Responsible for the receiving and of all bill and invoices that are delivered via the US Postal Service or other means. Also accepts payments made at Town Hall.

### Section 1 Procurement Practices

It is the responsibility of all Town elected officials and Town staff below procurement guidelines are strictly followed. These guidelines are directly from Ordinance 2022-XX Procurement.

Under \$2,000: Department heads are authorized to make purchases under \$2,000

Between \$2,000 and \$10,000: Department heads must obtain at least three proposals or prices and make a recommendation to the President/Mayor.

Between \$10,000 and \$75,000: Requires a minimum of three written quotes or proposals and formal Board approval. A Resolution shall be required for multi-year all contracts and/or purchases over \$10,000.

Over \$75,000: Requires a competitive selection process with Board approval.

## **Section 2 Town Credit Cards & Line of Credit**

Card Issuance: Each Town Department Head is assigned a Town Credit Card in their name for procurement for their respective Town department. The President shall also be issued a credit card for emergency/large purchases only.

Card Limits: Department head credit cards shall be set at a \$5,000 limit. The President's card shall have a \$20,000 limit.

Card Statement Reconciliation: The Town Administrator shall provide department heads with statements to attach receipts and invoices of purchases on that statement. Each purchase shall be deducted from a line item in the Department's budget.

Payment: The Town Administrator shall ensure the cards are paid off on a monthly and routine basis.

Additional Credit Cards & Lines of Credit: An opening of a line of credit, or credit card, requires the approval of the Board of Town Commissioners. The below additional credit accounts are "grandfathered":

- Home Depot Card: Due to the nature of the Public Works department and the concentration of spending at this particular store, it was deemed beneficial to set up a Home Depot credit card with a limit of \$2,000.

## **Section 3 Processing of Invoices & Payment**

Receiving & Distribution: The Town Clerk's Office shall process all incoming invoices that arrive by USPS. This is the preferred method of delivery of invoices. When an invoice arrived by mail or to the Town's general email account, the Town Clerk's Office will forward them to the bookkeeper who will upload them into Town's financial software for approval of department heads. Department heads who receive invoices by email or in person do not need to submit them to the clerk, but still submit them to the bookkeeper and/or financial software system for payment.

Authorization of Payment: Department heads are responsible for all invoices coming from their Department's budget. All invoices coming from line items in their budget must be reviewed and approved prior to being submitted to the bookkeeper and/or financial software system for payment. The bookkeeper cannot authorize any invoices.

Payment: Upon receiving invoices, the bookkeeper shall prepare checks to be signed and attach them to the invoice that they are paying. The checks and invoices shall then be reviewed by the Town Administrator prior to being released for signature by the Treasurer and/or President. Once signed,

checks/payments are to be issued out promptly. Payment shall be made within 30 days of the invoice date.

Overdue Invoices: The Town Administrator shall notify the Treasurer of any invoices intentionally, or mistakenly, left unpaid past the 30 days of the date of the invoice as soon as it is known.

#### **Section 4 Deposits**

Mailed & Walk-In Payment: The Town accepts cash, check, and money order payments at Town Hall. Payments, and their recipes, and then deposited into a locked drop box. This secure deposit box shall be attached to the structure of Town Hall to prevent easy removal. The Director of Finance shall have the primary set of keys, and the Town Administrator a back-up set. The Town Clerk or any other personnel should not have access to this box. The Director of Finance shall, at least once per week, process the deposits from the box, and deposit them at the bank.

Credit Card Payments: There is one terminal at Town Hall for in-person or over the phone payments. The Town charges a 3.5% processing fee for all credit card transactions. If a payment is made in person with a credit card, two receipts shall be printed from the terminal. A copy shall go to the customer and the signed copy is attached to a copy of the payment information sheet outlining what the charge is for and placed in the deposit box. If payment is made by phone, only one receipt needs to be printed, attached to the payment information sheet, and dropped in the deposit box. The daily summary printout shall be placed in the deposit box as well, so that receipts can be reconciled by day.

#### **Section 5 Town Parking Meters**

Parking Meter Coin Collection: The Chief of Police and the Code/Parking Officer are charged with ensuring parking meter coins are collected on a regular basis, not to exceed two weeks in between collection. The current parking meter coin collection equipment the Town has purchased allows for the collector to not have access to the coins. The Chief of Police is responsible for the parking meter coin collection key that grants access to coins.

Coin collection is to be done by at least two staff members, preferably the Code Officer and one Police Officer. When emptying meters, staff is required to swipe the IPS “Coin Collection Card” at each meter emptied so that the system registers the coins being emptied. The coin cart collection bins are to be locked with a keyed lock, of which only the Director of Finance will have. Coin canisters from the meters will be emptied into the cart which fills the locked collection bins. Once collection is complete, the bins will be brought to the bookkeeper to be emptied into sealed coin deposit bags and deposited at the bank that same day. After the bank processes the coins and a deposit is made into the Town’s bank account, the bookkeeper shall reconcile it with the IPS Parking system record of coins collected to ensure accuracy. The Code Officer will then double check the IPS system to ensure all meters have been registered as emptied immediately following each collection.

Parking Meter Credit Card Payment: Payments made by credit cards are to be reconciled by the bookkeeper by checking the bank statements and the IPS system’s records on a monthly basis.

#### **Section 6 Penalties and Investigation**

This policy communicates the actions to be taken for suspected misconduct committed, encountered, or observed by employees and volunteers. Like all entities, the Town of Upper Marlboro faces many risks associated with fraud, abuse, and other forms of misconduct. Our Town is committed to establishing and maintaining a work environment of the highest ethical standards. Achievement of this goal requires the cooperation and assistance of every employee and volunteer at all levels of the Town.

Whistleblower Protection: The Town will consider any reprisal against a reporting individual an act of misconduct subject to disciplinary procedures. A “reporting individual” is one who, in good faith, reported a suspected act of misconduct in accordance with this policy, or provided to a law enforcement officer any truthful information relating to the commission or possible commission of a federal offense or any other possible violation. A simple email to all Commissioners, the Town Administrator, and the Town Attorney regarding possible fraud is considered enough of a notification of possible wrongdoing.

Reporting Procedure: If an employee of the Town of Upper Marlboro has a reasonable belief that an employee or the Town has engaged in any action that violates any applicable law, or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information by following the procedures as detailed in the personnel handbook.

Disciplinary Action: Disciplinary actions are guided by Town of Upper Marlboro Personnel Handbook.

Investigation: The Town Attorney shall work with the Town’s auditing firm to conduct an investigation into possible fraud or misconduct should the need arise.

