



Town of Upper Marlboro

REGULAR TOWN MEETING

14211 School Lane, Upper Marlboro, Maryland, 20772

Tuesday, November 22, 2022 at 7:00 PM

AGENDA

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/81017037513?pwd=VnZNRGpBSUZ4djVkODZaOFIzSDNNUT09>
Passcode:161216; **Webinar ID:** 810 1703 7513; **Dial-in only:** 301-715-8592

1. **Public Hearing - Charter Amendment**

Open for public comment. Three (3) minutes per speaker.

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.

REGULAR TOWN MEETING AGENDA: 7:10 PM

2. **Call to Order**
3. **Roll Call**
4. **Pledge of Allegiance**
5. **Review of Agenda**
6. **Closed Session Summary From November 8, 2022**

A. Closed Session Summary November 8, 2022

7. Consent Agenda

- A. Meeting Minutes
- [B.](#) Financial Report
- [C.](#) Public Safety Report
- [D.](#) Public Works Report
- [E.](#) Administrative Report

8. 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

9. Business

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

- [A.](#) Financial Legislative Package (Board Vote)
 - 1. Charter Amendment 01-2022 Amending Section 82-45 (Board Vote)
 - 2. Ordinance 2022-06 Procurement (Board Vote)
 - 3. Financial Policy on Town Credit Cards, Invoice Payments & Deposits (Board Vote)
- [B.](#) Ordinance 2022-07 Historical Committee (Board Vote)
- [C.](#) Parking Legislative Package (Board Vote)
 - 1. Resolution 2022-25: Parking Violation Fines and Fees (Board Vote)
 - 2. Resolution 2022-26: Parking Meter Rates (Board Vote)
- [D.](#) Resolution 2022-27: Snow Plow & Assembly (Board Vote)
- [E.](#) Resolution 2022-28: Cleaning Contract (Board Vote)
- [F.](#) Resolution 2022-29: Media Contract (Board Vote)
- [G.](#) Resident Assistance Package (Board Vote)
- [H.](#) Service Lane Dumpster Agreement (Board Vote)
- [I.](#) Ordinance 2022-08 Amend 2019-02 Town Committees (Introduction)
- [J.](#) Ordinance 2022-09 Comcast Cable Franchise Agreement (Introduction) Public Hearing 12-20-22 7:00 PM
- [K.](#) Municipal Government Works Month Proclamation Reading

10. Administrative Updates

11. Public Comment

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

12. Preliminary Approval of Next Meeting Agenda

13. 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). 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.

CLOSED SESSION SUMMARY SHEET TO BE READ INTO RECORD

Date: November 8, 2022

Time: 8:55 PM

Location: Virtual

Closed Under Annotated Code:

Under General Provisions Article 3-305(b)(1) "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (14) "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

The Board of Town Commissioners propose to go into Closed Session on Tuesday, November 8, 2022 following the November Board Work Session to discuss employee issues & media and cleaning requests for proposals.

Those Who Voted To Go Into Closed Session:

President Franklin, Commissioner Colbert, Commissioner Duckett, Commissioner Hanchett & Commissioner Lott

Unanimous Of Elected Officials In Attendance:

Yes

Those In Attendance;

President Franklin, Commissioner Colbert, Commissioner Duckett, Commissioner Hanchett, Commissioner Lott & Town Administrator Kyle Snyder, Police Chief David Burse, Public Works Director Darnell Bond.

Actions Taken: No Votes Were Taken, Please See Relevant Notes:

None

Topics Discussed:

Personnel, historical committee, legal along with media and cleaning requests for proposals.

Relevant Notes: **None**



Town of Upper Marlboro

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

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

	Total		
	ACTUAL	BUDGET	OVER (UNDER) BUDGET
Income			
Revenue			
4000 Property Taxes	705,079	1,054,540	(349,461)
4200 Fines, Licenses, Permits	169,820	275,376	(105,556)
4300 Intergovernmental	16,003	404,899	(388,896)
4400 Miscellaneous Revenue	5,040	95,119	(90,079)
4500 Grants	482,311	1,497,788	(1,015,477)
Total Revenue	\$ 1,378,253.71	\$ 3,327,722.00	\$ (1,949,468.29)
Expenses			
5000 General Government	213,031	838,010	(624,979)
6000 Public Safety	184,346	765,293	(580,947)
7000 Public Works	132,901	484,344	(351,443)
8000 Grants & Awards	302,849	1,220,075	(917,226)
9000 Capital Outlays	20,000	20,000	-
Total Expenses	\$ 853,126.62	\$ 3,327,722.00	\$ (2,474,595.38)
NET INCOME	\$ 525,127.09	\$ -	\$ 525,127.09



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

Key Monthly Items

1. FY23 YTD Increase in fund balance is 525K
2. Revenues look as to be expected 4 months into the fiscal year, 41% of annual budget has been raised.
3. Expenses YTD are at 26% of annual budget, expectation through October is 33%

Bank Accounts

1000 Checking Account (Premis) 6968	215,163
1001 Petty Cash	650
1010 Payroll Account (Premis) 6976	797
1040 Parking Meter Checking (M&T)	115,911
1045 Speed & Red Light (M&T) 0013	60,683
1050 ARPA Checking 4957	366,749
1117 WesBanco (CD)	105,142
1140 MLGIP (MM)	785,255
Total Bank Accounts	1,650,349



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 October 2022

Incidents Reported in Town:

Commercial Alarm 2	Check on Welfare 10	Theft from Auto 1
Unknown Trouble 1	Miscellaneous Call 1	Party Complaint 1
Vehicle Accident 4	Hold-up Alarm 1	Disorderly Call 4
Stolen Vehicle 2	Hit & Run Accident 4	Residential Alarm 1
Traffic Assignment 1	Suspicious Person 2	Break-in In Progress 1
Domestic Call 4	Property Damage 2	

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, Sgt. Irby, Cpl. Brooks, Cpl. Johnson, and Code Officer Stewart participated in the 100th Anniversary Crain Highway Celebration.

Chief Burse, Sgt. Irby, Cpl. Johnson, Pfc. Anderson, and Code Officer Stewart participated in the Trunk or Treat on Main Street.

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

Chief Burse, Sgt. Irby, Cpl. Brooks, Cpl. Johnson, Pfc. Anderson, and Code Officer Stewart participated in the National Faith & Blue Shredding Event.

Sgt. Irby and Cpl. Johnson, participated in the Washington International Horse Show Event.

Sgt. Irby, Cpl. Johnson participated in the Marlboro Volunteer Fire Department Open House event.



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

Date: Monday Nov 14, 2022

Subject: Public Works' Status Report

RE: October 2022 – Monthly Status Report

Public Works Related

- PWC completed beautification, pick-up, and event set-up ahead of the Crain Hwy Monument Centennial.
- PWC set up for two Food Truck Events, the Farmers Market, and Trunk or Treat event.
- Seven proposals for TOUM facilities cleaning RFP submitted by various companies.
- Foreman Sheckels served on board for approval of Residential Financial Assistance.

Maintenance and Beautification

- Concrete bases for horse statues poured ahead of installation.
- PWC delivered horses to and from paint shop.
- Horses installed in three locations around Town.
- Murals on Main and Water streets completed.

Street and Sidewalk

- PWC worked with CC Officer Stewart to fix broken meters and poles along Gov Oden Bowie Dr.
- PWD attended the hybrid Pepco and municipality customer streetlight ownership process meeting.
- Cones, detour signs and corresponding brackets, and stands delivered ahead of Trunk or Treat.
- Work on residential lateral connection service sewer line began on Church St.
- PWD and TA attended MDOT Sidewalk right-of-way meeting and Water St Bridge replacement site meeting.
- MDOT sidewalk rehabilitation began on 725 near Annies cleaners.
- MDOT SR-0464622 sight line issues on 725 transferred to DPW&T.

Refuse Accumulations

- Bulk day accumulations for solid wastes (Landfill) are tons. Bulk day accumulations for yard waste collections are tons. We had one dump body rental for the month.

Sincerely,

Darnell F. Bond III
Public Works Director

Sarah Franklin
President

sfranklin@uppermarlboromd.gov

Janice Duckett
Commissioner / Treasurer
jduckett@uppermarlboromd.gov

Thomas Hanchett
Commissioner
thanchett@uppermarlboromd.gov

Karen Lott
Commissioner
klott@uppermarlboromd.gov

Charles Colbert
Commissioner
ccolbert@uppermarlboromd.gov



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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator
Date: Tuesday, November 15th, 2022
Re: November 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 October 2022.

We wrapped up a busy and successful month in October filled with amazing events and initiatives, including the installation of a mural and three life-sized, painted horse statues. We are working to onboard a new part-time events coordinator and actively recruiting for an Administrative Assistant/Bookkeeper. The town is still distributing COVID-19 tests at Town Hall during office hours.

