



# Town of Upper Marlboro

## FEBRUARY REGULAR TOWN MEETING

14211 School Lane, Upper Marlboro, Maryland, 20772

Tuesday, February 28, 2023 at 7:00 PM

### **AGENDA**

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This meeting will be conducted via Blended Format: Zoom Video Teleconference & Town Hall.

<https://uppermarlbormd->

[gov.zoom.us/j/83993612027?pwd=MkEwdFNSK0NJZUh2TFMwWTZkRlBMQT09](https://uppermarlbormd-gov.zoom.us/j/83993612027?pwd=MkEwdFNSK0NJZUh2TFMwWTZkRlBMQT09)

**Passcode:** 472721; **Webinar ID:** 839 9361 2027; **Dial-in only:** 301-715-8592

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

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Review of Agenda**
- 5. Closed Session Summary**
- 6. Consent Agenda**
  - A. Meeting Minutes
  - [B.](#) Public Safety Report
  - [C.](#) Public Works Report
  - [D.](#) Financial Report
  - [E.](#) Administrative Report
- 7. 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
- 8. Old Business**

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

  - [A.](#) Resolution 2023-03 - License Plate Readers (Board Approval)
  - [B.](#) Conference Room Agreement (Board Approval)
  - [C.](#) FY24 Board Priorities (Board Approval)
  - [D.](#) Historic Committee Board Nominations (Board Approval)
  - [E.](#) Human Resources RFP (Board Approval)
- 9. New Business**

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

  - [A.](#) Resolution 2023-04 - Economic Development Workgroup (Intro)
  - [B.](#) Ordinance 2023-01 - Budget Amendment (Intro)
  - [C.](#) Ordinance 2023-02 - Elections (Intro)

**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](mailto:info@uppermarlboromd.gov)). You are always welcome to schedule an appointment with the President or a Commissioner to discuss municipal problems and quality-of-life issues one-on-one and work together towards a satisfactory solution.

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

Our meetings are open to the public, and we ask that residents who want to comment to please follow the rules that have been established by **"RESOLUTION 2022-05: A RESOLUTION FOR THE ADOPTION OF NEW RULES OF ORDER AND REGULATIONS FOR PUBLIC MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO."**

### **Citizen Input:**

- Members of the public may speak for three (3) minutes, during Public Comment Time, at Regular Town meetings of the Board of Commissioners according to procedures established by the Board.
- A sign-up sheet will be placed on the side table in the room for people to sign-in if they wish to speak. They will be called to speak at the podium in the order in which they were signed-in. If the meeting is held virtually, the public will be able to "raise their hand" or chat with the Town Clerk to sign up to speak.
- Each speaker is limited to one presentation per agenda item allowing for public comment per meeting and a maximum timed limit of three (3) minutes unless another limit is established.
- If the subject matter does not pertain to Town business the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
- Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
- Citizens speaking on non-agenda items shall only speak on matters pertaining to Town business or issues which the Board would have the authority to act upon if brought forth as an agenda item.
- The Board may not act upon or discuss any issue brought forth as a non-agenda item; except to: Make a statement of specific factual information given in response to the inquiry, or a recitation of existing policy in response to the inquiry.
- Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, misleading, or personal attacks are strictly prohibited. Violators may be removed from the Commission chambers.
- No placards, banners or signs may be displayed in the Board chambers or Town Hall. Exhibits relating to a presentation are acceptable.
- Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda, or that are municipal issues and must be complete within the three-minute comment period allotted to the speaker.

**Each individual speaker must stand, state their name and home of record (street name only) and approach the Board to a designated position in order to be recognized by the Chair of the Board, and to be heard by the recording Clerk, as well as others in attendance.**

*When the meeting is held on a virtual platform, please sign-in with your First and last name and raise your hand to comment on an item.*

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

# Town of Upper Marlboro 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 301-352-1200

## Monthly Town Police Department Report For the Month of January 2023

### Incidents Reported in Town:

Property Damage 1	Check on Welfare 1	Family Dispute 2
Residential Alarm 1	Subject Stop 1	Theft Call 1
Vehicle Accident 6	Suspicious Person 1	Disorderly Call 1
Overdose Call 1	Traffic Complaint 2	Domestic Call 2
Break-in Report 1	Suicide Call 1	Armed Person 1

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

Chief Burse, Sgt. Irby and Pfc. Anderson conducted high visibility patrols throughout the Town.

Chief Burse participated in the Official Swearing-in of Prince George’s County States Attorney Aisha Braveboy.

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

Chief Burse participated in the Division 2 Coffee Club Meeting.

Chief Burse, Sgt. Irby, Cpl. Johnson and Pfc. Anderson distributed Carjacking Prevention fliers throughout the Town.

Chief Burse and Cpl. Johnson participated in the weekly Conduent meeting.

Chief Burse attended a presentation with other municipal Chief’s on the latest Active Shooter Technology.

Chief Burse participated in the Municipal Retreat with State’s Attorney Aisha Braveboy.



# Town of Upper Marlboro

Town Hall, 14211 School Lane  
Upper Marlboro, MD 20772

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

[info@uppermarlbormd.gov](mailto:info@uppermarlbormd.gov)  
[www.uppermarlbormd.gov](http://www.uppermarlbormd.gov)

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

**Date:** Monday Feb 20, 2023

**Subject:** Public Works' Status Report

**RE:** January 2023 – Monthly Status Report

## Public Works Related

- PWF and PWD set up for interviews with potential candidates. Six candidates were interviewed in all. Top candidate was sent to Insuraty for background check and On-Boarding.
- PWD ordered supplies needed to start seedlings ahead of seed packing events.

## Maintenance and Beautification

- PWD oversaw inspections to Town Hall HVAC units for Service contract bids.
- PWC continued maintenance of Town equipment.
- PWC completed holiday décor takedown and storage around Town.
- PWC performed a 4-day litter blitz around Town.
- PWC sourced a free load of asphalt millings for PW yard.

## Street and Sidewalk / Mead & Hunt Update

- PWC worked with CC Officer Stewart to fix broken/ loose meters along Main St.
- MDOT Sidewalk and curb upgrades continued along MD725 New driveway aprons were poured for several businesses. Still have ROE agreement issues for VM Properties.
- WSSC Contractor completed full width paving of affected area of Spring Branch Dr after water main break.
- Downed meter on Gov Oden Bowie Dr fixed.
- New Meter signage installed in all metered areas.
- Mead and Hunt Currently has a signed contract. Kickoff meeting was held In February to outline first list of to-do's.

## Weather Related Activities

- Neighborhood and sidewalk checks performed due to early morning dusting in mid-January. Spot treatments performed by hand.