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

ORDINANCE: 2022-07  
SESSION: Regular Town Meeting  
INTRODUCED: October 25, 2022

**AN ORDINANCE TO AMEND ORDINANCE 2012-02 ESTABLISHING A HISTORICAL  
COMMITTEE FOR THE TOWN OF UPPER MARLBORO**

**WHEREAS**, the Board of Commissioners of the Town of Upper Marlboro has authority pursuant to Sections 82-16 and 82-17 of the Town Charter to create certain offices and committees to further the public interest of the Town; and

**WHEREAS**, the Town has long held that the Town has existed in various forms since 1706 and has a rich history and further has found that there is a continuous need to collect, discover, advance, preserve and disseminate this rich history for future generations; and

**WHEREAS**, the Town has found that it is fortunate to have talented and interested citizens dedicated to advancing the history of the Town; and

**WHEREAS**, in light of the above recitals, the Board of Commissioners formally formed the Historical Committee for the Town of Upper Marlboro with the enactment of Ordinance 2012-02 and now wishes to amend and repeal said ordinance to govern said Committee like all other similar committees created by the Town under Ordinance 2019-02 entitled as “The Town of Upper Marlboro Committee and Other Appointed Bodies, Practices and Procedures Ordinance;” and

**WHEREAS**, the Board finds that it is in the best interest of the Town to reorganize and conform the governance of said Historical Committee pursuant to said Ordinance 2019-02.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of The Town of Upper Marlboro sitting in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2022 that the Board of Commissioners has determined that it is in the public interest to repeal Ordinance 2012-02 and continue to establish and govern the Town of Upper Marlboro Historical Committee under Ordinance 2019-02 pursuant to the following conditions and requirements:

1. That the Committee shall report to the Board of Commissioners, in accordance with its bylaws and Ordinance 2019-02, and submit a proposed budget during the month of March, of each year, to the President of the Town.
2. That the meetings of the Committee are subject to the Open Meetings Act.
3. That the Committee adopts new by-laws in accordance with Ordinance 2019-02 and this Ordinance for approval by the Board as soon as practicable.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall be posted in the Town Hall office, and it shall be published once in a newspaper of general circulation in the Town.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
John Hoatson, Town Clerk

\_\_\_\_\_  
Sarah Franklin, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Ordinance, and that said Ordinance is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John Hoatson, Town Clerk



**The Town of Upper Marlboro**

RESOLUTION: 2022-23

SESSION: Regular Town Meeting

DATED: October 25, 2022

**A RESOLUTION FOR THE PURPOSE OF ADOPTING A TOWN PERSONNEL RESPECT AND DIGNITY POLICY AND AMENDING THE EMPLOYEE HANDBOOK OF THE TOWN OF UPPER MARLBORO (THE “TOWN”)**

WHEREAS, pursuant to Section 82-59 of the Charter of the Town of Upper Marlboro, the Town has the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Town Charter or State law and to operate the Town government; and

WHEREAS, pursuant to Section 3-708 (Threat against State or local official) a person may not knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to a State official, or a local elected official; and

WHEREAS, the Town Commissioners find that it is in the best interest of the Town to amend the Employee Handbook that has been prepared to provide the Town’s officers and employees with a general understanding of Town personnel policies, work rules and benefits, and last substantially amended and approved on August 23, 2022; and

WHEREAS, said Handbook contains a prohibition on the use of abusive, threatening, or obscene language and includes harassment (anti-harassment), workplace violence and computer policies with a complaint procedure policy to consider any issues that may affect an employee’s job performance; and

WHEREAS, said Handbook is proposed to be changed or amended to add a provision entitled “Respect in the Workplace Policy Against Discrimination and Harassment in the Work Environment including the use of Unprotected Speech.”

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this \_\_ day of September 2022, *The Town of Upper Marlboro Employee Handbook, 2022 Version* is hereby amended as follows, to be apart of said Handbook and a general policy guide for all employees and officers of The Town of Upper Marlboro:

**Respect and Dignity in the Workplace Policy Against Discrimination and Harassment in the Work Environment including the Use of Unprotected Speech**

*I. Background*

The Town government believes that and Town employees, job applicants and officials should be treated with dignity and respect by other employees, including their supervisors, vendors and by the public. This includes not being subjected to abusive, foul, obscene or otherwise unprotected speech or harassing language. The Board of Commissioners similarly expects Town employees, contractors, agents, and officials to treat the public, other employees, agents and vendors with dignity and respect. Simply put, respect in the workplace is a fundamental value of the Town of Upper Marlboro (the “Town”).

Any form of discrimination or harassment based on an individual's age, ancestry, civil union, domestic partner, or marital status, color, disability, gender identity or expression, genetic information, military service, national origin, nationality, race, religion, sex, sexual orientation, veteran status, or any other characteristic protected by applicable law will not be tolerated and will result in disciplinary action, up to and including unpaid suspension and/or termination of employment. While it is not always easy to define discrimination or harassment with precision, such misconduct does include jokes, slurs, and other uninvited graphic, physical, or verbal conduct by one individual toward another.

The Town will not immediately honor requests or applications for Town services, petitions, interviews, grants or license/permits from customers, residents, vendors or other members of the public that would contravene this policy or promote bad behavior and a hostile work environment. However, the Town will comply with applicable government regulations that permit special or disparate treatment of certain citizens or residents (e.g., the disabled) when the law requires it based on an important or compelling governmental purpose.

The Town encourages applicants or employees to immediately report discrimination, harassment, retaliation, or any other inappropriate conduct or behavior to their supervisor, any other member of the Town’s management team, or any human resource representative. You should report such conduct or behavior even if you have not directly or indirectly been subjected to it yourself. All reports will be discreetly and promptly investigated by an appropriate member of the Town’s management team who is not involved in the alleged incident. The matter will be treated in confidence to the extent possible under the circumstances.

The Town cannot address incidents of discrimination, harassment, retaliation, or other inappropriate conduct or behavior it is unaware of unless you bring these incidents to our attention. Failure to report inappropriate conduct or behavior limits our ability to take steps to remedy the problem and prevent future occurrences. No one who has acted in good faith will be disciplined or otherwise retaliated against for bringing incidents of misconduct to our attention or for participating in the investigation of such incidents. The Town will not tolerate discrimination, harassment, or retaliation, and we are committed to complying with all applicable antidiscrimination and antiharassment laws.

The First Amendment protects speech even foul language and racial epithets. Fighting words are not protected speech but it is often difficult to determine what constitutes fighting words as a breach of the peace. See below case holdings on fighting words. Also, the law views police officers' over reaction to fighting words in a much dimmer light than civilians.

Normally “fighting words” (i.e., inflammatory words meant to incite immediate personal violence that possesses no social value or contribution to the expression of ideas) need to be accompanied by some sort of a threat of physical harm. Often criminal statutes make the use of unprotected fighting words an aggravating element of a crime but not the core basis for a crime. But it also depends on the forum (i.e., where the language takes place on public property as some public places are customarily viewed as places where the public can freely engage in protected speech). Of course, non-government actors such as private businesses can refuse to serve or remove anyone for any type of bad behavior or any reason whatsoever unless it relates to discriminatory treatment of a protected class of people (e.g., racial discrimination in a public accommodation such as a theater, restaurant or convenience store).