Major Projects Underway	
Event Planning	Staff has been planning and implementing many events, including Old Crain Hwy Centennial, 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 is 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 were introduced September Town meeting and up for approval in Nov.
Grant Applications	PEPCO Grant applications for the pocket park and emergency generators have been submitted.
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 and also working with State & County agencies on their projects.
ParkMobile	Staff working with Park Mobile 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: 1,219 incoming calls (average of 60 calls per working day M-F)
- Room Rentals: 1
- Notaries: 1
- Parking Permits: 22
- Food Truck Permits: 11

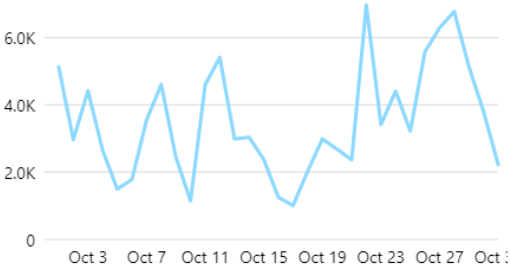
Outreach Statistics:

Facebook & Instagram-

Reach

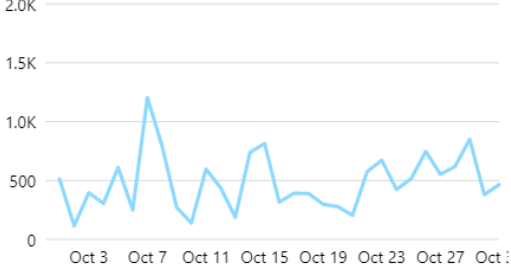
Facebook Page reach ⓘ

50,873 ↑ 23.9%



Instagram reach ⓘ

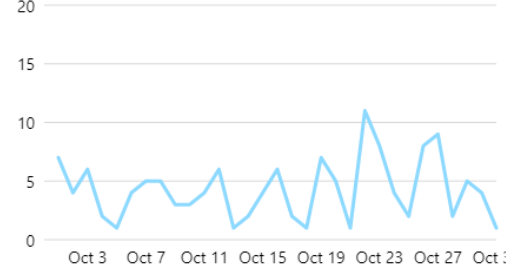
3,873 ↑ 116.7%



New likes and follows

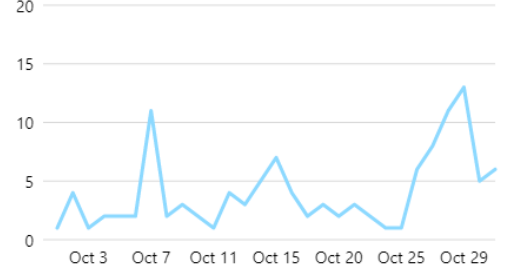
Facebook Page new likes ⓘ

132 ↑ 38.9%

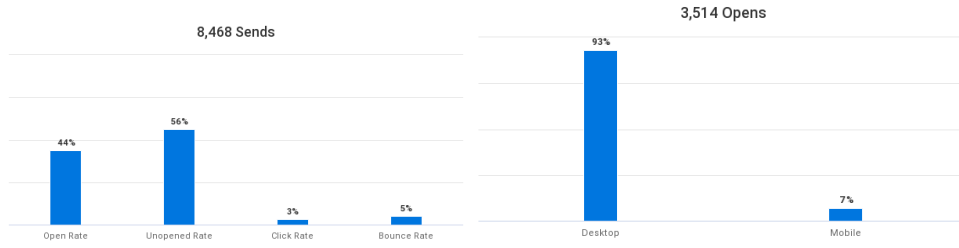


New Instagram followers ⓘ

117 ↑ 112.7%



Constant Contact-



**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

CAPS : Indicate matter added to existing law.
[[Brackets]] : Indicate matter deleted from law.
*** : Indicate matter retained but not restated in existing law.

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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******* : Indicate matter retained but not restated in this Resolution.

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:

Finance

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.

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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[[Brackets]] : Indicate matter deleted from law.
******* : Indicate matter retained but not restated in this Resolution.

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.]]~~

* * *

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.

CAPS : Indicate matter added to existing law.
[[Brackets]] : Indicate matter deleted from law.
******* : Indicate matter retained but not restated in this Resolution.

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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[[Brackets]] : Indicate matter deleted from law.
*** : Indicate matter retained but not restated in this Resolution.

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 (50TH DAY) DATE: _____

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******* : Indicate matter retained but not restated in this Resolution.

**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.
- D. All vendors conducting business with the Town of Upper Marlboro must to be registered with the Maryland Department of Assessments and Taxation (SDAT) and found to be in good standing with the State.
- E. All Requests for Bids (RFB’s) or other procurements exceeding \$50,000 shall be placed on eMaryland Marketplace in accordance with SFP Art., §17–502 of Md. Ann. Code.

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 5th, 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 22nd day of November, 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. 2nd 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: November 22, 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 uniformly 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 timely reorganize and conform the governance of said Historical Committee pursuant to said Ordinance 2019-02; and

WHEREAS, pursuant to 82-11 of the Town Charter, no ordinance shall be passed at the meeting at which it is introduced, and at any regular or special meeting of the Board of Commissioners held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date, and every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval of the Board of Commissioners, and each ordinance

shall be posted in the Town office, and each ordinance, or a fair summary thereof, shall be published at least once, in a newspaper of general circulation in the Town.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of The Town of Upper Marlboro sitting in regular session this 22nd day of November, 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 adopt 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 due to the exigent circumstances and important governmental interests stated in the above recitals and herein and in order to further promote the health, safety and welfare of the Town and the general public, the Charter provision requiring that an ordinance may not be passed at the meeting at which it is introduced is hereby suspended by unanimous vote of the Board of Commissioners, and that this Emergency Ordinance shall become effective immediately 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 or a fair summary thereof, 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 Emergency Ordinance unanimously, and that said Emergency 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 22nd day of November, 2022.

John Hoatson, Town Clerk

RESOLUTION: 2022-25

SESSION: Regular Town Meeting

DATED: November 22, 2022

A RESOLUTION AUTHORIZING SETTING OF FINES FOR PARKING VIOLATIONS, ASSOCIATED FEES, AND RATES FOR THE INCREASE OF FINES FOR CERTAIN TOWN CITATIONS

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro, a body politic and corporate of the State of Maryland, under its Charter and as a municipal corporation; and

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro is authorized under Section 11 of Town Ordinance 2016-02 to adopt by resolution any future penalties, fines and rates of increase of fines upon non-payment as necessary; and

WHEREAS, the current fines, penalties and rates of increase of fines have remained unchanged for over ten (10) years, and

WHEREAS, the Board of Town Commissioners of the Town of Upper Marlboro has considered the desirability of certain changes in the fines currently levied for various parking or traffic violations and fines related thereto; and

WHEREAS, the Board of Town Commissioners has determined to make certain changes.

NOW THEREFORE, BE IT RESOLVED that the Board of Town Commissioners for the Town of Upper Marlboro exercises its authority to change the following parking fines as follows:

Fine/Fee Schedule

Section of Ord. 2016-02, as amended	Parking Regulation Violation	Fine
§5.A	Parking of Vehicles for more than 48 hours	\$60
§5.B	Commercial Vehicle and Recreational Vehicle parked between 5 p.m. and 7 a.m., Mondays through Fridays, or at any time on weekends or holidays.	\$60
§5.C	Abandoned Vehicles	\$100
§5.D	Construction materials placed or stored on any public right-of-way	\$100
§5.E	Making major repairs within public right-of-way	\$60
§5.F	Parking or standing more than twelve (12) inches from the curb or edge of improved surface	\$60
§5.G.1	Driveway entrances	\$60
§5.G.2	Fire hydrant, parking within fifteen (15) feet	\$250
§5.G.3	Crosswalk, parking within twenty (20) feet of a crosswalk at an	\$60

	intersection	
§5.G.4	Traffic control devices, parking within thirty (30) feet on the approach	\$60
§5.G.5	Signs prohibiting parking	\$60
§5.G.6	Handicapped zone	\$250
§5.G.7	Sidewalk	\$60
§5.G.8	Roadway Passage	\$60
§5.G.9	Mailboxes	\$60
§5.G.10	Truck parking	\$60
§5.G.11	Obstruction of Traffic	\$60
§6.A.1 & .2	Parked on Expired Meter	\$35
§6.A.3	Parked across line	\$35
§6.A.4	Unloading commercial vehicle beyond reasonable time	\$60
§6.A.5	Tamper or impair the usefulness of any parking meter	\$60
§6.A.6	Counsel, aid or abet any violation of the Ordinance	\$60
§6.A.7	Exceeding handicapped parking in a parking space for more than twice the maximum time period permitted on the parking meter, not to exceed four hours	\$60
§6.A.8	Failure to have both plates properly displayed at all times on the vehicle as required by law.	\$60
§6.A.9	Parking more than one (1) vehicle per parking space	\$60
§8.A	Parking during declared snow emergency on the even numbered side of Spring Branch Drive	\$60
§9.A.(1)	Unattended vehicle parked or left standing	Impound
§9.A.(2)	Parked with three (3) or more outstanding parking or parking meter violation citations issued within a consecutive eighteen (18) period	
§9.A.(3)	Parked or disabled in a “no parking at any time, tow-away zone” zone	Impound
§9.A.(3)	Blocking a private driveway	Impound
§9.A.(4)	Vehicle with improper, illegal or expired license plates parked or left standing, or stored	Impound
Ord. 2016-02, as amended	Any other parking fine not described above	\$60

Notes:

(1) A violation of any provision of Ordinance 2016-02 as amended is 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.