## Refuse Accumulations

- Bulk day accumulations for solid wastes (Landfill) are 3.29 tons. Bulk day accumulations for yard waste collections are 0.58 tons. There was an additional refuse collection run performed by Burch due to holiday scheduling conflict. There were no dump body rentals for the month.

Sincerely,

Darnell F. Bond III  
*Public Works Director*

**Sarah Franklin**  
President  
[sfranklin@uppermarlbormd.gov](mailto:sfranklin@uppermarlbormd.gov)

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

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

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

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



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

	Total		
	ACTUAL	BUDGET	OVER (UNDER) BUDGET
<b>Income</b>			
<b>Revenue</b>			
4000 Property Taxes	918,253	1,399,540	(481,287)
4200 Fines, Licenses, Permits	330,677	270,376	60,301
4300 Intergovernmental	15,995	59,899	(43,904)
4400 Miscellaneous Revenue	13,593	75,000	(61,407)
4500 Grants	570,560	1,662,610	(1,092,050)
<b>Total Revenue</b>	<b>\$ 1,849,078</b>	<b>\$ 3,467,425</b>	<b>\$ (1,618,347)</b>
<b>Expenses</b>			
5000 General Government	456,568	815,202	(358,634)
6000 Public Safety	438,130	706,194	(268,064)
7000 Public Works	304,625	504,344	(199,719)
8000 Grants & Awards	302,789	1,441,685	(1,138,896)
<b>Total Expenses</b>	<b>\$ 1,502,112</b>	<b>\$ 3,467,425</b>	<b>\$ (1,965,313)</b>
<b>NET INCOME</b>	<b>\$ 346,966</b>	<b>\$ -</b>	<b>\$ 346,966</b>

<b>Bank Accounts</b>			
1000 Checking Account (Premis) 6968		189,871	
1001 Petty Cash		650	
1010 Payroll Account (Premis) 6976		2,349	
1015 PGFSB Small Checking (Premis) 4960		1	
1020 ICS Sweep Account (Premis)		86,749	
1040 Parking Meter Checking (M&T)		168,627	
1045 Speed & Red Light (M&T) 0013		124,651	
1050 ARPA Checking 4957		250,000	
1117 WesBanco (CD)		105,142	
1140 MLGIP (MM)		791,837	
<b>Total Bank Accounts</b>		<b>\$ 1,719,876</b>	

#### Key Monthly Items

1. FY23 YTD Increase in fund balance is 347K
2. Revenues have slowed, 7 months into the fiscal year, 53% of annual budget has been raised while we are expecting greater than 58%, with the largest shortfall in income taxes collected to date
3. Expenses YTD are at 43% of annual budget, expectation through Dec is 58%
4. Cash balance is at approximately 6 months of budgeted spending



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## MEMORANDUM

To: Board of Town Commissioners  
From: Kyle Snyder, Town Administrator  
Date: Tuesday, February 21<sup>st</sup>, 2023  
Re: February 2023 Monthly General Government Report

Commissioners,

Below is the update on some of the projects and statistics from the Town of Upper Marlboro General Government has undertaken in January 2023.

General Government is now up to full staff for the first time in nearly a year Town resident Crystal Nelson as the Town’s new bookkeeper. She has undergone much of her training to handle tasks currently being covered by the Town Administrator and Town Accounting firm.

<b>Major Projects Underway</b>	
Event Planning	Staff are gearing up for Marlboro Day Parade & Festival 2023 (Sat 5/14)
Codification	Progress, meeting held with Town Staff, Town Attorney and Municode team
Town Hall POS (Point of Sale System)	The vendor has advised the Town that the credit card terminals at Town Hall have been deemed obsolete, and a replacement system has been ordered.
Grant Applications	Town has applied for a \$550,000 stormwater management grant from the Chesapeake Bay Foundation to assist with curb and drainage upgrades to School and Wilson Lanes.
Playground	Permitting submitted to the County, the construction completion date is set for mid-May 2023. Town Administrator is holding bi-weekly meetings with the contractor as we go through the permitting and scheduling the construction timeline. We are looking at a July opening for the Phase 2 Playground, and a later summer opening of the splash pad (depending on WSSC permitting).
Beautification	The new benches, bike racks, and trash& recycling bins were delivered in January. DPW will work to get them assembled and installed by Spring
ParkMobile	We are waiting for ParkMobile and IPS (existing parking vendor) to complete their test transactions prior to installing signage.
Annexation	Working with Town Annexation Legal team on drafting Annexation Resolution 2023-01 for Phase 3 Annexation. Mailing have gone out to all properties; Commissioners are setting up door-knocking efforts. Town also coordinates with several different developments planned and the property owners.
State Highway Projects	SHA continues to work on the Downtown sidewalk upgrade project, with a planned completion date of March 2023. There are issues with one property owner not signing or being responsive to SHA right-of-way agreements with may results in some sections of the sidewalk project not being completed. The Town has tried to work with SHA and property owners but to no avail as of yet.

Office Statistics:

- Phone Call Volume: 1,099 incoming calls (average of 55 calls per working day M-F)
- Room Rentals: 1
- Notaries: 2
- Parking Permits: 48
- Food Truck Permits: 0

Outreach Statistics:

*Facebook & Instagram-*

**New likes and follows**

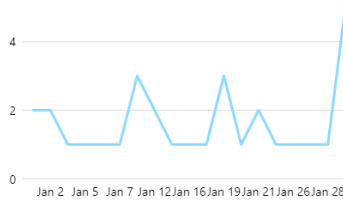
Facebook Page new likes ⓘ

23 ↓ 92.1%



New Instagram followers ⓘ

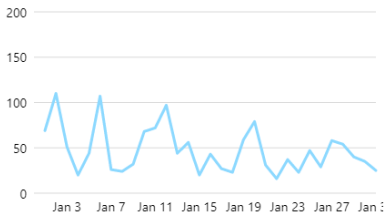
31 ↑ 29.2%



**Page and profile visits**

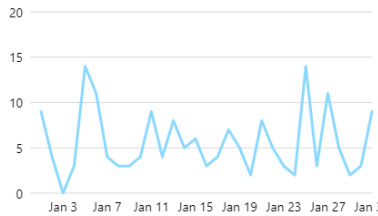
Facebook Page visits ⓘ

1,466 ↓ 51.6%



Instagram profile visits ⓘ

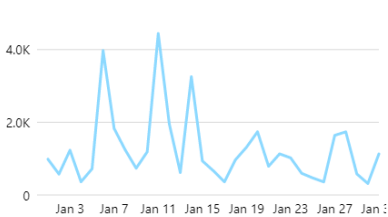
173 ↓ 38.2%



**Reach**

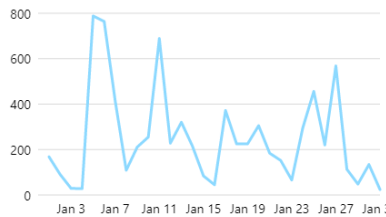
Facebook Page reach ⓘ

15,533 ↓ 39.3%



Instagram reach ⓘ

2,497 ↑ 64.1%



Google Profile:

1,464 People viewed the Town's Google Business Profile  
+24.6% (vs Jan 2022)



## The Town of Upper Marlboro

**RESOLUTION:**     **2023 - 03**  
**SESSION:**         **Regular Town Meeting**  
**DATED:**            **February 28, 2023**

**A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO APPROVE THE 2ND ACCEPTANCE OF A FY23 LOCAL AGENCY LICENSE PLATE READER GRANT FROM THE MARYLAND STATE POLICE AND AUTHORIZE THE PURCHASE OF CAMERAS AND A LICENSE FROM A VENDOR**

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro has authority pursuant to §82-16(2)(bb) (Grants-in-Aid) of the Town Charter to pass ordinances allowing the acceptance of gifts and grants of federal or of state funds from the federal or state governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made; and

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro has authority pursuant to §82-16(2)(ss) (Police Force) of the Town Charter to pass ordinances to establish, operate, and maintain a police force, and that all Town policemen shall, within the municipality, have the powers and authority of constables in this State; and

WHEREAS, according to a letter received from the Maryland State Police dated 01/24/23, the Town's application for the FY23 Local Agency License Plate Reader Grant has been approved in the amount of \$15,175.00 additional; and

WHEREAS, the Board finds that Automatic License Plate Recognition (ALPR), also known as License Plate Reader (LPR), provides automated detection of license plates, and the LPR system consists of a high-speed camera, mounted either at a fixed location or on a mobile patrol vehicle, and a computer to convert data from electronic images of vehicle license plates into a readable format, and then compare the information against specified databases of license plates, and the system attaches camera identification, date, time, and location information, to include GPS coordinates, to the digital image and it is maintained electronically in a central location to provide a means of ensuring the license plate number was properly converted; and

WHEREAS, the Board further finds that with large numbers of agencies embracing this LPR technology, Maryland has embarked on a plan to network LPR data collected from these various agencies to one central server, housed at the Maryland Coordination and Analysis Center (MCAC) and LPR data housed on the central server is maintained for a period of one year and is made available to all law enforcement agencies, provided that the data search requested is related to a criminal investigation or relevant to the safety of officers and citizens; and

WHEREAS, the Board further finds that Maryland's License Plate Readers and Captured Plate Data Law, effective since October 1, 2014, placed language in Maryland Annotated Code, PS Article,

Section 3-509 to address authorized uses of Automatic License Plate Readers and captured plate data, and as a result, Maryland law enforcement agencies and the MCAC must implement certain procedures and regulations including the an audit policy for access to and use of automatic license plate reader data; and

WHEREAS, the Upper Marlboro Police Department has obtained a quote (Quote #6002862) from Applied Technology Services (ATS), a Maryland Corporation in good standing with the State, in the amount of \$13,925.00 to purchase 1 ELSAG Plate Hunter cameras, technical support and an operation center license; and

WHEREAS, Ordinance 2022-06 (Purchasing and Contracts), Section 3.B states that 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; and

WHEREAS, the Town Board of Commissioners hereby finds that sufficient funds have been appropriated to purchase 1 ELSAG Plate Hunter cameras, technical support and an operation center license from ATS, as referenced above, in the FY2023 Budget, which includes the scope of the subject Quote: #6002862 (Attachment A) issued 01/26/23 by ATS.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro hereby authorizes the President and/or the Chief of Police to execute a Proposal/Quote by ATS for an amount not to exceed \$15,175.00 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 Chief of Police shall promulgate a directive in accordance with PS Art., §3-509 that substantially complies with the Model Audit Policy for LPR (August 27, 2014) prepared by the Maryland Coordination and Analysis Center (MCAC) and as described in the LGIT Risk Management Bulletin No 127 of September 2014 (Attachment B).

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on this 28th day of February, 2023.

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 28<sup>th</sup> day of February, 2023.

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

Attachment A: ATS Quote

Attachment B: LGIT Risk Management Bulletin No 127



**Customer Information:**

Upper Marlboro Police Dept  
 David Burse  
 14211 School Lane  
 Upper Marlboro, MD 20772

**Quote Information:**

Quote #: 6002862  
 Version: 1  
 Quote Date: 01/26/2023  
 Expiration Date: 02/25/2023  
 Customer Ref #: Elsag M7 Mobile System  
 Contract Vehicle: MD DoIT  
 Hardware/Associated Equipment and  
 Services 2012 #060B2490022

**Prepared By:**

Paula Carter  
 Major Accounts Manager  
 410-344-1256  
 paulac@appliedtechnologyservices.com

**Vendor Certifications:**

DBE / MBE / SBE  
 Minority Certified  
 Small Business  
 Woman-Owned

**Hardware**

Mfr	Mfr Part#	Description	Qty	MSRP	Price	Ext. Price
Elsag	140032	<b>ELSAG Plate Hunter™ M7 – 2 Camera</b> (1) 410917 - GPS Antenna (GlobalSat Style) (1) 410052 - Ethernet Cable Shielded 25 ft (1) 413335 - M7 Trunk box Mounting Bracket - 1 piece (1) 421920U - M7 Trunk box, 1-2 Cameras (1) 421939U - M7 Cam 12mm 740nm (1) 421812 - M6 Universal 1 Cam Mount (1) 413308-16 - M7 Transportable Camera Cable - 16FT (1) 421940U - M7 Cam 16mm 740nm (Left hand) (1) 421812 - M6 Universal 1 Cam Mount (1) 413308-16 - M7 Transportable Camera Cable - 16FT (1) 413307 - M7 Permanent Power Cable (1) 412995 - Packing Foam Insert (1) 510033-CSC - Car System Version 6.X - EOC Connected <b>EOC Operation Center License 5.X</b>	1	\$12,650.00	\$12,650.00	\$12,650.00
Elsag	510322-5.X		1	\$1,275.00	\$1,275.00	\$1,275.00
<b>Subtotal:</b>						<b>\$13,925.00</b>



Applied Technology Service  
11615 Crossroads Cir, Ste 100  
Middle River, MD 21220  
410-344-1256  
appliedtechnologyservices.com

### Quote Summary

Hardware	Amount
Description	\$13,925.00
Total:	<b>\$13,925.00</b>



STATE OF MARYLAND  
MARYLAND STATE POLICE  
1201 REISTERSTOWN ROAD  
PIKESVILLE, MARYLAND 21208-3899  
410-486-3101  
TOLL FREE: 1-800-525-5555  
TDD: 410-486-0677



COLONEL  
WOODROW W. JONES III  
SUPERINTENDENT

LARRY HOGAN  
GOVERNOR

BOYD K. RUTHERFORD  
LT. GOVERNOR

January 24, 2023

RE: FY23 Local Agency License Plate Reader Grant Approval (Tracking Number: FY23-0018)

Chief David Burse, Upper Marlboro Police Department

I am pleased to advise your application for the FY23 Local Agency License Plate Reader Grant was approved for your agency in the amount of \$ 15,175 additional.