The First Amendment requires that the government not discriminate against particular viewpoints or in other words must be content neutral without regard to the substance or message. The Supreme Court has, however, upheld the idea that speech may be regulated under reasonable “Time, Place, and Manner” regulations. Time, place and manner restrictions include regulations of when, where and how someone speaks.

The U.S. Supreme Court established three different types of public forums which allow different levels of freedom of speech: (i) Traditional, or quintessential, public forums (i.e., public parks, sidewalks and areas where the public has a right to be); (ii) limited, or designated, public forums (i.e., town hall, town meetings, or the municipal building); and nonpublic forums (i.e., airport terminals, a public school’s internal mail system, and a polling place). Less can be done to restrict speech in a traditional forum, but for example, people can be removed or temporarily banned from a town hall meeting for using foul, disrespectful or inappropriate speech. (The rules for the conduct of public meetings typically address this form of bad behavior or limited speech.)

Regarding unprotected speech mentioned above, the federal and other appellate courts have had a difficult time determining whether certain epithets constitute “fighting words.” At the very least, they have reached inconsistent results. Consider the following situations in which offensive statements were found not to constitute fighting words:

- Calling a police officer a “son of a bit\_h” (*Johnson v. Campbell*, 3rd Circuit, 2003).
- Yelling “fu\_k you all” to police officer and security personnel at a nightclub (*Cornelius v. Brubaker*, Minnesota District Court, 2003).
- Telling a police officer: “I’m tired of this God damned police sticking their nose in shit that doesn’t even involve them” (*Brendle v. City of Houston*, Court of Appeals of the State of Mississippi, 2000).
- Telling a security officer “This is bullshit” when roused from a parking lot (*U.S. v. McDermott*, Eastern District of Pennsylvania, 1997).

However, other courts have determined that the expressions in the following situations were unprotected “fighting words:”

- Flashing a sexually suggestive sign repeatedly to a young woman driving a car (*State v. Hubbard*, Minnesota Court of Appeals, 2001).
- Yelling racial slurs at two African-American woman (*In re John M.*, Arizona Court

of Appeals, 2001).

- Repeatedly yelling the words “whore,” “harlot” and “Jezebel” at a nude woman on the beach (*Wisconsin v. Ovdal*, Wisconsin Court of Appeals, 2003).
- Calling a police officer a “white, racist motherf\_\_ker” and wishing his mother would die (*State v. Clay*, Minnesota Court of Appeals, 1999).
- Calling a police officer a “fuc\_ing asshole” in a loud voice and attempting to spit on the officer (*State v. York*, Maine Supreme Judicial Court, 1999).

The different results reached in the lower courts, including the examples mentioned above, often turn on whether an individual engages in any threatening conduct in addition to verbal assaults, then a fighting-words charge is more likely to stick. Most courts will look at the full circumstances to see if profane or insulting language was accompanied by any threatening behavior or conduct.

Profanity or insults directed at police are less likely to be considered fighting words than if they were aimed at other people. The Supreme Court has carved out an exception for “‘fighting’ words – those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.” *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572-3 (1942). However, the Court has indicated that the fighting words exception “might require a narrower application in cases involving words addressed to a police officer, because ‘a properly trained officer may reasonably be expected to exercise a higher degree of restraint’ than the average citizen, and thus be less likely to respond belligerently to ‘fighting words.’” *City of Houston, Tex. v. Hill*, 482 U.S. 451, 461-2 (1987); *Posr v. Court Officer Shield #207*, 180 F.3d 409 (2d Cir. 1999) (individual’s statement to officer “one day you’re gonna get yours,” spoken while in retreat, were not fighting words); *Buffkins v. City of Omaha, Douglas County*, 922 F.2d 465, 472 (8th Cir. 1991) (finding no evidence that individual caused “an incitement to immediate lawless action” by calling officer “asshole”).

If it is unclear whether an individual engaged in fighting words, the governmental official may receive qualified immunity even if the official wrongly assumes the individual uttered fighting words. Qualified immunity is a doctrine that shields government officials from liability when they do not violate clearly established constitutional or statutory law.

Town (UMPD) Special Order 19-001 adopted by reference the County’s police directives as the Town’s police general orders. Volume I of the Prince George’s County Police General Orders governs certain language violations committed by police officers and defines “abusive language” as “[h]arsh, violent, profane or derogatory language that would demean the dignity of any person.” Said General Orders define “discriminatory language” as “demeaning, derogatory or abusive language, or other unbecoming conduct relating to the race, color, national origin, gender, religion, sexual orientation, or gender identity/gender expression of a person. Said General Orders further defines “inappropriate language” as “[n]ame-calling, sarcastic remarks or other unnecessary language that serves to belittle or embarrass a citizen or otherwise inflame an employee/citizen contact.

Finally, the criminal code of Maryland defines certain hate crimes that accompany other crimes dealing with the destruction of property. Md. Ann. Code, CL art., § 10-304 (Crimes; destruction of property). The point here is that a hate crime motivated either in whole or in substantial part by another person’s or group’s race, color, religious beliefs, sexual orientation, gender, gender identity,

disability, or national origin, or because another person or group is homeless, a person requires a manifestation of physical violence in addition to hate speech.

*II. Purpose*

To establish the standards of behavior expected from all employees, officials and other individuals interacting in the Town workplace, at Town events, or while receiving services or performing work or duties on behalf of Town.

*III. Scope*

All Town employees, or elected and appointed officials, applicants for employment, paid and unpaid interns, contractors, other persons in Town workplaces, conference and event attendees and other invitees to Town premises, and other individuals performing duties or work on behalf of the Town or conducting business with the Town or its personnel.

*IV. The Policy*

Acceptable Behavior is expected in the workplace and regarding interactions with Town officials and employees. The Town fosters a work environment in which all employees and other individuals in the Town workplace and work environment are treated with decency and respect. Accordingly, we expect and require all individuals working or interfacing with the public on behalf of the Town or present in the Town’s facilities, workplaces or at a Town organized or regulated event to follow these principles:

- Communicate in a manner that is conducive to effective working relationships.
- Work with others to create an environment in which all are inspired to interact through mutual respect, support, and appreciation of difference.
- Carry out all assigned responsibilities to the best of your abilities and in accordance with Town policies.
- Comply with all applicable local, state, and federal laws and regulations.

Unacceptable behavior will not be tolerated. This includes, but is not limited to:

- Use of abusive language, bullying, intimidating, or otherwise interfering with the job performance of employees, officials, contractors, vendors, public meeting attendees, visitors or other individuals in the workplace, in public where municipal services are rendered, and at Town events.
- Physically threatening remarks (written or verbal).
- Engaging in aggressive or hostile acts such as shouting, assaulting, aggressively using profanity, throwing objects at another person, fighting, or intentionally damaging another person’s property.
- Engaging in behavior that could create a reasonable fear of injury, such as stalking.
- Knowingly making false representations about your work or your credentials, or about another employee, official, contractor, vendor, visitor or other individual in the workplace or work environment.