(2) Unless stated otherwise in Ordinance 2016-02, as amended, moving violations are not within the scope of this Fine/Fee Schedule Resolution but are enforced by the issuance of Maryland State citations per Maryland Law. The schedule of fines and penalties for moving violations of the Md. Transposition Article are 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.

AND BE IT FURTHER RESOLVED, that pursuant to Town Ordinance 2016-02 after thirty (30) days of issuance, all unpaid citation totals shall double; and fifteen (15) days thereafter, if still unpaid, the automobile record will be submitted to the Maryland Motor Vehicle Administration’s vehicle registration flagging program pursuant to Regulation 11.15.21.01 et seq. of the Code of Maryland Regulations (“COMAR”) wherein associated flagging fees will be assessed. Separate administrative flagging fees which shall be paid to the Motor Vehicle Administration in the amount specified by COMAR Reg. 11.11.05.04 and the Town in the amount of \$30.00 shall be in addition to any fee or penalty assessed by the Town for each parking violation reported.

AND BE IT FURTHER RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, Maryland, that the following fees shall be set and in place effective January 9th, 2023, and remain in effect until a new Resolution is passed.

INTRODUCED and ADOPTED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on this 22nd day of November, 2022.

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 22nd day of November 2022.

John Hoatson, Town Clerk

RESOLUTION: 2022-26
SESSION: Regular Town Meeting
DATE : November 22, 2022

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO CHANGE AND ADOPT PARKING METER RATES

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro, a body politic and corporate of the State of Maryland under its Charter, and as a municipal corporation duly empowered by state law to regulate parking and collect parking meter fees; and

WHEREAS, the Board of Commissioners is authorized pursuant to Ordinance 2016-02, as amended, to establish parking meter zones and to set from time to time by resolution the amount to be deposited in the parking meters of the Town, and to establish further or amend any other fees authorized under said ordinance; and

WHEREAS, the Board of Commissioners has determined that there is a need to set new parking meter hours of operation, rates and consequent after-hours rates.

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 January 9th, 2023, the hourly parking meter fees for Town installed and maintained meters along Main Street, Pratt Street, Water Street, Judges Drive, and Elm Street shall be two and a half (\$2.50) U.S. dollars per hour, Monday thru Friday from 6:00 a.m. until 5:59 p.m., and one (\$1.00) U.S. dollars per hour 6:00 p.m. until 5:59 p.m. including and all day Saturday, with the exception of observed Federal Holidays, whereby the hourly fee shall be waived. The hourly fee shall also be waived all day on both Saturdays and Sundays.
2. That as of January 9th, 2023, the hourly parking meter fees for Town installed and maintained meters along Governor Oden Bowie Drive shall be two and a half (\$2.50) U.S. dollars per hour, Monday thru Friday from 6:00 a.m. until 6:00 p.m., with the exception of observed Federal Holidays, whereby the hourly fee shall be waived. The hourly fee shall also be waived all day on both Saturdays and Sundays.
3. The Town’s Church Street Parking lot, and any other off-street public parking lots owned or managed by the Town, will charge \$1 per hour Monday through Friday, from 7 am until 5 pm, and free after hours and on holidays. The hourly fee shall also be waived all day on both Saturdays and Sundays.
4. That these fees will remain in effect until a new resolution is passed.

AND BE IT FURTHER RESOLVED that the hourly fees set by this resolution shall be marked or

Town of Upper Marlboro

otherwise displayed on the Town's parking meters, and this Resolution shall be posted on the Town's website and in a conspicuous place in the Town Hall for a period of at least 30 days after its passage.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on this 22nd day of November, 2022.

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 22nd day of November 2022.

John Hoatson, Town Clerk

The Town of Upper Marlboro

RESOLUTION: 2022-27
SESSION: Regular Town Meeting
DATED: November 22, 2022

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO APPROVE THE PURCHASE OF SNOWPLOW & SALTS SPREADER ALONG WITH INSTALLATION

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, the Town finds it in the best interest of its employees, residents, business owners and visitors to have a working snowplow and salt spreader; 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 a snowplow and salt spreader in the FY2023 Budget, which includes the scope of the subject Quote: 903640 issued 11/1/2022 from Kohler Equipment; and

WHEREAS, pursuant to Section 82–56 (Purchasing and Contracts) of said Charter, all expenditures for contracts and purchases with an anticipated cost of more than ten thousand dollars (\$10,000) shall be subject to competitive sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 22nd day of November 2022, that the Town Board of Commissioners hereby authorizes the President and the Public Works Director to execute a Proposal dated 11/1/2022 by Kohler Equipment for an amount not to exceed \$11,400.00 and to execute any other relevant contract documents to effectuate the purpose of this Resolution.

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.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on this 22nd day of November 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 Hanchett, 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 22nd day of November, 2022.

John Hoatson, Town Clerk

Attachment A: Kohler Equipment Quote

KOHLER EQUIPMENT - UPPER MARLBORO
 15865 COMMERCE COURT
 UPPER MARLBORO, MD 20774
 (301)249-2200

SOLD TO: 315403
THE TOWN OF -UPPER MARLBORO P.O. BOX 280 UPPER MARLBORO, MD 20773

SHIP TO:
THE TOWN OF -UPPER MARLBORO P.O. BOX 280 UPPER MARLBORO, MD 20773

Tax Exempt #: 30001243

Returns w/in 30days with receipt. NO returns on
 Special Orders-parts,equipment or electrical items
 There is a 15% Restocking fee on returns!!!!

Shipped VIA: CUSTOMER PICKUP

Time: 12:57

ACCOUNT	DATE	QUOTE	SALESMAN	STORE	P/O NUMBER	SPECIAL INFORMATION
315403	11/01/22	903640	018/018	1		

ORD	SHIP	B/O	LINE	PART NUMBER	DESCRIPTION	LIST	NET	AMOUNT
1	1		BSQ	STB03167	BLADE CRATE,8 STR BLD		6175.00	6175.00
1	1		L16	P	PLOW LABOR		500.00	500.00
1	1		BYQ	SHPE2000	SALTDogg 2.0 CUBIC		4400.00	4400.00
1	1		L22	HS	HOPPER LABOR		325.00	325.00

QUOTE

QUOTE ONLY

SUB TOTAL	10575.00
MISC	0.00
LABOR	825.00
Tax: 6.000	0.00
DOWN PAYMENT	
QUOTE TOTAL	11400.00

The Town of Upper Marlboro

RESOLUTION: 2022-28
SESSION: Regular Town Meeting
DATED: November 22, 2022

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO APPROVING AGREEMENT WITH TO PROVIDE CLEANING SERVICES TO THE TOWN OF UPPER MARLBORO.

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro has authority pursuant to §82-56 of the Town Charter, and Ordinance 2011-02 to enter into professional services contracts; and

WHEREAS, pursuant to 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 sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

WHEREAS, the Board of Town Commissioners waived the formal request for bids process and alternatively released RFP #UM 2022-01 soliciting proposals, and thereby published said request for proposals for at least 15 days to seek interested applicants during the period of September 28, 2022 through October 31, 2022; and

WHEREAS, the Town Board of Commissioners hereby finds that sufficient funds have been appropriated and that _____ is a responsible offeror or interested business whose proposal is the most advantageous to the Town taking into consideration price and the evaluation factors set forth in the request for proposals.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 22nd day of November 2022, that the Town Board of Commissioners hereby approves and further authorizes the President to sign, on behalf of the Town, the contract, as an 18-month duration contract beginning January 1, 2023 and ending on June 30, 2024.