Funds are paid quarterly on a reimbursable basis. The Maryland Department of State Police will distribute awarded funds to grantees on a reimbursement of expenditures basis when proof of delivery, receipt and proof of payment (examples: *paid invoice or cancelled check*) is received. The reimbursement request must be electronically forwarded to the Director of Grants Patrick Linnehan and Detective Sergeant Keith Johnson via Email by **April 1, 2023**. Please include the reimbursement information included with the approval letter.

Patrick Linnehan  
Director of Grants  
Maryland Department of State Police  
Strategic Planning Command  
[patrick.linnehan@maryland.gov](mailto:patrick.linnehan@maryland.gov)

Keith Johnson  
Detective Sergeant  
Maryland Department of State Police  
Criminal Intelligence Section  
[Walterk.johnson@maryland.gov](mailto:Walterk.johnson@maryland.gov)

The acceptance of this grant requires a strong emphasis on accountability and transparency. Grantees must be prepared to track the inventory and expenditures attributable to using grant funds. Misuse of grant funds may result in various penalties, including suspension of current and future funds and civil/criminal penalties. Maintaining internal inventory records for equipment procured under this funding source is mandatory. Below is an example of what is required to keep complying using grant funding:

Serial Number	Manufacturer	Vendor	Unit Price	Tax, Shipping and Handling	Total Cost	Date Ordered	Date Received

Keith Johnson  
Detective Sergeant  
Maryland Department of State Police  
Criminal Intelligence Section

*"Maryland's Finest"*

## Regulations Governing Use of The Town of Upper Marlboro Meeting Room(s)

The Upper Marlboro Town Hall building, and surrounding grounds are both owned and maintained by The Town of Upper Marlboro using public funds. The Board of Commissioners are interested in guaranteeing the use of meeting space to its residents. The Town also serves as a historical and cultural center for the greater Upper Marlboro area. In order to promote the public interest, the Town agrees to allow the residents of the Town, and of the greater Upper Marlboro area, to use the Town Hall meeting area(s) and its surrounding grounds for civic and cultural purposes under the terms and conditions as follows:

1. The attached Indemnity/Hold Harmless Agreement is signed, and the organization/person agrees to its contents.
2. The agreement application is properly filled out and signed by the group's authorized leader and submitted with payment at least two weeks prior to the event (*cash, money order, check or major credit cards are accepted*) along with the \$250.00 security deposit.
3. Meeting rooms will normally be available for use from 5:00 p.m. to 10:00 p.m. during the business week.
4. The Town Hall Facility and grounds are smoke-free environments; No hard alcohol or illicit drugs may be consumed or served; Beer and wine are allowed, but only with prior approval by the Town Administrator, and there may be a need to hire the Town Police to provide security to the event. No alcohol shall be sold on Town property at any time. No open flames are allowed; If refreshments are to be served, tables must be protected with a waterproof covering. If food is to be sold, a County Food Service Permit may be required.
5. Events that charge admission will be considered on a case-by-case basis by the Town Administrator.
6. A Certificate of Insurance showing liability coverage and listing the Town as an additional insured may be required by groups that are legal entities or individuals, especially if alcohol is consumed. General liability insurance (\$1,000,000.00 minimum).
7. Town Hall and the grounds must be left in the same condition and arrangement as it was found; Any damage to the Town Hall Facility, its contents, furnishings, and/or grounds must be compensated for to the Town.
8. Youth organizations must be supervised by at least one adult over the age of 21.
9. The capacity of the Conference Room is determined by fire regulations and must not exceed 39 people if using chairs and tables; and 83 people without any chairs, tables, or furniture. Hallway doors to the meeting room(s) must remain unlocked at all times.
10. In-Town events, residents, staff, businesses, civic groups, Town committees, and clubs have priority use of the Town Hall Meeting Room. Rental rates for outside-of-Town citizens, businesses, and various groups are applied according to the current rate schedule (*see Rate Chart on Request Application next page.*)
11. Parking of Vehicles can only be in designated paved parking spaces. All reserved spaces must remain open. Overflow parking is available at the adjacent Board of Education parking lot.
12. No refunds for cancellations. No rescheduling of booked dates once the agreement is approved.
13. One Application Form can be used for multiple meeting dates by a single entity, but all dates requested must be within the same fiscal year (*July 1—June 30*) however, only one Hold Harmless Agreement form per request is required.
14. The Town Administrator, on behalf of the Board of Commissioners, reserves the right to supplant previously reserved dates, reclassify and/or waive rental fees, or make exemptions to regulations at his or her discretion

***I have read and understand the conditions and regulations of this use agreement and agree to abide by them.***

\_\_\_\_\_  
Signature of applicant (date of this request)

\_\_\_\_\_  
Name of group/organization/individual

\_\_\_\_\_  
Contact information (phone & email)

\_\_\_\_\_  
Contact Address

Date(s) you are requesting the room to	Section 8, Item B.
_____	
_____	
_____	
_____	
Start time: _____	Duration (in hours): _____

### Meeting Room Rental Rates & Rental Information:

Each Rental is allowed one hour of set-up time and one hour of clean-up time free of charge. Any additional need for prep time would require additional hours being rented.

**Private Event:** (Non-Town Resident or Entity) \$100.00 per hour

**Private Event:** (Town Resident or In-Town Entity) \$75.00 per hour

**Public Event:** Please consult with Town Staff prior to submitting an application.

- Enter your event through the side entrance (single glass door) that faces School Lane.
- If the facility is being rented outside office hours, the responsible party will need to pick up an access key card from Town Hall during office hours prior to the event. Failure to return the key card in a timely manner will result in the deposit being held.
- For your security, ensure the entrance is in a locked position once all members of your event have arrived.
- Exit your event through the Conference Room fire exit directly into the parking lot.
- Please provide 2 separate payments: One for the rental fee & one for the \$250.00 deposit. Credit card information can be securely held to satisfy deposit requirements Deposit is returned (or credit information destroyed) after the successful completion of the event. *Payments can be furnished in the form of checks, cash, or credit card—credit card processing incurs a 3.5% processing fee* Make checks payable to the Town of Upper Marlboro.

-----Town Staff Use Only Below This Line-----

Approved by Town Administrator			Key Card Picked Up	
Date			Key Card Returned	
Payment Received			Deposit Returned	
Notes				



# Indemnity / Hold Harmless Agreement

Section 8, Item B.