The Town may cease or delay in providing administrative or processing support for a grant or suspend a prospective grantee's grant or applicant's program participation if the individual persists in using inappropriate or profane language. For example, since the municipal building is a limited public forum, someone who comes into Town Hall requesting to interface with Town personnel on a grant or other service can be removed or asked to leave until they cease engaging in using profane language or offensive behavior before completing any necessary forms to obtain the grant, license or other municipal services. However, a Town employee or official may not use this policy to prevent an applicant from complying with any statutory or ordinance deadlines to obtain a license of permit.

Furthermore, a citizen or member of the public who abuses or harasses a Town official or employee by using abusive or disrespectful language, bullying, or intimidating behavior, or otherwise distracting, embarrassing, wasting, or interfering with the job performance of Town employees or officials may at the discretion of the employee or official be asked to immediately leave the premises and have their application or request for a grant or participation in a Town program delayed until a supervisor or senior official can intervene to properly process the request. Any person who refuses to leave the Town premises, may be escorted off the premises by a police officer.

Nothing in this policy is intended to prevent Town officials or employees from engaging in concerted activity protected by law. Any violations of this policy by Town employees or officials are grounds for disciplinary action, up to and including termination of employment. A violation of this policy by individuals who are not Town employees at Town workplaces, in public or on Town premises is cause for appropriate action in response, including but not limited to removal from Town premises, delay in service provision or possible termination of any existing contractual or grant recipient relationship. Serious alterations or breaches of the peace may be criminally prosecuted.

BE IT FURTHER RESOLVED, that said amendment to the Employee Handbook and the other provision of said handbook may be amended from time to time by the Board of Commissioners by a simple resolution provided the Handbook manuscript is updated and distributed in a timely manner; and be it,

FURTHER RESOLVED, that all officers and employees of the Town shall receive a copy of said Employee Handbook and this amendment as certified by an appropriate entry made into each personnel record and shall receive copies of the original and any amendments thereto as they are adopted and published from time to time, however, failure to receive said copies or notice of said Handbook or any amendments thereto shall not relieve or otherwise absolve an employee of his nor her duties and responsibilities as stated in said Handbook, as amended; and be it,

FURTHER RESOLVED, that all prior resolutions or parts of resolutions in conflict with this Resolution shall be considered repealed insofar as they conflict hereto; and be it,

FURTHER RESOLVED, that this Resolution shall take effect immediately following its adoption.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
John Hoatson, Town Clerk

\_\_\_\_\_  
Sarah Franklin, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 25th day of October, 2022.

\_\_\_\_\_  
John Hoatson, Town Clerk

**The Town of Upper Marlboro**

RESOLUTION: 2022-24  
SESSION: Regular Town Meeting  
DATED: October 25<sup>th</sup>, 2022

**A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO AMEND THE TOWN’S CONTRACT WITH MEAD AND HUNT, INC.**

**WHEREAS**, pursuant to the Town’s Charter Section 82-56 (Purchasing and Contracts) All expenditures for contracts and purchases with an anticipated cost of more than ten thousand dollars (\$10,000) shall be subject to competitive seal bidding unless the Board, by unanimous vote of the full Board, finds another method of procurements to be more advantageous; and

**WHEREAS**, pursuant to the Town’s Charter Section 82-56 (Purchasing and Contracts) the Town, at any time and its discretion, may employ its own force for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids; and

**WHEREAS**, the Board of Town Commissioners released RFP #UM 2021-03 and published it for at least 15 days to seek interested applicants from Thursday, October 14th, 2021, through Friday, November 19th, 2021, and approved a Contract with MEAD AND HUNT, INC on February 8<sup>th</sup>, 2022, by Resolution 2022-03; and

**WHEREAS**, the Town Board of Commissioners hereby finds that certain road surveys requested in RFP #UM 2021-03 were not part of the initial contract approved on February 8<sup>th</sup>, 2022 and that amendments had to be made to meet the scope of work for the RFP.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2022, that the Town Board of Commissioners hereby authorizes the President to execute Amendment No. 1 for an amount not to exceed \$3,000 as described in a Contract for Roadway Engineering Survey & Design Firm Amendment No. 1: Supplemental Scope of Work dated September 10th, 2022, attached hereto and incorporated in reference herein, as Attachment A, thereby amending the MEAD AND HUNT, INC. Contract initially approved on February 8<sup>th</sup>, 2022.



ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk: John Hoatson

\_\_\_\_\_  
Sarah Franklin, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

ATTACHMENT A: Amendment No.1 Supplemental Scope of Work dated September 10<sup>th</sup>, 2022

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John Hoatson, Town Clerk



September 10, 2022  
Revised September 15, 2022

Town of Upper Marlboro  
Kyle Snyder, Town Administrator  
Town Hall  
14211 School Lane  
Upper Marlboro, MD 20772

Subject: Contract for Roadway Engineering Survey & Design Firm  
Amendment No. 1: Supplemental Scope of Work

Dear Mr. Snyder:

Based on original Request for Proposals for Roadway Engineering Survey & Design Firm RFP# UM 2021-43 and recent discussions with Mr. Darnell regarding the subject Contract, Mead & Hunt, Inc. is submitting an amendment to the original scope and fee proposal submitted dated November 19, 2021. The scope of work is as follow:

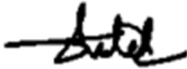
- Survey, inspect and provide repaving estimates for the travel lanes of Marlborough Lane, Marlborough Circle, Marlboro Terrace, Marlborough Court, and Marlborough Grove. These roadways are currently owned by an HOA, with plans to have them turned over to the Town.
- Mead & Hunt team will perform visual observations of the entire roadway and perform Ground Penetration Radar (GPR) at randomly selected locations on above mentioned streets to collect the pavement thickness information.
- The project site pavement conditions will be rated as poor, fair, good, or excellent. Accordingly, the pavement rehabilitation priorities will be recommended for schedule and budgeting purposes. The proposed pavement section recommendations will be in accordance with Prince George's County Standards and Specifications.
- Project plans will be prepared on 8.5"x11" sheets using GIS mapping and field measurements using a wheel and tape.
- Plan sheets will also show any improvements required for other cross section elements such as curb and gutter, sidewalk, and improvements necessary for ADA compliance.
- Mead & Hunt will prepare a planning level cost estimate for budgeting purposes.
- Pavement cores and detailed analysis is not included in scope of work which will be required prior to final pavement/ rehabilitation recommendations and preparing the construction plans.
- Pavement evaluation will be performed by subconsultants, DMY Engineering Consultants, Inc.

Please refer to our price proposal for detailed itemized design tasks required to complete the project work.