AND BE IT FURTHER RESOLVED, that prior to the President’s/Mayor’s execution of said proposal/contract, the Town Administrator shall ensure that the vendor is in good standing with the State and supplies adequate proof of insurance and executes a reasonable waiver of liability agreement or release form with the Town to protect it from mishaps, accidents and injuries arising from the vendor’s potential negligence while working on Town property.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage and that the President/Mayor is authorized to execute the subject contract or proposal totaling

\$_____ with the subject cleaning company trading as or having the legal name of _____, and any related indemnification forms, addenda, schedules, exhibits or change orders thereto pertaining not exceeding the authority of said official pursuant to Town law and this Resolution.

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 22nd day of November 2022.

John Hoatson, Town Clerk

ATTACHMENT A- Cleaning Proposal

The Town of Upper Marlboro

RESOLUTION: 2022-29
 SESSION: Regular Town Meeting
 DATED: November 22, 2022

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO RENEWING A CONSULTANT AGREEMENT WITH FELDMANN COMMUNICATIONS STRATEGIES, LLC TO CONTINUE TO SERVE AS THE TOWN'S MEDIA RELATIONS FIRM CONTRACT.

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro has authority pursuant to §82-56 of the Town Charter, and Ordinance 2011-02 to enter into professional services contracts; and

WHEREAS, a previous president entered into a consultant agreement dated April 17, 2019 with Feldmann Communications Strategies, LLC (“FCS”), which was ratified by the Board on June 17, 2019; and

WHEREAS, pursuant to 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 sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

WHEREAS, the Board of Town Commissioners waived the formal request for bids process and alternatively released RFP #UM 2022-02 soliciting proposals, and thereby published said request for proposals for at least 15 days to seek interested applicants during the period of September 28, 2022 through October 31, 2022; and

WHEREAS, the Town Board of Commissioners hereby finds that sufficient funds have been appropriated and that FCS is a responsible offeror or firm whose proposal is the most advantageous to the Town taking into consideration price and the evaluation factors set forth in the request for proposals including an hourly fee of \$125.00/hour for communications and media relations work performed as indicated in the Description of Services.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 22nd day of November 2022, that the Town Board of Commissioners hereby approves and further authorizes the President to sign, on behalf of the Town, the Feldman Communications Strategies, LLC consultant contract dated _____, as an 18-month duration contract beginning January 1, 2023 and ending on June 30, 2024.

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 22nd day of November 2022.

John Hoatson, Town Clerk

ATTACHMENT A- Feldmann RFP

RFP # UM 2022-02
Town Media Relations Firm

FELDMANN COMMUNICATIONS STRATEGIES LLC
COMMUNICATIONS CONSULTANT PROPOSAL

THIS CONSULTANT AGREEMENT (“Agreement”) is entered into as of the 1st day of January, 2023 (“Effective Date”) between the Town of Upper Marlboro, Maryland (“Client”), and Feldmann Communications Strategies LLC (“Consultant”).

1. Feldmann Communications Strategies LLC (“FCS”) will provide the Town of Upper Marlboro, Maryland (“Client”) with consulting services as mutually agreed upon and described in the attached Statement of Work (“Services”). Any changes to the Statement of Work must be in writing signed by both parties.
2. Client shall pay to FCS, as compensation for the Services, the fees set forth on Exhibit A in accordance with the payment schedule set forth on Exhibit A. Unless otherwise provided on Exhibit A, FCS will invoice Client for the Services Fees monthly. All Fees shall be due and payable within thirty (30) days after the date of Customer’s invoice for Fees due hereunder.
3. Client shall reimburse FCS for all actual and reasonable, client or customer-related business or expenses incurred by FCS in connection with FCS’s duties on behalf of Client provided that FCS shall keep, and present to Client, records and receipts relating to such reimbursable expenses. Such records and receipts shall be maintained and presented in a format, and with such regularity, as Client reasonably may require in order to substantiate Client’s right to claim income tax deductions for such expenses. These expenses must be agreed to by both parties in advance.
4. The Client and FCS may terminate this Agreement at any time with thirty (30) day written notice to the other party, and immediately FCS shall cease providing Services. Upon termination, FCS will be paid for all of the services properly performed prior to termination. Termination of this Agreement will not relieve or release either party from any rights, liabilities or obligations that have accrued under this Agreement or under law, or from liability for any breach of the party’s obligations under this Agreement that occurred before the date of termination.
5. FCS hereby grants to Client a non-exclusive license to use FCS’s trademarks, tradenames, and copyrighted material (“FCS Property”) designated by and belonging to the FCS solely in connection with the Services. Client shall not use or authorize any others to use, distribute or disseminate or cause to be distributed or disseminated, FCS Property in any manner not specifically authorized by this Services Agreement. Client agrees that it shall in no way contest or deny the validity of, or the right or title of FCS in or to such FCS Property, by reason of this Agreement, and shall not encourage or assist others directly or indirectly to do so, during the lifetime of this Services Agreement and thereafter.

6. In addition, Client shall not utilize any such FCS Property in any manner which would diminish its value or harm the reputation of FCS. This provision shall survive the termination of this Services Agreement.

7. Similarly, FCS has the right to list the Client's business name and logo on the FCS website as a current client.

8. The Client and FCS agree to retain in confidence any confidential or proprietary information received hereunder and all information that by the nature of the circumstances surrounding the disclosure, should in good faith be treated as proprietary and/or confidential, and will make no use of such information except in connection with its performance hereunder. This provision shall survive the termination of this Services Agreement.

9. For all purposes under this Agreement, FCS shall be and act as an independent contractor of Client, and nothing contained in this Agreement shall be construed as creating a joint venture, partnership, agency, fiduciary or employment relationship between the Parties. The Parties agree that all individuals performing Services on FCS's behalf are not, for any purpose whatsoever, (a) considered to be employees, independent contractors or agents of Client or (b) entitled to any compensation or employee benefits from Client.

10. No delay, failure or default in performance of any obligation by either party, excepting all obligations to make payments hereunder, shall constitute a breach of this Agreement to the extent caused by force majeure.

11. Neither Party may assign or otherwise transfer this Agreement or any of its rights or obligations hereunder without the other Party's prior written consent, which consent shall not be unreasonably withheld or delayed. Notwithstanding the foregoing, either Party may, upon written notice to the other Party, assign or transfer this Agreement in its entirety to a party that succeeds to all or substantially all of such Party's business or assets, whether by sale, merger, operation of law or otherwise. In such case, this Agreement shall be binding upon and inure to the benefit of the Parties and their respective permitted successors and assigns. Any attempted assignment or transfer in violation of this Section shall be null and void.

12. Any modification or amendment of any provision of this Agreement must be in writing and bear the signature of the duly authorized representatives of both parties.

13. No waiver of any right shall be effective unless consented to in writing by the Party to be charged with such waiver, and the waiver of any breach or default shall not constitute a waiver of any other right hereunder or any subsequent breach or default.

14. The Client and FCS, jointly and severally, indemnify, defend and hold harmless one another, their affiliates and their respective directors, officers, employees, agents, successors and assigns from all claims, suits, judgments, costs, liabilities, fines, damages, losses, taxes, penalties, interest and expenses, including reasonable attorneys' fees and related costs, resulting from or arising out of (a) any breach of this Agreement or any warranty hereunder; (b) any act, omission or

performance of any of the services by FCS or FCS's employees, agents or subcontractors; (d) infringement of any trade secret, copyright, trademark, patent or any other intellectual property right of any third party.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the Agreement Date first above written.

By: _____
Raymond C. Feldmann
President & CEO
Feldmann Communications Strategies LLC

By: _____
The Honorable Sarah Franklin
Mayor
Town of Upper Marlboro, MD

EXHIBIT A

Statement of Work

This Statement of Work is made effective 01/01/23, by and between FCS and Client (Town of Upper Marlboro, Maryland).

Description of Services:

-MEDIA OUTREACH: Positive story placement about the Town of Upper Marlboro Commissioners and town staff in local Prince George's and Washington, DC media outlets, as well as media outlets in the Baltimore media market and eventually nationally; Develop positive news and feature stories that help to tell the contemporary Upper Marlboro story: what is taking place today, what steps the Board and staff are taking to change the image and reputation of the town, how they are changing the narrative about the town's relationship with Prince George's County and the state; Assist the Board and staff in developing positive working relationships with area reporters, news editors, and news directors.

-EVENT PROMOTION AND PUBLICITY: Provide public relations and media relations support for major signature events taking place in Upper Marlboro, such as Marlboro Day and the Washington International Horse Show. This scope of work will include press release production, media outreach, press conference planning and preparation, etc.

-SOCIAL MEDIA STRATEGY AND MESSAGING: Work closely with Board of Commissioners and town staff to develop a strategy for posting content (including photos and videos) on the town's Facebook, Twitter, You Tube, and Instagram platforms; This task will include developing and posting more videos on You Tube to visually highlight positive developments happening in the town.