In consideration of the use of facilities, \_\_\_\_\_ [name of person, association or entity] (the "User") agrees to indemnify and hold harmless The Town of Upper Marlboro (the "Town") and its officials, employees and agents from and against any and all liabilities, judgments, settlements, losses, costs or charges (including attorney's fees) incurred by the Town or any of its officials, employees or agents as a result of any claim, demand, action or suit relating to any bodily injury (including death), loss or property damage caused by, arising out of, related to or associated with the use of the premises by the User or by the User's members, guests, employees, agents or invitees. User knows, understands, and acknowledges the risks and hazards associated with using the premises and the surrounding property, and hereby assumes any and all risks and hazards associated therewith.

User hereby irrevocably waives any and all claims against the Town or any of its officials, employees or agents for any bodily injury (including death), loss or property damage incurred by the User as a result of using the premises and surrounding property and hereby irrevocably releases and discharges the Town and any of its officials, employees or agents from any and all claims of liability arising out of or associated with the use of the premises. User shall pay the Town for any and all physical loss or damage to the premises (including the cost to repair or replace the premises) caused by, arising out of, relating to or associated with the use of the premises by the User or the User's members, employees, agents, guests or invitees. User further agrees to provide proof of insurance, when requested, which names the Town as an additional insured on a policy with limits and coverage's similar to those provided by the Town's insurance carrier. The parties also understand and agree that the Town will not be responsible for lost or stolen items.

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Organization: \_\_\_\_\_

Business Address: \_\_\_\_\_

Name of Contact: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_



# Board Priorities – Budget Year 2023

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## Sustainable Government

The Upper Marlboro Board of Commissioners wishes to have policies and procedures in place to ensure that the Town is following best practices. A sustainable government include a budget in which recurring expenses are relatively equal to recurring revenues and capital improvements are planned for and budgeted.

## Economic Development

The Upper Marlboro Board of Commissioners wishes to persue economic development for the downtown and Main Street corridor as well as other commercial areas. This will include annexation of travel corridors and neighboring residential areas to ensure attractive gateways and organized development.

## Flooding Mitigation & Safety

The Upper Marlboro Board of Commissioners wishes to ensure safe travel during storm events, as well as protecting residents houses through improved roadways with stormwater considerations.

## Safe & Modern Roadways

The Upper Marlboro Board of Commissioners wishes to see the Town’s roadways paved, modernized, and connected for multiple modes of transit. The commission seeks to improve safety for all, but particularly our youngest residents.

## Increased Recreation Opportunities

The Upper Marlboro Board of Commissioners wishes to strengthen the Upper Marlboro Community with more recreation opportunities for residents of all ages. We wish to create spaces and events that serve as gathering places for residents.



# Town of Upper Marlboro

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

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## MEMORANDUM

To: Board of Town Commissioners  
From: John Hoatson, Town Clerk  
Date: Tuesday, February 28, 2023  
Re: Historical Committee Nominations

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Commissioners,

Here are the names that have been proposed for the Historical Committee Nominations. Thank you!

LaTanya Sessions  
Heather Brown  
Leon Miller

## Request for Proposals

### Town of Upper Marlboro Government Human Resources Firm

RFP # UM 2023-01

**Project Overview:** The Town of Upper Marlboro is seeking proposals for professional and technical services to provide human resource (HR) consulting services. The Town releases an RFP every two years for all its professional service contractors.

**Scope of Work:** Qualified applicants should be able to provide the below services to the Town:

- Perform annual audits of the Town’s HR practices, employee benefits, payroll, and benefits.
- Assist with the review and updates of personnel files, job descriptions, and job classification.
- Ensure Town staff has required training and assist with the scheduling of in-person bi-annual staff training.
- Assist with recruitment and onboarding of new staff.
- Coordinate with the Town’s Health Insurance Broker to ensure Town employees have uninterrupted and proper health insurance coverage.
- Serve as the Town’s primary contact and retirement coordinator for the Maryland State Retirement System.
- Manage and oversee the Town’s Life Insurance Policy & any supplemental retirement programs.
- Manage the Town’s payroll system and ensure employee profiles are updated.
- Have a certified Human Resources specialist regularly scheduled to be on-site at Town Hall for at least 4hrs per month available to speak to staff with their questions and concerns.
- General Human Resources support as needed.

**Level of Experience:** Applicant firms must have the following experience:

- Experience working with local government.
- Experience working in Maryland, and legal ability to work in the State.
- Employ certified and qualified HR personnel.
- Experience working with a growing entity.
- Ability to manage multiple issues and priorities on deadlines.

**Budget:** The annual budget for this service shall not exceed \$18,000.

**Deadline:** Responses to this RFP are to be submitted by Friday, March 31<sup>st</sup>, 2023, at 5pm. By Mail: Town of Upper Marlboro P.O. Box 280 Upper Marlboro MD 20773. By Email: Info@UpperMarlboroMD.gov. In-Person: Upper Marlboro Town Hall 14211 School Lane Upper Marlboro MD 20772.

**Selection Process and Criteria:** This RFP is for a 24-month contract with the Town, with the option for renewal beginning May 1<sup>st</sup>, 2025. Town Elected Officials will participate in the process of selecting the appropriate firm. for professional and technical services to provide human resource consulting services.

**Overview of the Town:** Settled around 1695 and named after the first Duke of Marlborough, the Town of Upper Marlboro is among the oldest of the surviving Southern Maryland towns dating back to colonial times. It was established as a port town for tobacco shipments in 1706, when the Western Branch of the Patuxent River was still navigable. It has been the county seat of Prince George’s County since 1721.

The Town is governed by five elected Town Commissioners, one of which serves as the President/Mayor who are elected every two years. The Town government maintains a Police Department, Public Works Department, and Town Administration Department, along with several volunteer committees. The total staff for the Town is 15 full-time, 2 part-time employees. The Town offers its employees Blue Cross Medical, Dental, and Vision insurance. Though the Town’s resident population is around 700, the Town’s downtown historic Main Street is home to one of the largest Courthouses in the State, which attracts over 1.5 million visitors per year.

The Town of Upper Marlboro is growing in size, economically, and in community outreach. This past year the Town successfully completed phase 1 of its annexation plan which grew the Town’s landmass for the first time in its over 300-year history. The Town’s continued growth through annexation plays an important role in influencing the economic growth, environmental protection, quality of life, and municipal fiscal well-being of the Upper Marlboro community. The Town is also working to revitalize its historic downtown Main Street through streetscape initiatives, upgrades to its parking infrastructure, and attracting new small businesses to fill any commercial storefront vacancies. The Town also maintains a strong social media and web presence to stay engaged with its residents.