Contract for Roadway Engineering Survey & Design Firm  
Amendment No. 1: Supplemental Scope of Work  
September 10, 2022; Revised September 15, 2022  
Page 2

The Project Manager and primary contact for this contract will be Shashikant (Shashi) Patel, PE, PTOE, DBIA. Shashi may be reached directly, via email, at [Shashi.Patel@meadhunt.com](mailto:Shashi.Patel@meadhunt.com) or via phone at (443) 741-3688. Doug Bobb, PE will serve as deputy project manager and a secondary point of contact. Doug can be reached via email at [Doug.Bobb@meadhunt.com](mailto:Doug.Bobb@meadhunt.com) or via phone at 681-313-4448.

Sincerely,  
MEAD & HUNT, Inc.



Shashikant B. Patel, PE, PTOE, DBIA  
Department Manager, Civil Engineering

Attachment/Enclosure:

1. Summary of Contract Fee
2. Fee Estimate – Amendment No. 1
3. Subconsultants, DMY scope and fee proposal

**PRICE PROPOSAL SUMMARY**  
**Contract for Roadway Engineering Survey & Design Firm**  
**RFP No. UM 2021-03**

<b>Consultant: Mead &amp; Hunt, Inc.</b>	
Base Contract Fee	\$ 249,930.00
Project: Future Improvements for Planning Budget for: Marlborough Lane, Marlborough Circle, Marlboro Terrace, Marlborough Court, and Marlborough Grove.	\$ 9,094.26
<b>Total Project Design Cost</b>	<b>\$ 259,024.26</b>

Fee Estimate

Contract for Roadway Engineering Survey & Design Firm

Amendment No. 1: Supplemental Scope of Work

Project: Future Improvements for Planning Budget for: Marlborough Lane, Marlborough Circle, Marlboro Terrace, Marlborough Court, and Marlborough Grove.

Consultant: Mead & Hunt, Inc.

Item Description	Man-Hour Estimate									
	Project Manager	Project Surveyor	Survey CAD Tech	Survey Crew Chief	Survey Field Tech	SUE Tech	Professional Engineer	Design Engineer	Technician	Task Hourly Subtotals
<b>A. Roadway/Street Evaluation for Planning Budget:</b>										
1. Project Kick-off Meeting and Data Collection (virtual)	1						1			2
2. Prepare and distribute meeting notes							1			1
3. Prepare preliminary base mapping and roadway center line using GIS data on 8.5"x11" sheets (up to 12 streets)							1		16	17
4. Perform site visit of above listed streets and review for pavement conditions, drainage issues and ADA compliance for sidewalk								8	8	16
5. Update base mapping based on field measurements, label roadway widths and label issues on plans								2	8	10
6. Perform quantity take-off of proposed improvements needed for each street and prepare planning level cost estimate							4	8		12
7. Prepare two-three page summary report of improvements needed and submit along with concept plans and cost estimate	1						2	8		11
<b>Subtotal</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>26</b>	<b>32</b>	<b>69</b>
<b>Total Hours</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>26</b>	<b>32</b>	<b>69</b>
<b>Hourly Rate</b>	\$79.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$73.95	\$38.81	\$25.00	
<b>Labor Cost</b>	\$ 159.20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 665.55	\$ 1,009.06	\$ 800.00	\$ 2,633.81
Overhead Cost @	140.00%									\$ 3,687.33
Sub-Total										\$ 6,321.14
Fee (10% of Total)	10.00%									\$ 632.11
<b>Subtotal- Labor including Overhead and Fee</b>										<b>\$ 6,953.26</b>
<b>Direct Costs</b>							Quantity	Unit	Rate	
Mileage							100	mile	0.56	\$ 56.00
Printing Full Size Paper Plans (24"x36")							0	Each	1.5	\$ -
Utility Test Holes Mobilization							0	LS	1000	\$ -
Perform Utility Test Holes (assumed 3)							0	Each	800	\$ -
Others (Shipping, Mailing)								LS	500	\$ -
<b>SubTotal - Direct Costs</b>										<b>\$ 56.00</b>
<b>Total Cost - Mead &amp; Hunt Design Fee including direct costs</b>										<b>\$ 7,009.26</b>
<b>Subconsultants Support Services</b>										
DMY Engineering- Geotechnical Engineering										\$ 2,085.00
<b>SubTotal - Subconsultants Support Services</b>										<b>\$ 2,085.00</b>
<b>Total Project Design Cost</b>										<b>\$ 9,094.26</b>

## **GEOTECHNICAL ENGINEERING SUPPLEMENTAL SCOPE AND COST PROPOSAL**

**Town of Upper Marlboro  
DMY Proposal No. 03.05586.01  
August 28, 2022**

### **Project Understanding:**

We understand that there are additional six streets (Marlborough Lane, Marlborough Circle, Marlboro Terrace, Marlborough Court, and Marlborough Grove) which require visual pavement condition survey. These roadways are currently owned by an HOA, with plans to have them turned over to the Town.

### **Scope of Work & Work Plan:**

Based on the information, we develop the scope of work and work plan as below:

- a) DMY will perform a visual pavement condition survey to identify the existing pavement conditions for those additional six streets.
- b) DMY will perform Ground Penetration Radar at randomly select location on these 6 streets to collect pavement thickness information
- c) We understand no pavement coring or boring is required for these six streets.
- d) DMY will include pavement condition survey results in the pavement evaluation memorandum which will summarize the subsurface exploration, summarize subsurface conditions, pavement evaluation results, and our recommendations for pavement Maintenance, Rehabilitation and Repair (MR&R).

### **Fee:**

The additional fee to complete the scope of work above will be \$2085.00

**DRAFT PARKING & TRAFFIC ORDINANCE**

ORDINANCE: 2022-08  
SESSION: Regular Town Meeting  
INTRODUCED: October 25, 2022

**AN ORDINANCE OF THE TOWN OF UPPER MARLBORO TO BE ENTITLED “VEHICLE & TRAFFIC” THEREBY CONSOLIDATING, REVISING, UPDATING AND CODIFYING EIGHTEEN SEPARATE ORDINANCES OF THE TOWN OF UPPER MARLBORO ENACTED BEGINNING IN 1976 THROUGH 2014 BY PROVIDING NEW SECTIONS REGARDING THE ORDINANCE’S PURPOSE AND AUTHORITY; THE APPLICABILITY OF THE ORDINANCE; DEFINING CERTAIN TERMS; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; ENUMERATING CERTAIN PARKING RESTRICTIONS; PROVIDING FOR REGULATIONS PERTAINING TO PARKING METERS; ENUMERATING CERTAIN MOVING VIOLATIONS; DESCRIBING CERTAIN SNOW EMERGENCY PARKING RESTRICTIONS; PROVIDING FOR VEHICLE IMPOUND & TOWING UNDER CERTAIN CONDITIONS; AUTHORIZING CERTAIN FINES, FEES AND PENALTIES; PERMITTING CERTAIN FINE, FEE AND PENALTY CHANGES BY RESOLUTION; PROVIDING A SAVING PROVISION; AND GENERALLY RELATING TO VEHICLES AND TRAFFIC.**