-CRISIS COMMUNICATIONS: Serve as an on-call resource on a 24/7 basis for crisis management and communications involving all aspects of town operations, including the police department, public works, courts, transportation, Mayor's office, Board, etc.; Will serve in a consulting role to the Board and other town staff as appropriate to advise on strategy and messaging during the crisis situation.

-MEDIA TRAINING AND COACHING (OPTIONAL): Media training and coaching for Board of Commissioners and town staff as appropriate, as well as event and topic-specific media preparations, throughout the term of this contract. This service will include a half-day, one-time media training session for the new slate of Town commissioners.

The additional cost for this one-time, half-day media training curriculum will be \$2,000 (not included in the fee structure below).

Billing Rate

An hourly fee of \$125.00/hour for communications and media relations work performed from the aforementioned Description of Services (not including the one-time media training session).

Notes: This agreement will be in place for a period of 18 months, beginning on Jan. 1, 2023 and ending on June 30, 2024, at which time it is subject to renewal upon agreement of both parties.

Additional Terms and Conditions:

Time estimated: As needed basis.

This Statement of Work serves as an Exhibit to the Consultant Agreement.

Agreed and Accepted:

By: _____
Raymond C. Feldmann
President & CEO
Feldmann Communications Strategies LCC

By: _____
The Honorable Sarah Franklin
Mayor
Town of Upper Marlboro, MD



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

MEMORANDUM

To: Board of Town Commissioners
From: John Hoatson Town Clerk
Date: Tuesday, November 8^h, 2022
Re: Town of Upper Marlboro Financial Assistance Program

The ad-hoc awards determination board for the Financial Assistance program was able to provide the first bit of relief to a resident of the Town of Upper Marlboro. The board consisted of:

- One Resident
- One Church representative
- One representative from each department:
 - General Government
 - Department of Public Safety
 - Department of Public Works

This ad-hoc board reviewed the application and compared it to the criteria for awarding the financial assistance funds. This was a quick and straightforward process.

The Board of Commissioners should discuss whether this is the system that should be used moving forward for awarding financial assistance or if the composition should be modified. The current compilation of the board insulates the decision from political process by keeping it as a purely administrative function.

In addition to determining the compilation of the board, we have received another public comment from a business requesting we reconsider financial assistance for businesses. With COVID-19, many of our businesses have experienced financial hardship due to the global pandemic as well as supply chain breakdown. The financial assistance to businesses would allow many of them to continue operating in the Town of Upper Marlboro.



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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator
Date: Tuesday, November 1st, 2022
Re: Service Lane Dumpster Agreement

Commissioners,

Several months ago, the Town began receiving numerous complaints from residents, businesses, and visitors, regarding a large amount of trash, debris, and vultures being at the three large dumpsters along Service Lane that are owned by JLH PROPERTIES II LLC and placed there for the businesses renting in their buildings on Main Street. Upon inspection of the site, it was determined that these dumpsters had been placed on public property without the consent of the Town for decades. The property is owned by the post office, but the Town entered into a shared use agreement with the post office to use part of the property for stormwater management efforts.

The Town has been in communication with the property manager, who obtained permission from the Post Office to have the dumpsters there, but now need consent from the Board of Commissioners. The Town is requesting the owner install a 6ft dumpster screening fence that is locked when not in use to help manage residents' concerns. The Town is also asking for a small annual fee to assist with the maintenance of this commercial trash center on public property.

Attached is a draft letter prepared by the Town Attorney, an aerial overview of the site in question, the consent from the Post Office, and the Deed of Easement between the Post Office and Town from 1995.

[Town Letterhead]

October __, 2022

JLH PROPERTIES II LLC &
JLH PROPERTY MANAGEMENT, LLC
13204 Duley Staton Rd.
Upper Marlboro, MD 20772

RE: THE TOWN OF UPPER MARLBORO REVOCABLE, NON-EXCLUSIVE LICENSE AND PERMISSION FOR THE OWNER OF 14604 MAIN ST. IN UPPER MARLBORO TO ENCUMBER TOWN EASEMENT LOCATED ON ADJOINING POST OFFICE PROPERTY

Dear Managing Member of JLH PROPERTIES II LLC:

I am writing regarding your company's request as the owner of Parcel 122, Tax Account: 0231167 to maintain dumpsters within a Town easement located on Parcel 162, Tax Account: 0249268 off the Town Service Lane. The Deed of Easement for storm drainage in favor of the Town is located on U.S. Postal Service (USPS) property recorded in 1995 in the County Land Records in Liber 10190, Folio 539.

A "revocable" easement gives the Town a limited property right to operate and maintain a storm drain facility within a ~15' x 123' strip of land near the 90-degree bend in the Service Lane (SHA Municipal Route No. 0110). (See the aerial image with the area of the easement drawn, attached hereto and incorporated herein by reference.)

Since the dumpster(s) is/are to be located within the Town's easement and on the USPS's fee simple parcel, the renter, beneficiary or user of the dumpster and/or the waste company must obtain permission (i.e. a license or easement) from both the Town and the USPS to place a dumpster on the Town's easement within the USPS's real property. The Town's easement does not permit the Town to convey rights of usage of USPS property it does not enjoy. Furthermore, the Town's easement is for a limited purpose; however, the Town also regulates dumpsters by ordinance through its State delegated police powers.

The Town is in receipt of a letter dated August 25, 2021, from the Upper Marlboro Postmaster Napoleon Thompson, giving your company permission to keep its tenants' three (3) dumpsters at the rear of USPS property (Parcel 162, Tax Account: 0231167) near the Service Lane. The Town understands that the local postmaster has granted you permission to continue to store your dumpsters on the USPS parcel.

Since the Town enjoys a stormwater drainage easement at the same location, the Town hereby likewise grants you permission in the form of a revocable, conditional, nonexclusive license to continue to store your dumpsters on the Town's easement located on the USPS parcel (Parcel 162) abutting the Town's Service Lane (MUN. Route No. 0110). As a condition of this license or permission, your firm is required to fence in the area surrounding the dumpster(s) with a 6 ft.

privacy fence and gates pre-approved by the Town that are to remain locked and in good workable condition and to obey all laws and ordinances of the Town regarding the use and maintenance of said dumpster(s) and JLH PROPERTIES II LLC shall further agree not to infringe or impair any rights or obligations of the Town under its referenced storm drain easement located on USPS property. JLH shall also agree to pay the Town an annual fee of \$1,000 to assist with the maintenance of the parcel.

Thank you for your cooperation in this matter and do not hesitate to call, write, or email if you wish to discuss this further. If you agree to the above, please sign the certificate below.

Sincerely,

Sarah Franklin
President

CERTIFICATION

BE IT WITNESSED HERETO: The parties signing below by their duly designated representatives hereby certify and enter into this Revocable and Non-exclusive License Agreement and consent to the terms and conditions of said license agreement described in the above letter.

JLH PROPERTIES II LLC

THE TOWN OF UPPER MARLBORO

By: _____
Print Name: _____
Title: _____
Date: _____

By: Sarah Franklin
Mayor
Date: _____

Attachments:

- (1) Letter of permission dated august 25, 2021 from Upper Marlboro Postmaster
- (2) Deed of Easement for storm drainage in favor of the Town located on U.S. Postal Service (USPS) property recorded in 1995 in the County Land Records in Liber 10190, Folio 539.
- (3) Aerial image with the area of the easement.

SW Easement & Dumpster



Upper Marlboro Post Office
14805 Elm St.
Upper Marlboro MD 20772-9998

August 25, 2021

Re: Dumpsters 14514 Main Street

To Kyle Snyder

USPS gives JLH Property Management LLC permission to keep their three (3) dumpsters at the rear of our property in the alley way. The said dumpsters have been located there for at least 15 years. They are actually located on the outside of the fence in the rear of our parking lot.

I spoke with Patti Crissey, and told her it was fine for the dumpsters to stay where they are currently located.

Sincerely,

Napoleon Thompson
Postmaster Upper Marlboro

301.627.4331



CLERK OF THE
CIRCUIT COURT

JUN 14 10 51 AM '95

DEED OF EASEMENT
FOR
STORM DRAINAGE
FROM
UNITED STATE POSTAL SERVICE
EASTERN REGION, OWNER
TO
TOWN OF UPPER MARLBORO, MARYLAND

The Undersigned United States Postal Service (hereinafter Postal Service), an Independent Establishment within the Executive Branch of the Government of the United States, GRANTOR, in consideration of the completion by the Town of Upper Marlboro, Maryland, GRANTEE, of the initial construction of the storm sewer connection and improvements including an oil-grit separator, underground storm drain line and manhole for the sole uses and benefit of the Postal Service's real property and the promise to clean, maintain, repair, and reconstruct the referenced improvements, subject of this easement, and the further promise that GRANTEE shall restore the Postal Service's parking lot to the condition it was prior to the commencement of the construction of the herein described storm sewer connection and in addition shall repave and resurface the easement area of the parking lot as required in the sole discretion and judgment of the GRANTOR. In consideration of which promise the GRANTOR hereby remises, releases, and quitclaims, a revocable easement to go in, under and upon that certain land situated on Postal Service real property known as Upper Marlboro Post Office, described as follows:

SEE SCHEDULE "A" and ATTACHMENT

GRANTEE shall construct, reconstruct, maintain, clean, operate,

repair, and patrol a storm water sewer connection under, and across said premises to a storm sewer collector in the Service Lane more fully shown on the plat attached hereto and made a part hereof. Said easement is a strip or area of said land approximately fifteen (15) feet wide and approximately one hundred twenty-three (123) feet in length as shown on the plat and described in Attachment A. The purpose of the within easement is to provide a storm water collection and transmission from the Postal real property to the GRANTEE'S storm water drainage system. The herein described portion of the real property owned by the Postal Service shall be used for the benefit of the GRANTOR herein, and its assigns.