**Point of Contact:** Kyle Snyder, the Town Administrator, can be reached at 301-627-6905 or [ksnyder@UpperMarlboroMD.gov](mailto:ksnyder@UpperMarlboroMD.gov) with any questions.

*Thank you for your interest in this Request for Proposals from the Town of Upper Marlboro*

# Town of Upper Marlboro

RESOLUTION: 2023-04  
SESSION: Regular Town Meeting  
INTRODUCED: February 28, 2023  
DATE: March 28<sup>th</sup>, 2023

## **RESOLUTION BY THE BOARD OF TOWN COMMISSIONERS TO ESTABLISH, APPROVE AND MAINTAIN AN UPPER MARLBORO ECONOMIC DEVELOPMENT WORKGROUP (UMEDW)**

**WHEREAS**, the Board of Commissioners of the Town of Upper Marlboro has authority pursuant to Ordinance 2019-02: Authorizing Creation and Governance of Committees and Other Town Bodies, and, Section 82-16 (1) General Powers; and (2)(p) and (2)(rr) Specific Powers, of the Town Charter to create departments to further the public interest of the Town, and to establish programs to promote the health, welfare, and enjoyment of the inhabitants of the Town; and

**WHEREAS**, in 2013 the Board of Commissioners passed Resolution 2013-06 to Designate the Town as a Sustainable Community with the Department of Housing and Community Development of the State of Maryland, and giving authorization to the sitting President/Mayor to execute documents and take any action necessary to carry out the intent of the resolution; and

**WHEREAS**, the Board of Commissioners has established goals and initiatives to strengthen the Town’s downtown commercial district by coordinating with residents, businesses, and commercial property owners; and

**WHEREAS**, the Board of Commissioners wishes to formally form a workgroup to assist the Town with the Economic Development of Downtown Upper Marlboro and other commercial areas within Town limits; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Town of Upper Marlboro sitting in regular session this 28<sup>th</sup> day of March, 2023. the following:

1. That the Board of Commissioners has determined that it is in the public interest to create a Town of Upper Marlboro Economic Development Workgroup (UMEDW)
2. The Workgroup shall be appointed by the Board of Town Commissioners and shall be made up of five board members. Once appointed, the Board members shall select their own Chair, and forward their selection to the Board of Town Commissioners. The standing Town Commissioner on the UMEDC cannot serve as the Chair of the Board. The Board of Directors shall be made up of the below category of members (who are at least 18 years of age):

- One current Town resident of the Town of Upper Marlboro.
- One Property Owner who owns commercially zoned real property within the Town’s corporate limits who is in good standing with Town, County, and State regulations.
- One Business Owner who owns or manages a registered business within the Town limits which is in is in good standing with Town, County, and State regulations.
- One standing Town Commissioner of the Town of Upper Marlboro. (*Attorney Review*)
- One additional stakeholder with interests within either the Town limits or just outside Town limits.

Additional Members- Town Staff, Maryland-National Capitol Parks & Planning Staff, relevant State Agency staff, and other stakeholders may work with and assist the Governing Board and provide guidance and resources as well as assist the Governing Board, but do not have a formal vote or decision-making capability. The Town Board of Commissioners may formally appoint a designated Town-staff person to assist and be a liaison to the UMBEDC.

3. That the mission of the Workgroup is to 1) manage the Town’s DHCD Sustainable Community Designation. 2) Oversee the Town’s Business Improvement Grant Program by advertising it to all businesses within the qualifying area, walking applicants through the process, voting to approve applications during workgroup meetings, and submitting the proper payment request to the Town Administrator. 3) Coordinate with the Town to begin the research and identify steps to create a stand-alone 501-3© Downtown Upper Marlboro Economic Development Corporation.
4. That the Workgroup shall report to the Board of Town Commissioners, at least quarterly, on their work and submit a proposed budget to the Mayor/President during the month of March of each year.
5. That the meetings of the Workgroup are subject to and in compliance with the Maryland Open Meetings Act, Chapter 3, Sections 3-102 and 3-303.
6. That the Workgroup adopts bylaws, and other policies needed to carry out its missions and duties, within 45 days of appointment, as it deems appropriate for final approval by the Board.

**INTRODUCED AND PASSED** by the Board of Commissioners for the Town of Upper Marlboro, Maryland at a Public Meeting held on March 28, 2023.

ATTEST:

THE TOWN OF UPPER MARLBORO

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

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

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

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

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



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

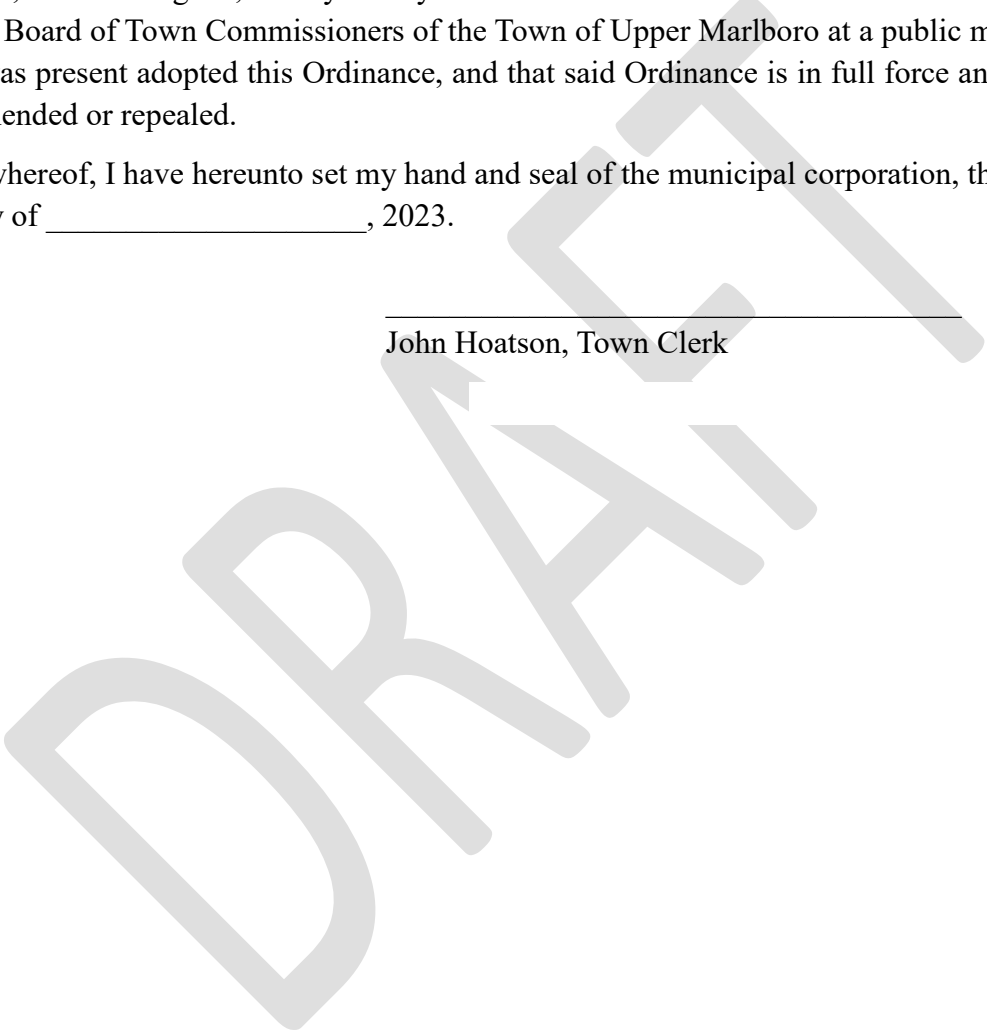
\_\_\_\_\_  
Karen Lott, Commissioner

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 \_\_\_\_\_, 2023.