**WHEREAS**, the Town Charter, Section 82-63 states that the Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Roads Commission or the County Commissioners for Prince George’s County and subject to the laws of the State of Maryland and said Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

**WHEREAS**, pursuant to Transportation Art., § 25-102(a)(1) and § 21-1001 *et seq.* of the Annotated Code of Maryland, the Town of Upper Marlboro (the “Town”) has the authority to regulate or prohibit the stopping, standing or parking of vehicles; and

**WHEREAS**, the Town Charter, Section 82-16(qq) states that the Board has the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purpose to install parking meters on the streets and public places of the Town in such places as by ordinance may be determined, and by ordinance prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission; and

**WHEREAS**, the provisions of the Maryland Vehicle Law found in § 25-102(a)(4) of the Transp. Art. of Md. Ann. Code expressly permit a local authority, in the reasonable exercise of its

police power, to exercise certain powers as to highways under its jurisdiction including designating particular highways or separate roadways as one-way highways and requiring that all vehicles on them move in one specified direction; and

**WHEREAS**, said § 25-102 of the Maryland Vehicle Law further states that an ordinance or regulation adopted under certain provisions in said section is not effective until a traffic control device giving notice of the local traffic regulations is placed on or at the entrances to the highway or its affected part; and

**WHEREAS**, pursuant to LG Art., § 5-205(d)(1) of the Annotated Code of Maryland, a municipality may establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the municipality.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT AS FOLLOWS:**

**VEHICLE & TRAFFIC ORDINANCE**

- SECTION 1: PURPOSE AND AUTHORITY**
- SECTION 2: APPLICABILITY OF THE ORDINANCE**
- SECTION 3: DEFINITIONS**
- SECTION 4: ENFORCEMENT**
- SECTION 5: PARKING RESTRICTIONS**
- SECTION 6: PARKING METERS**
- SECTION 7: MOVING VIOLATIONS**
- SECTION 8: SNOW EMERGENCY PARKING RESTRICTIONS**
- SECTION 9: VEHICLE IMPOUND & TOWING**
- SECTION 10: PENALTIES**
- SECTION 11: FINE, FEE AND PENALTY CHANGES**
- SECTION 12: SEPARABILITY**

**SECTION 1. PURPOSE AND AUTHORITY**



- A. The purpose of this Ordinance is to establish standards for vehicle use and parking in the Town of Upper Marlboro, and to prevent conditions that threaten the public health, safety or welfare of residents of, or visitors to, the Town of Upper Marlboro. The Ordinance also establishes a system of notifications and penalties for violations to enforce these standards.
- B. The authority to provide for the regulation of vehicles, traffic and parking within the Town of Upper Marlboro for both residents and visitors is provided in Section 82-16(2)–Specific Powers of the Charter of the Town of Upper Marlboro.
- C. The authority to impose fees and penalties for violating the regulations is provided in Section 82-18–Enforcement of the Charter of the Town of Upper Marlboro.

**SECTION 2. APPLICABILITY OF THE ORDINANCE**

All persons operating, parking, standing or storing vehicles on public streets or public right-of-ways within the corporate boundaries of the Town of Upper Marlboro shall obey and abide by the regulations and requirements herein stated.

**SECTION 3. DEFINITIONS**

- A. Unless otherwise defined herein, words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in the Maryland Vehicle Law (Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland), as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.
- B. The term “holidays,” as used in this Ordinance, shall mean and include the following: New Year’s Day, Martin Luther King, Jr.’s Birthday, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day and Christmas Day.
- C. In this Ordinance, the singular shall include the plural; and the plural shall include the singular; the masculine shall include the feminine and the neuter.

**SECTION 4. ENFORCEMENT**

Except for moving violations which shall be enforced only by police officers, this Ordinance and the regulations adopted thereby may be enforced by any police officer of the State of Maryland

as well as those police and parking enforcement officers, code enforcement officers or such other persons as may be designated by the Town.

**SECTION 5. PARKING RESTRICTIONS**

- A. Parking of Vehicles for more than forty-eight (48) hours: No vehicle shall be parked upon any public street or public right-of-way in the Town longer than forty-eight (48) consecutive hours. Exempted are legally parked, properly licensed and, operable vehicles which are parked on the public right-of-way directly adjacent to the property owner’s or resident’s premises to whom the vehicle is registered.
  
- B. Commercial Vehicle and Recreational Vehicle: No person shall park any commercial vehicle or recreational vehicle on any public street, residential property, or public right-of-way in the Town between the hours of 5 p.m. and 7 a.m., Mondays through Fridays, or at any time on weekends or holidays. Exempted are vehicles in the process of making deliveries which do not park for more than a two-hour period. Also, exempted are vehicles for which a written permit for the same shall have been obtained from the Town Police Chief. Such permit shall be issued only for good cause and for a period not to exceed forty-eight (48) hours or unless a written permit for a longer period shall have been granted by action of the Board of Town Commissioners. In cases of unusual circumstances, the Board of Town Commissioners may grant a long-term permit for a period not exceeding one year, and such permit may be renewed only by action of the Board of Town Commissioners.
  
- C. Abandoned Vehicles: No person shall abandon any motor vehicle in any place within the Town of Upper Marlboro and no owner, lessee, or custodian in charge of any lot, field, road, street, lane or other property shall permit any abandoned vehicle to remain on such property within the Town of Upper Marlboro.
  
- D. Construction Materials: No construction materials of any kind shall be placed or stored on any public street or public right-of-way within Town without the approval of the Board of Town Commissioners. Exempted are items required by a contractor, building or public utility company working on a project where permission or necessary permits have been obtained from the Town. Also exempted are public utility companies making emergency repairs.
  
- E. Emergency Minor Repairs: No person, firm or corporation shall service any motor vehicle on any public street or public right-of-way of the Town. Exempted are emergency minor repairs such as brakes, electrical or fuel systems and tire repairs. All other repairs shall be considered major repairs.
  
- F. Parking next to curbs: All standing or parked vehicles must be placed with the right side parallel to and within twelve (12) inches of the curb or edge of improved surface on the right-hand side of the public street or right of way. On public streets where traffic is permitted to

move in one direction only, cars may park with either side parallel to the curb in the direction and flow of traffic unless otherwise posted.