The GRANTEE further promises that, after the initial installation and accompanying repaving aforementioned, if, at any time work is required on GRANTOR'S property, the GRANTEE shall first obtain permission of the Postmaster of the facility, which permission shall not be unreasonably withheld and coordinate the work with the needs of the Post Office for ingress and egress to its loading dock and restore the property to as near the same condition existing immediately prior to the commencement of the required action as, in GRANTOR'S sole judgment and discretion is reasonably practicable.

GRANTEE and GRANTOR further agree that should the GRANTEE fail to clean, maintain, repair, or reconstruct the storm water line or appurtenant structures including the oil-grit separator or to

restore the property as required herein the easement shall terminate.

TO HAVE AND TO HOLD the aforesaid right, privilege, and easement unto the GRANTEE, its successors and assigns, forever.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be signed in its name by its duly authorized officer, this 6th day of JUNE, 1995.

Witness:

Donald M. Eirick 6/6/95

By:

Samuel D. Weinberg
Contracting Officer
COLUMBIA MD FACILITIES SERVICE
OFFICE, US POSTAL SERVICE
P.O. Box 701 COLUMBIA, MD
21045-0701

STATE OF MARYLAND

COUNTY OF

Personally appeared before me, SAMUEL D. WEINBERG, known to me, who made oath that the foregoing instrument was signed by him/her and that it was the free act and deed of the United States Postal Service.

Sworn to me this 6th day of June, 1995.

Jean Robinson (SEAL)
NOTARY PUBLIC

My Commission expires the 1st day of July, 1998

SCHEDULE A
 DESCRIPTION OF
 STORM DRAIN EASEMENT
 FROM
 UNITED STATES POSTAL SERVICE
 EASTERN REGION, OWNER
 TO
 TOWN OF UPPER MARLBORO

Being a parcel or tract of land lying in the Marlboro or Third (3rd) Election District of Prince George's County, Maryland, part of the land of the United States Postal Service - Eastern Region, recorded among the Land Records of Prince George's County, Maryland in Liber 6050 at Folio 660, for the construction and perpetual maintenance of a storm drainage facility by the Town of Upper Marlboro and/or their assigns, and being particularly described as follows:

Beginning at a point on a boundary line located N 69° 31' 50" E - 8.94' from the southwestern most property corner of the entire parcel, same property corner being common with the southeast property corner of the adjacent Charles C. Hall property; thence running the following courses and distances:

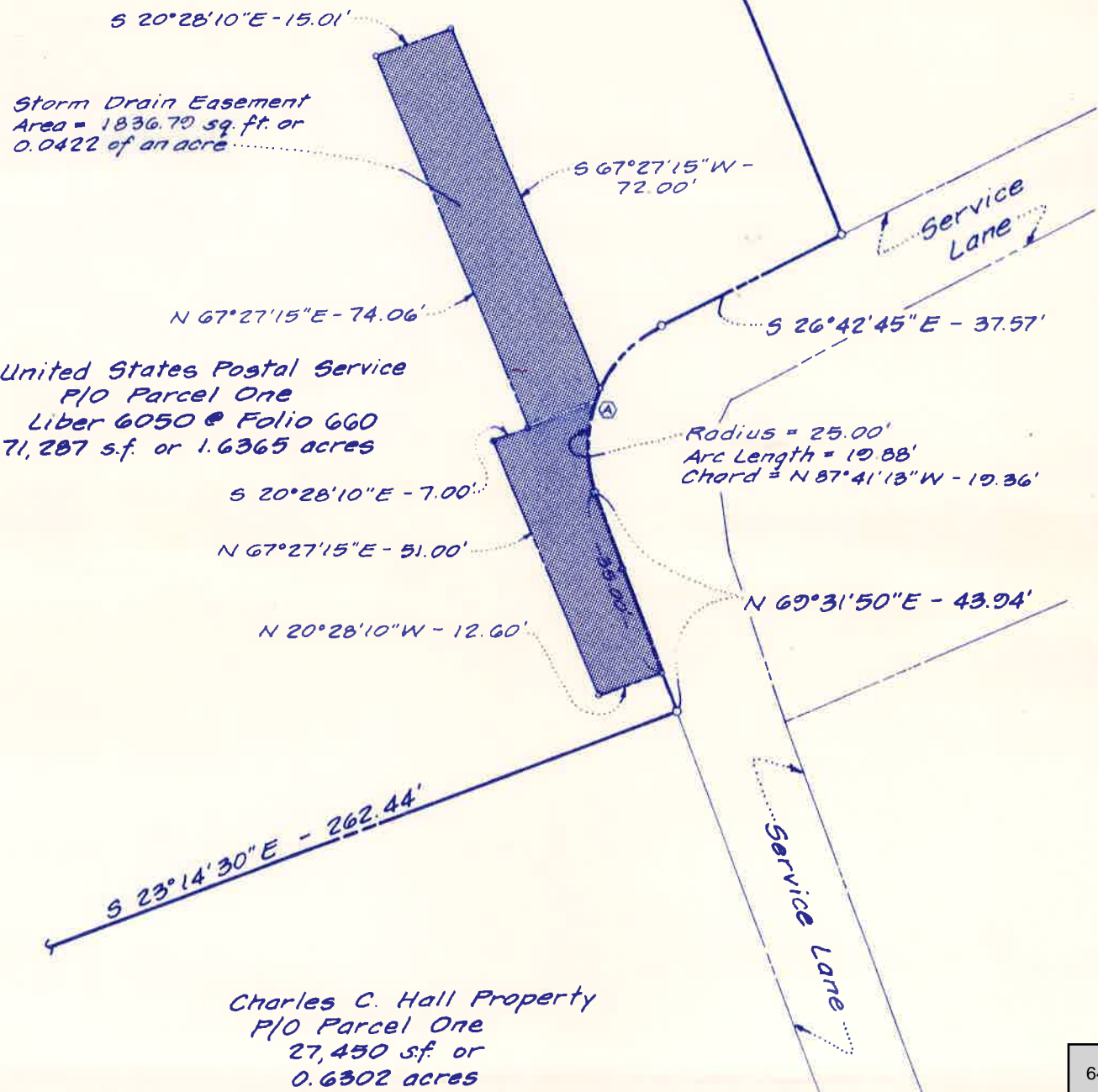
1. N 20° 28' 10" W, 12.60 feet to a point, thence
2. N 67° 27' 15" E, 51.00 feet to a point, thence
3. S 20° 28' 10" E, 7.00 feet to a point, thence
4. N 67° 27' 15" E, 74.06 feet to a point, thence
5. S 20° 28' 10" E, 15.01 feet to a point, thence
6. S 67° 27' 15" W, 72.00 feet to a point on a curve, thence
7. N 87° 41' 13" W, 19.36 feet along the chord of a curve having a radius of 25.00 feet and an arc length of 19.88 feet to a point, thence
8. S 69° 31' 50" W, 35.00 feet to the point of beginning.

Containing 1,836.79 square feet or 0.0422 of an acre of land.

Subject to any encumbrances of record, if any.