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



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

ORDINANCE: 2023-01  
SESSION: Regular Town Meeting  
INTRODUCED: February 28<sup>th</sup>, 2023  
DATE ENACTED: \_\_\_\_\_

**AN ORDINANCE RELATING TO ADOPTING AND APPROVING BUDGET  
AMENDMENTS FOR THE FISCAL YEAR 2023 BUDGET**

**WHEREAS**, the Town of Upper Marlboro (the “Town”) is a municipal corporation of the State of Maryland expressly authorized by Maryland Code Annotated, Local Government (“LG”) Art., § 5-205(b)(1) to expend any municipal funds for any purpose deemed to be public and to affect the safety, health and general welfare of the municipality and its occupants; and

**WHEREAS**, pursuant to Md. Code Ann., LG Article, Section 5-205(b)(4), a municipality may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated at the time of the annual levy if approved by a two-thirds vote of all the individuals elected to the legislative body; and

**WHEREAS**, the Charter of the Town of Upper Marlboro (the “Town Charter”), Section 82-41 prescribes that the budget shall be adopted in the form of an ordinance, and that a favorable vote of at least a majority of the total elected membership of the Board shall be necessary for adoption; and

**WHEREAS**, the Town Charter, Section 82-11 mandates that except in cases of emergency, no ordinance shall be passed at the same meeting at which it is introduced and that at any regular or special meeting of the Board held not less than six nor more than sixty days after the meeting at which the ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date; and

**WHEREAS**, said Section 82-11 further mandates that 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; and

**WHEREAS**, the Town Charter, Section 82-42 prescribes that no public money may be expended without having been appropriated by the Board, and that from the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein; and

**WHEREAS**, the Town Charter, Section 82-43 prescribes that any transfer of funds between

major appropriations for different purposes by the President must be approved by the Board of Town Commissioners before becoming effective; and

**WHEREAS**, the Town Charter, Section 82-44 proscribes any expenditures or contracts to expend money or to incur any monetary liability in excess of the amounts appropriated for or transferred to a particular general classification of expenditure in the budget, and

**WHEREAS**, the Board of Town Commissioners has previously approved Ordinance No. 2022-03 on June 7th, 2022 which in Section 4 thereof states that all budget amendments transferring monies between general classifications of expenditures or appropriations as reflected in the budget ordinance shall be submitted to the Board for approval, from time to time, by ordinance pursuant to Md. Code Ann., Art. 23A, §2(b), now codified as Md. Code Ann., LG Article, Section 5-205(b)(4); and

**WHEREAS**, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2022-03 by allocating and appropriating funds for the following reason: To adjust revenue line items with more accurate estimates, and enhancing or decrease allocations between departments of expenditure line items, due to the elimination of certain staff positions; and

**WHEREAS**, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2022-03 by reallocating Town funds and limiting expenditures in several Town Departments.

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

**Section 1.** The Fiscal Year 2023 Budget Ordinance 2022-03, as restated in the center column below, and as divided into the following indicated major anticipated revenue funds or having the estimated amounts at the time of the tax levy as indicated herein below, is hereby amended and readopted as indicated in the far-right column below as follows:

<u>REVENUE SOURCE</u>	<u>ADOPTED FY 23 BUDGET AMOUNT</u>	<u>AMENDED FY23 BUDGET AMOUNT</u>
Taxes	\$1,399,540	\$1,399,540
Fines, License and Permits	\$190,000	\$444,407
Intergovernmental	\$299,899	\$299,899
Miscellaneous Revenue	\$75,000	\$75,000
<b>Total Revenues:</b>	<b>\$1,964,439</b>	<b>\$2,218,846</b>

**Section 2.** The total of the anticipated revenues and any estimated fund balance available for expenditure during the fiscal year within each of the aforesaid categories of the FY 2020 Budget Ordinance 2022-03, as amended by this FY 2023 Amendatory Budget Ordinance 2023-01 shall equal or exceed the total of the proposed expenditures within the following general classification of expenditure or major appropriations having the amounts as indicated herein below, is hereby amended and readopted as indicated in the far-right column below as follows:

<u>EXPENDITURES</u>	<u>FY23 ADOPTED BUDGET AMOUNT</u>	<u>FY 23 AMENDED BUDGET AMOUNT</u>
General Government	\$815,202	\$815,202
Public Safety	\$568,283	\$568,283
Public Works	\$484,344	\$484,344
Transfer to CIP	\$96,610	\$96,610
Speed & Red-Light Program	\$0	\$254,407
<b>Total Expenditures:</b>	<b>\$1,964,439</b>	<b>\$2,218,846</b>

**Section 3.** That the Board of Town Commissioners approves and authorizes the Chief of Police to hire one additional police officer funded by Speed & Red-Light Program and execute the document to purchase the below items from the Speed & Red-Light Program:

- Purchase of an unmarked police Ford Explorer from XXXX not to exceed XXXX
- Purchase of a mobile message board from XXXX not to exceed XXX
- Purchase of traffic barricades from XXXX not to exceed XXXX

**AND BE IT FURTHER ENACTED AND ORDAINED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland that except for the revenue and expenditure amounts provided hereinabove in Sections 1 and 2 as amendments, the remaining provisions of the FY 2023 Budget Ordinance 2022-03 shall remain in full force and effect as if written word for word within this Ordinance and readopted herein.

**AND BE IT FURTHER ENACTED AND ORDAINED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the tax levy for Fiscal Year 2023 for the Town of Upper Marlboro and all other taxes, liens, and/or fees prescribed therein shall remain as previously approved and adopted in the FY 2023 Budget Ordinance 2022-03.