G. Standing or Parking Vehicles: No person shall stand or park a vehicle on any public street or public right-of-way in Town under the following conditions:

1. Driveway entrances– In front of a private driveway which provides access to a public street without the consent of the owner or occupant of the premises.
2. Fire hydrant– Within fifteen (15) feet of a fire hydrant.
3. Crosswalk– Within twenty (20) feet of a crosswalk at an intersection.
4. Traffic control devices– Within thirty (30) feet on the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway.
5. Signs prohibiting parking– At any place where standing or parking is prohibited by an official sign.
6. Handicapped zone–In a space or zone marked as restricted for the use of handicapped individuals, unless displaying a handicapped license plate or window sticker.
7. Sidewalk– On any sidewalk.
8. Roadway Passage– At a location which will reduce the width of the open roadway in either direction to no less than eleven (11) feet along a street or will obstruct a clear passageway along the same for fire apparatus or any other vehicle.
9. Mailboxes– Within five (5) feet of any United States Postal Service mailbox mounted along the roadway.
10. Truck parking– Commercial vehicles over 10,000 pounds shall not be permitted to park upon public streets and ways within the Town limits.
11. Obstruction of Traffic– No motor vehicle, person, business, utility company, or other party may obstruct free vehicular passage of the roadway by standing, stopping, or parking in the traveled portion of the roadway.

## **SECTION 6. PARKING METERS**

### **A. Parking Regulation**

1. It shall be unlawful for any person to cause, allow or permit any vehicle registered in his/her name or any vehicle under his/her control to be or remain parked or stopped in any metered parking space, for any period of time without immediately making the required payment in the parking meter pursuant to the directions on the meter controlling the parking space.
2. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for the parking space in question, or to deposit in any parking meter

any payment for the purpose of parking beyond the maximum legal parking time, if any, for the particular parking meter zone or space.

3. It shall be unlawful for any person to park any vehicle across any line or marking of a metered parking space or in such position that the vehicle shall not be parked entirely within the parking space designated by such lines or markings.
4. The loading or unloading of a truck, van or other commercial vehicle may be conducted for a brief, reasonable period on a metered parking space without making the applicable payment.
5. It shall be unlawful for any person to deface, injure, tamper with, open, or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this ordinance.
6. It shall be unlawful for any person to counsel, aid or abet any violation of this Ordinance or any failure to comply with this Ordinance.
7. A person who has handicapped plates or permits that have been issued by this state or any other state, may park in a parking space equipped with a parking meter, free of charge, only for twice the maximum time period permitted on the parking meter, not to exceed four hours.
8. All vehicles registered in a state that issues two license plates intended to be affixed to a particular vehicle must have both plates properly displayed at all times on the vehicle.
9. Only one (1) vehicle per parking space. No other vehicle (motorcycle, moped, scooter, or any other motor vehicle) shall be allowed in a parking space.

#### B. Parking Violation Procedure Authorized

1. Authorized enforcement personnel as outlined in Section 4 of this Ordinance shall issue a report or ticket for each violation. The violation notice shall contain:
  - i. The location and number (as applicable) of the metered parking space where the vehicle occupying it is, or has been, parked in violation of any of the provisions of this Article.
  - ii. The State license number of such vehicle.
  - iii. The date and approximate time of such violation.
  - iv. Any other facts, knowledge of which is necessary to a thorough understanding of the circumstances, attending the violation.
  - v. An oath by the officer or designated employee be attached and certifying, under penalty of perjury, that the matters set forth on said citation are, to the best of his/her knowledge, true.
2. It shall be the duty of the person issuing the ticket or report to submit to the appropriate Town employee, official, or department written notice of each violation of or failure to comply with the parking requirements of this Ordinance.

3. The person issuing the ticket or report shall give the owner or driver a copy of the ticket or report of violation or, in the event that said vehicle is unattended, shall attach said notice in a conspicuous place upon the vehicle.

C. Parking Meter Maintenance:

It shall be the duties of the Upper Marlboro Police Department to oversee the installation, maintenance, and collection of Town-owned parking meters.

D. Establishment of Parking Meter Zones

The below areas are authorized by the Board of Town Commissioners to be designated as metered parking areas.

- 1. All street parking in the 14500, 14600, 14700, 14800 & 14900 blocks of Main Street (Route 725),  
the entirety of Water Street, and the east side of Elm Street.
- 2. The Town-owned Church Street Parking lot located at 14525 Church Street.
- 3. The north side of Old Mill Road, and the south side of Pratt Street.
- 4. All street parking along the entirety of Judges Drive.
- 5. All street parking along the entirety of Governor Oden Bowie Drive.
- 6. Other areas as set by the Board of Town Commissioners by amending this Ordinance.

**SECTION 7. MOVING VIOLATIONS**

Consistent with the Maryland Manual on Uniform Traffic Control Devices, the Board shall have authority to install any appropriate traffic control devices on streets and public ways under the jurisdiction of the Town deemed prudent for the following moving violations, and said violations shall be enforced by the issuance of Maryland State citations per Maryland Law

- A. Maximum Speed: No person shall operate any motor vehicle upon any roadway, street, or ally within the Town of Upper Marlboro at a speed greater than reasonable or prudent or at a rate of speed greater than twenty-five (25) miles per hour.
- B. Through Trucks: Provided the Town has designated an adequate alternate route for diverted truck traffic, the Board of Town Commissioners may designate certain streets as “No Through Truck Traffic” for purposes of preventing serious damage from deterioration, rain, snow, or any other condition or avoiding dangerous or heavy truck traffic flow or patterns in and upon Main Street from Route 202 (Largo Road) though Old Crain Highway at the western entrance of the Town and Old Marlboro Pike at the northern entrance to the Town and all residential streets.

- C. Unlawful Turns: No person shall execute a U-turn or back into Main Street, also known as Route 725 and also known as Marlboro Pike, between the intersection at Governor Oden Bowie Drive and 14504 Main Street.
- D. One Way Traffic: Pratt Street shall be one-way traffic only between Main Street and Judges Drive with traffic flowing in an easterly direction. No person shall operate a motor vehicle on a street posted for one-way traffic in the opposite or wrong direction.

## **SECTION 8. SNOW EMERGENCY PARKING RESTRICTIONS**

Should the Board of Town Commissioners or the President declare a Snow Emergency, the following parking restrictions shall go into effect from declaration until 24 hours after last snowfall or revoked:

- A. There shall be no parking on the even numbered side of Spring Branch Drive.
- B. Parking of vehicles on grass shall be permitted for the duration of the snow emergency.
- C. Any vehicle in violation of this section may be ticketed as “Parked in a no-parking zone” and shall be impounded or moved if deemed necessary for snow removal operations.