Donald Wyvill Property
Parcel 162



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

ORDINANCE: 2022-08
SESSION: Regular Town Meeting
INTRODUCED: November 22, 2022

AN ORDINANCE TO AMEND ORDINANCE 2019-02 TO AUTHORIZE AND PROVIDE FOR THE APPOINTMENT AND GOVERNANCE OF ALL COMMITTEES AND OTHER BODIES NOT OTHERWISE PRESCRIBED BY THE CHARTER OR OTHER LAW TO PROVIDE FOR CERTAIN PRACTICES, PROCEDURES AND GOVERNANCE OF SUCH BODIES; BY PRESCRIBING AND PROVIDING FOR THE MEMBERSHIP, CREATION AND COMPOSITION OF CERTAIN BODIES; BY PROVIDING FOR CERTAIN APPOINTMENT PROCEDURES, COMPENSATION AND BUDGETING, TERMS OF APPOINTMENT AND REMOVAL, CONDUCT OF MEETINGS, APPOINTEE LIABILITY AND INDEMNIFICATION, COMMUNICATIONS; AND GENERALLY RELATING TO THE PRACTICES, PROCEDURES AND REQUIREMENTS FOR APPOINTED BODIES OF THE TOWN OF UPPER MARLBORO

WHEREAS, the Board of Commissioners of the Town of Upper Marlboro has authority pursuant to state law and Section 82-17 (Exercise of Powers) of the Town Charter to create committees and other bodies to further the public interest of the Town; and

WHEREAS, Section 82–16(2)(p) (Departments) of the Town Charter authorizes the Board to create, change, and abolish offices, departments, or agencies, other than offices, departments, and agencies established by said Charter; to assign additional functions or duties to offices, departments or agencies, established by said Charter, but not including the power to discontinue or assign to any other office, department, or agency, any function or duty assigned by said Charter to a particular office, department, or agency; and

WHEREAS, Section 82–16(2)(l) (Community Services) of the Town Charter authorizes the Board to provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

WHEREAS, the Board of Commissioners finds it to be in the best interest of the Town to amend Ordinance 2019-02 as indicated below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of The Town of Upper Marlboro sitting in regular session this _____ day of _____, 2022 the following:

TOWN OF UPPER MARLBORO COMMITTEE AND OTHER APPOINTED BODIES PRACTICES AND PROCEDURES ORDINANCE

SECTION 1: AUTHORITY, PURPOSE, SCOPE AND DEFINITIONS.

A. Authority. Pursuant to Title 5, Subtitle 2 of the Local Government Article of the Md. Ann. Code, and Sections 82–16(2)(p) and 82-17 of the Town Charter, the Board of Commissioners and the President shall be authorized pursuant to this Ordinance or any other duly enacted ordinance to create and establish certain offices, committees and other appointive bodies as deemed necessary to serve the best interests of the Town.

B. Purpose. In addition to authority stated in Subsection A, the purpose of this Ordinance is to authorize and set forth the practices, procedures and requirements for all Town appointed bodies serving the Town. Every committee or other appointed body shall have a specific statement of purpose and function as approved by the Appointing Authority or otherwise prescribed by law. ~~Unless otherwise prescribed by Charter, ordinance or resolution, the size of each body shall be dictated by its duties and responsibilities as determined by the appointing authority or bylaws approved by the Board of Commissioners.~~ THE SIZE OF EACH BODY SHALL BE NO LESS THAN THREE AND NO MORE THAN FIVE PEOPLE.

C. Scope. Unless otherwise provided elsewhere in the ordinances of the Town, the Town Charter or by authorized resolution, the provisions of this Ordinance shall apply to all committees or other appointed bodies established by Charter, separate legislation of the Board of Commissioners, or by order of the President, as permitted by law.

D. Definitions. The following definitions shall apply to this Ordinance:

- (1) “Appointing authority” means the Board of Commissioners or the President, as permitted by the Town Charter or State law.
- (2) “Appointed official” means a person designated by an Appointing Authority to occupy a Town office or perform some delegated power, function or duty on behalf of the Town government. AN APPOINTED OFFICIAL INCLUDES A PERSON APPOINTED TO SERVE ON A BOARD, COMMISSION, BODY OR COMMITTEE OF THE TOWN.
- (3) “Committee” means an ad hoc or standing body or individual to whom either the President or the Board of Commissioners have delegated or committed a particular duty in the expectation of their acts or recommendations being confirmed by the Appointing Authority. A committee’s purpose may be solely advisory in nature. A committee may also include a standing group of

persons with managerial, supervisory, governmental, planning or investigatory functions having certain expressly delegated powers or functions.

SECTION 2: PRACTICES, PROCEDURES AND GOVERNANCE.

A. General. All appointees of the various committees and other appointed bodies of the Town, shall abide by the rules, policies and practices stated in this Ordinance or by any other duly approved ordinance, resolution, including any approved organizational bylaws, or order to ensure the proper conduct of Town business, proper administrative interaction with agencies outside of the municipality, and proper administration of employees, appointees and other bodies of the Town of Upper Marlboro.

B. Reports. At each Town regular or other designated meeting, a report from each committee or other appointed body shall be made by the chairperson or other proper designee to the Board of Commissioners.

C. Limitations. Unless otherwise provided by State law, the Town Charter, an ordinance or written resolution, including any organizational bylaws passed pursuant to this Ordinance, or another enabling ordinance, a committee or other appointed body shall not have any authority to act on behalf of the Board of Commissioners or the President, nor shall such committees or other appointed bodies conduct hearings or take testimony or public comment unless specifically authorized by resolution or recorded motion of the Board of Commissioners or as otherwise permitted by law. Organizational bylaws shall be approved by the Board of Commissioners.

D. Compensation and budget.

(1.) Appointed body members shall receive no compensation, although they may be reimbursed for actual expenses incurred in the performance of their duties in accordance with appropriations for the various bodies or purposes as made by the Board of Commissioners.

(2.) In general, an individual committee or other body may not always have a defined budget. If a committee or other appointed body anticipates a need to expend funds not currently budgeted, it may request such funds through the President’s office. Such a request ~~is subject to a~~ **MUST BE REVIEWED** and **EVALUATED FOR** need, availability of funds, and ~~approval~~ **APPROVED** by ~~the President~~ and **BOARD OF COMMISSIONERS**. For those bodies having budgeted funds set aside for their purposes, no contract shall be entered into except as authorized by Town procurement law.

E. Qualifications. The President shall appoint all members of any appointed bodies created by ordinance or authorized resolution unless otherwise prescribed by other law. Unless prescribed otherwise by law including any approved bylaws of the body, all bodies shall have appointees who shall meet the following qualifications for appointment: (i.) A member shall be a resident **OR BUSINESS OWNER (INCLUDING NON-STOCK AND NOT FOR PROFIT ORGANIZATIONS) RESIDING OR DOING**

BUSINESS IN EITHER THE Town’S CORPORATE LIMITS OR THE GREATER UPPER MARLBORO AREA AS DESCRIBED BY THE APPROPRIATE CORRESPONDING POSTAL ADDRESS, (ii.), a member shall not be a person employed by or under contract to the Town except as a non-voting member or liaison, and (iii.) a member shall not be a convicted felon, unless otherwise waived by a unanimous vote of the Board of Commissioners.

F. Terms of appointment and removal. Unless otherwise prescribed by law, the terms of appointment for the various appointed bodies shall generally be one year; however, certain appointments may be for two years. Bodies formed for specific purposes may not have definite terms and may exist only until the ordained or ordered purpose is accomplished. The following requirements shall also apply to terms of appointment, and removal or suspension of members:

- (1.) COMMITTEE MEMBERS SHALL BE APPOINTED IN JANUARY OF EVERY EVEN YEAR AND SERVE FOR A TERM OF TWO YEARS; AND
- (24.) Upon appointment and as a condition thereof, an Appointed Official shall take and subscribe to the oath or affirmation of office as provided for in Section 82-85 of the Town Charter;
- (32.) Members are free to resign at any time, should their personal circumstances prevent continued effective service. A letter of resignation or other writing shall be submitted to the Town Clerk ~~but the resignation shall not become effective until approved by the Appointing Authority;~~ and
- (43.) Excessive absenteeism, excluding short term illness or necessary travel, is cause for removal of a committee member or other appointee. Unless otherwise prescribed by law, a body’s appointee may be removed from office for cause or without cause by the President.

G. Meetings. The body or committee ~~chairperson~~ shall be responsible for setting the proposed meeting agenda, unless the body decides on another procedure. A commissioner AND/OR A STAFF MEMBER may be assigned to coordinate with each body and may assist in drafting the agenda, scheduling meetings, and in the preparation and distribution of meeting materials. The following operating policies and procedures shall also apply:

- (1.) Except for those committees and other bodies that have adopted their own bylaws or rules of procedure, as approved by the Board of Commissioners, and unless otherwise specified by law, the most recent edition of Robert’s Rules of Order shall generally be followed when conducting meetings;
- (2.) All committee and other body meetings shall be open to the public after reasonable notice is given and conducted in accordance with the State of Maryland’s Open Meetings Law. A body may convene in closed session only for those reasons set forth in State Government Article, Section 10-508(a) of the Annotated Code of Maryland and a body should consult with the Town Clerk prior to considering doing so;

(3.) Certain bodies may have standing meeting times, while others may meet on an “as needed” basis. Unless otherwise prescribed by law, each committee or body may meet as frequently as necessary to carry out its responsibilities. A body may also cancel a meeting from time to time if there are no agenda items in need of consideration or if a quorum cannot attend. A quorum for conducting business shall be a simple majority of the membership of the committee or other body;

(4.) Minutes should be KEPT IN ACCORDANCE WITH STATE LAW AND TOWN REGULATIONS REGARDING MEETINGS, BE brief and SHOULD essentially reflect decisions, motions, consensus, votes or recommendations of the body. A copy of the minutes should be sent to the Town Clerk for custodial purposes, who shall forward a copy to the Appointing Authority; and

(5.) The Board of Commissioners recognizes the importance of civil discourse at all levels of the government including for those who volunteer their time and services on behalf of the Town. Bodies and committees should conduct themselves so as to maintain public confidence in their municipal government and in the performance of the public trust. Disruptive behavior may result in removal FROM THE MEETING by the CHAIRPERSON OR THE COMMITTEE of any person responsible for such behavior.

F. TOWN PROPERTY. PROPERTY PURCHASED WITH TOWN FUNDS EITHER DIRECTLY OR THROUGH REIMBURSEMENT IS THE PROPERTY OF THE TOWN OF UPPER MARLBORO. ITEMS DONATED TO A COMMITTEE ARE THE PROPERTY OF THE TOWN OF UPPER MARLBORO AND SHALL NOT BE DISPOSED OF WITHOUT PROPER AUTHORITY.

SECTION 3: LIABILITY AND INDEMNIFICATION; COMMUNICATIONS.

A. Member liability. Appointed officials or members of a Town appointed body are considered municipal officials, regardless of whether they receive compensation. Subject to certain exceptions and limitations, state law allows a municipality to indemnify its officials and employees from personal financial loss, while acting in a discretionary capacity, without malice, and within the scope of the official's authority. The Town has purchased liability insurance policies for this purpose and intends to indemnify and defend its duly appointed committee or other body members in substantially the same manner as its other appointed and elected officials.

B. Email usage. The use of electronic mail creates certain issues related to the state open meetings and public records laws. There is no distinction in the law between written and electronic records. As a result, it is likely that email messages written or received in the capacity of a committee or body member are public records which must be made available for public inspection in the same manner as hardcopy documents. Use of one’s own home computer and personal email accounts may not exempt such communications depending on the context. Unless subject to a privilege provided for by law, employees

and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail for town purposes. Appointees are encouraged to establish or obtain separate email accounts from the Town or another provider dedicated solely for their use as a Town official.

C. Public Speaking AND COMMUNICATION FROM TOWN OR TOWN COMMITTEE EMAIL OR SOCIAL MEDIA ACCOUNTS. An individual appointed member has a right to speak publicly as a private citizen but should not purport to represent the Town, the body or committee or exercise the authority of the body or committee except when specifically authorized by that body to do so. If members identify themselves as members when speaking as private citizens, it may be perceived that they speak for the body or committee. Such a perception should be avoided. A MEMBER WHO CREATES THIS PERCEPTION MAY HAVE THEIR ACCESS REMOVED FROM TOWN AND COMMITTEE ACCOUNTS AND MAY BE REMOVED FROM THE COMMITTEE BY THE BY THE APPOINTING AUTHORITY.

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 or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2022.

Attest:

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Sarah Franklin, President

John Hoatson, Town Clerk

Reviewed and Approved for Legal Sufficiency

_____ Date: _____
Kevin J. Best, Esq.

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

ORDINANCE: 2022-09
SESSION: Regular Town Meeting
INTRODUCED: November 22, 2022

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO GRANTING A RENEWAL OF THE CABLE FRANCHISE TO COMCAST OF MARYLAND, LLC AND AUTHORIZING A FRANCHISE AGREEMENT; AND GENERALLY RELATING TO CABLE TELEVISION

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Upper Marlboro (hereinafter, the “Town”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality; and

WHEREAS, the Board has the ordinance making power under §5-204(d) of the Local Government Article, Annotated Code of Maryland to grant non-exclusive cable franchises; and

WHEREAS, the Board has the power under §82-16(2)(y) (Franchises) of the Town Charter to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes: to grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town, provided that no franchise shall be granted for longer period than fifty years; and

WHEREAS, the Town entered into a cable franchise agreement with Comcast of Maryland, LLC which ended in 2015, but has been extended during the negotiation of the renewal of the franchise agreement; and

WHEREAS, through a consortium of participating municipalities, the Board authorized the negotiation of the renewal of the franchise agreement with Comcast of Maryland, LLC and said proposed agreement has been prepared and presented to the Board; and

WHEREAS, pursuant to this Ordinance, the Town shall provide for the holding of a public hearing within the proposed franchise area, following reasonable notice to the public, at which every franchisee or applicant and its applications or requests shall be examined and the public and all interested parties afforded a reasonable opportunity to be heard; and

WHEREAS, the Comcast Cable Franchise Agreement of 1999 required construction of a Prince George's County Intergovernmental Network (“I-Net”) governed by a committee represented by the county and all participating municipalities (“PM’s”) with infrastructure and connectivity to 174 sites, and a functional purpose of connecting authorized users, including specific governmental, educational, and public facilities, with connectivity via the network offering participating governments a communication vehicle to reduce costs for services otherwise provided through commercially leased lines (e.g., Dial-Up, DSL (Digital Subscriber Line), ISDN (Integrated Services Digital Network), etc.); and

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WHEREAS, the elected leadership of the County and PM’s regarding a joint franchise agreement have been be asked to approve a 10-year cable franchise renewal with Comcast and the consortium has asked the PM’s to pass their ordinances before January 1, 2023, in order to make the County’s legislative deadlines after the New Year; and

WHEREAS, the major features of the new collective franchise agreement are as follows: (i) 5% of gross revenues as a franchise fee, (ii) 3% of gross revenues as support for PEG (includes I-Net/C-Net), (iii) up to 3 municipal PEG channels with option for county to utilize unused channels; (iv) the I/C-Net is preserved for 10 years until transitioned to a government network, (v) provide new service at cost and maintain existing connections to government buildings; (vi) free build out or extension of service area up to 350 ft. from network, and (vi) provides for two company offices in the county for equipment pick up and drop off; and

WHEREAS, the Board of Commissioners have determined that it is in the public interest to renew the cable franchise with Comcast of Maryland, LLC, within the corporate limits of the Town, on condition that Comcast of Maryland, LLC. enter into a franchise agreement in substantially the form as attached to this Ordinance.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, the renewal of the non-exclusive right to construct and operate a cable television system along the public rights of way in the Town of Upper Marlboro is hereby granted to Comcast of Maryland, LLC, subject to the provisions a franchise agreement between the Town and Comcast Cable, LLC, which is incorporated by reference herein in a form substantially similar to that attached as Exhibit A to this Ordinance. The Mayor of the Town of Upper Marlboro is authorized to endorse the franchise agreement on behalf of the Town.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Board of Commissioners of the Town of Upper Marlboro that upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the Town Clerk shall distribute a copy to each Board member and shall maintain a reasonable number of copies in the office of the Town Clerk and shall post at Town Hall, to the official Town website, to the Town-maintained e-mail LISTSERV, if any, and on the Town cable channel, if any, and if time permits, in any Town newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Board.

The public hearing, hereby set for _____ on the ____ day of _____ 2022, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Board meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Board may adopt the proposed ordinance with or without amendments or reject it. This proposed Ordinance shall be posted by the Town Clerk as is or as a fair summary of the Ordinance and notice of its adoption at Town Hall, to the official Town website, to the Town-maintained e-mail LISTSERV, on the Town cable channel, and in any regularly published Town newsletter.

Section 3. BE IT FURTHER ORDAINED AND ENACTED, that if any section or part of a section of this ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not

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affect the remainder of this Ordinance nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 4. AND BE IT FURTHER ORDAINED AND ENACTED, 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.

Section 5. AND BE IT FURTHER ORDAINED AND ENACTED 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

Adopted this _____ day of _____, 2022.

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 Board of Commissioners for the Town of Upper Marlboro

Proclamation

Whereas, The Town was founded in 1706 and incorporated in 1870; and

Whereas, Maryland is the home to 156 other municipalities; and

Whereas, Municipal government represents the most responsive level of government, allowing citizens to have direct access to elected officials; and

Whereas, in an effort to educate citizens about municipal government and the importance of their participation, The Town of Upper Marlboro is proud to promote municipal government awareness; and

Whereas, municipalities have enhanced the quality of life for their respective residents maintaining natural and historic sites and structures and helping to make Maryland a great place to live, work, play and explore.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Commissioners for The Town of Upper Marlboro, Maryland hereby joins the Maryland Municipal League in declaring November, 2022 to be Municipal Government Works Month in The Town of Upper Marlboro.



Sarah Franklin
President / Mayor
Town of Upper Marlboro