## **SECTION 9. VEHICLE IMPOUND AND TOWING**

- A. The Police Department may immobilize using a “boot” or other device, or take into custody and impound:
  1. Any unattended vehicle not registered within the State of Maryland for which three (3) or more outstanding parking or parking meter violation citations issued within a consecutive eighteen (18) month period.
  2. Any vehicle parked or disabled in a “no parking at any time, tow-away zone” zone; blocking a private driveway without the permission of the property owners; parked in an area designated as a fire lane; within ten (10) feet of a fire hydrant, or; parked on any sidewalk.
  3. Any vehicle displaying improper, illegal or expired license plates or no plates at all parked or left standing, stored or operated on any public street or any property owned or leased by the Town, or upon private property except when the vehicle is parked within a fully enclosed garage, unless said vehicle shall have affixed or attached thereto license plates or markers displayed conspicuously on the front and rear of said vehicle in accordance with the provisions of the Annotated Code of Maryland or, in the case of a nonresident, the State, County or territory where such vehicle is registered.
  4. The provisions of Title 25, Subtitle 2, of the Maryland Vehicle Law (§ 25-201 et seq. of the Transportation Article of the Annotated Code of Maryland) shall apply with respect

to the removal, storage, reclamation and disposal of any vehicle taken into custody pursuant to Subsection A above.

- C. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle.
- D. In addition to paying all towing, preservation and storage charges or fees resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine, fee or forfeiture resulting from the violation or violations for which the vehicle was impounded and/or immobilized, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine, fee forfeiture and/or collateral, with said fine, fee, forfeiture and/or collateral amount to be set by ordinance or resolution of the Board of Town Commissioners, and such violation is posted for appearance of the owner or person normally in charge of such vehicle in the District Court of Prince George's County to answer the violation or violations on account of which the vehicle was impounded.
- E. Any vehicle found in violation of this section is subject to impoundment.

## **SECTION 10: PENALTIES AND FEES**

- A. Misdemeanor: Except for moving violations as enumerated in Section 7, violation of any provision of this Ordinance shall be deemed a misdemeanor and any person convicted of such violation shall be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars.
- B. State Citations: All moving violations, including those by any person violating Section 7 (Moving Violations) of this Ordinance, shall be cited using the Maryland Uniform Complaint and Citation Form, and upon conviction, shall be fined and/or penalized in accordance with the schedule of fines and penalties determined by the State and set out in a document prepared by the Chief Administrative Judge of the District Court of Maryland and referred to as the "Schedule of Preset Fines and/or Penalty Deposits," as such document (Form #DC-CR-090) may be amended from time to time.
- C. Town Citations: Any Town citations and fine amounts are listed in Section 11 of this Ordinance. Furthermore, when a citation which is unpaid longer than thirty (30) days following issuance shall double in amount. Should the citation remain unpaid after forty-five (45) days of the initial citation date, it shall become subject to the State of Maryland Flagging Program.
- D. Administrative Flagging Fee : Any owner of a vehicle who shall receive a warning letter or notice from the Town pursuant to the provisions of the Maryland Motor Vehicle Administration's parking violation and flagging procedures or shall seek to obtain a parking

fine receipt from the Town in order to remove the registration flag and register said vehicle shall be subject to a municipal flagging fee of twenty dollars (\$20.00) in addition to those penalties or fees incurred as a result of other violations of this Ordinance.

E. Boot Fee: In addition to any other authorized charges, a boot or immobilization fee of \$150.00 shall be charged a vehicle owner who violates this Ordinance or is otherwise responsible which results in immobilization as described in this Ordinance to defray the Town’s cost of installing, removing and maintaining the boot device.

F. Payment to Town: A person who elects to pay the charges of a Town citation shall do so directly to the Upper Marlboro Police Department, The Town of Upper Marlboro, 14211 School Lane, Upper Marlboro, MD 20772.

G. Election to stand trial: A person who receives a Town or State citation issued by the Town has the option to stand trial for the violation. An election to stand trial for a Town citation shall be made by sending a notice of intent to the Upper Marlboro Police Department within twenty (20) days of the date the citation was issued. If a person desires the presence at trial of the Police Officer or Town Parking Enforcement Official who issued the citation, he shall so indicate when notifying the Police of Intention to stand trial. If proper notification is not given, the Police Officer need not appear at trial, and a copy of the citation bearing the certification of the officer is prima facie evidence of the facts stated therein.

H. In addition to the fines and penalties herein described, the Board may avail themselves of any and all civil and equitable remedies for the purposes of stopping continuing offenses of this Ordinance.

**SECTION 11: FINE, FEE AND PENALTY CHANGES**

Violation of any provision of this Ordinance shall be subject to a fee, fine and/or penalty, which may be amended or established from time to time by written resolution of the Board of Town Commissioners. Any fine, fee or penalty established by this Ordinance may be individually or collectively modified in the form of a fine, fee and penalty schedule.

**SECTION 12: SEPARABILITY**

If any section or provisions or parts thereof in this Ordinance shall be adjusted invalid or deemed unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionally shall not affect the validity of this Ordinance as a whole or any other section or provision or part thereof.



**PARKING METER RATE RESOLUTION**

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that it hereby approves, adopts and establishes the following:

- 1. That as of September 1<sup>st</sup>, 2022, the hourly parking meter fees for Town installed and maintained meters in all established zones shall be two and a half (\$2.50) U.S. dollars per hour, Monday through Friday 7am until 5pm. All other hours, with the exception of all-day Sunday and observed Federal Holidays (when there will be free parking), the rate shall be one (\$1) U.S. dollars per hour.
- 2. That as of July 1, 2019, the Town may charge an additional credit card processing fee not to exceed five (\$5) U.S. dollars for a voluntary credit card convenience fee payment transaction.
- 3. That these fees will be remaining in effect until a new resolution is passed.

**PARKING FINE RESOLUTION**

- Section 1-16           Parked on a red meter - \$30
- Section 1-17           Parked across line - \$30
- Section 1-31.1       Parked within 5 (five) feet of driveway - \$50
- Section 1-31.1       Parked on sidewalk -\$70
- Section 1-31.1       Parked within intersection - \$50
- Section 1-31.1       Parked within crosswalk - I\$50
- Section 1-31.1       \$70
- Section 1-31.2       Parked within 6 (six) feet of hydrant -\$50
- Section 1-31.2       Parked within 20 (twenty) feet of crosswalk or intersection - I\$50
- Section 1-31.2       Parked within 30 (thirty) feet of approach side of traffic control device - \$50
- Section 1-31.2       Double Parked - \$50
- Section 1-31.3       Parked with left wheels to edge of road - \$50

- Section 1-31.3      Parked on private property - \$50
- Section 1-33        Parked over 48 (forty-eight) hours - \$50
- Section 1-33        Parked on public space with expired/missing tags - to \$50
- Section 1-31.3      Parked in a handicap space - \$250
- Parked in a designated Fire Lane- \$250.00

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall be posted in the Town Hall office, and it shall be published once in a newspaper of general circulation in the Town.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
John Hoatson, Town Clerk

\_\_\_\_\_  
Sarah Franklin, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Janice Duckett, Commissioner

\_\_\_\_\_  
Thomas Hanchett, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at

which a quorum was present adopted this Ordinance, and that said Ordinance is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John Hoatson, Town Clerk