**AND BE IT FURTHER ENACTED AND ORDAINED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to the Town Charter this Ordinance shall be posted in the Town office and this FY 2023 Amendatory Budget Ordinance 2023-XX or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**INTRODUCED** in a public session of the Board of Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_:

**ORDAINED, APPROVED AND** finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

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

Reviewed and Approved for Legal Sufficiency

\_\_\_\_\_  
Kevin J. Best, Esq.

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

# Town of Upper Marlboro DRAFT

## July 2022 - January 2023 Mid-Year Budget Adjustment

	Actual	Total Budgeted	Budget	Adjustment
<b>Income</b>				
<b>Revenue</b>				0
<b>4000 Taxes</b>				0
<b>4010 Real Estate Taxes Residential</b>	181,801	211,360	-29,559	
<b>4020 Real Estate Taxes Commercial</b>	203,522	207,745	-4,223	
<b>4100 Personal Property Taxes</b>	25,552	47,435	-21,883	
<b>4121 PPT FY2021</b>	30		30	
<b>4122 PPT FY2022</b>	732		732	
<b>4150 PPT Public Utilities</b>	441,394	588,000	-146,606	
<b>4310 Income Taxes</b>	65,222	345,000	-279,778	
<b>Total 4000 Taxes</b>	<b>\$ 918,253</b>	<b>\$ 1,399,540</b>	<b>-\$ 481,287</b>	
<b>4200 Fines, Licenses, Permits</b>				0
<b>4220 Town Permits</b>	12,929	1,500	11,429	
<b>4230 Business License</b>	3,515	18,000	-14,485	
<b>4240 Parking Meters</b>	112,431	125,000	-12,569	
<b>4250 Speed &amp; Red Light Cameras</b>	161,074	80,376	80,698	
<b>4260 Parking Fines/Penalties</b>	33,708	30,000	3,708	
<b>4280 Pub/Edu/Govt Broadcasting</b>	5,393	2,500	2,893	
<b>4290 Trader's Franchise Fees</b>	1,626	13,000	-11,374	
<b>Total 4200 Fines, Licenses, Permits</b>	<b>\$ 330,677</b>	<b>\$ 270,376</b>	<b>\$ 60,301</b>	
<b>4300 Intergovernmental</b>				0
<b>4320 Highway User Fee</b>	9,685	31,399	-21,714	
<b>4330 State Police Aid</b>	5,272	18,000	-12,728	3086
<b>4340 Financial Corporation Tax</b>		9,000	-9,000	
<b>4350 Disposal Fee Rebate</b>	1,038	1,500	-462	
<b>Total 4300 Intergovernmental</b>	<b>\$ 15,995</b>	<b>\$ 59,899</b>	<b>-\$ 43,904</b>	
<b>4400 Miscellaneous Revenue</b>				0
<b>4420 Interest Earnings</b>	11,175	1,500	9,675	
<b>4430 Town Hall Services - Misc Rev</b>	2,419	2,000	419	
<b>4440 Transfer from Reserve</b>		61,500	-61,500	
<b>4450 Special Events/Donations</b>	0	10,000	-10,000	
<b>Total 4400 Miscellaneous Revenue</b>	<b>\$ 13,593</b>	<b>\$ 75,000</b>	<b>-\$ 61,407</b>	
<b>4500 Grants</b>	28,772	96,610	-67,838	
<b>4520 State StreetScape</b>		425,000	-425,000	
<b>4530 FIP</b>		50,000	-50,000	
<b>4550 Federal- ARPA</b>	331,788	275,000	56,788	
<b>4560 DHCD Circuit Rider Grant</b>		50,000	-50,000	
<b>4570 MD DNR 21</b>	130,000	199,000	-69,000	
<b>4580 MD DNR 22</b>	60,000	192,000	-132,000	
<b>4590 Bond Bill</b>	20,000	275,000	-255,000	
<b>4600 County DPW&amp;T Grant</b>		100,000	-100,000	
<b>MISC Grants</b>				

<b>Total 4500 Grants</b>	<b>\$ 570,560</b>	<b>\$ 1,662,610</b>	<b>-\$ 1,092,050</b>
<b>Total Revenue</b>	<b>\$ 1,849,078</b>	<b>\$ 3,467,425</b>	<b>-\$ 1,618,347</b>
<b>Total Income</b>	<b>\$ 1,849,078</b>	<b>\$ 3,467,425</b>	<b>-\$ 1,618,347</b>
<b>Gross Profit</b>	<b>\$ 1,849,078</b>	<b>\$ 3,467,425</b>	<b>-\$ 1,618,347</b>

Section 9, Item B.

Expenses				
<b>5000 General Government</b>				0
5105 GG Commissioner Salaries	18,154	19,000	-846	
<b>5110 GG Salaries</b>	<b>121,834</b>	<b>348,010</b>	<b>-226,176</b>	<b>\$ (65,000)</b>
5120 GG FICA	11,197	18,370	-7,173	
5130 GG Health/Life/Dental Benefits	16,761	25,000	-8,239	
5150 GG Pension Benefits	25,505	37,542	-12,037	
<b>5300 GG Professional Services</b>				0
5310 GG Accounting	29,872	28,000	1,872	
5320 GG Audit		20,000	-20,000	
5330 GG Payroll Processing	2,730	5,000	-2,270	
5340 GG Town Attorney & Legal	28,374	50,000	-21,627	
<b>5350 GG IT Support &amp; Equipment</b>	<b>24,113</b>	<b>3,600</b>	<b>20,513</b>	<b>\$ 5,000</b>
<b>5360 GG Media Relations</b>	<b>2,143</b>	<b>14,400</b>	<b>-12,257</b>	<b>\$ (9,000)</b>
5370 GG Government Relations	21,300	36,000	-14,700	
<b>5380 GG Human Resources Services</b>	<b>27,150</b>	<b>11,000</b>	<b>16,150</b>	<b>\$ 50,000</b>
5390 GG Planning Firm	8,850	50,000	-41,150	
<b>Total 5300 GG Professional Services</b>	<b>\$ 144,531</b>	<b>\$ 218,000</b>	<b>-\$ 73,469</b>	
<b>5400 GG Operating</b>				0
5200 GG Insurance & Benefits	17,717	12,000	5,717	
<b>5415 GG Merchant Services Fees</b>	<b>23,247</b>	<b>20,000</b>	<b>3,247</b>	<b>\$ 5,000</b>
5435 GG Training	6,969	7,000	-31	
<b>5440 GG Dues &amp; Subscriptions</b>	<b>14,505</b>	<b>12,500</b>	<b>2,005</b>	<b>\$ 4,000</b>
5445 GG Postage	1,305	2,000	-695	
5450 GG Printing	13,778	15,000	-1,222	
5455 GG General Supplies	12,424	15,000	-2,576	
<b>5465 GG Town Hall Office Phones</b>	<b>7,352</b>	<b>5,000</b>	<b>2,352</b>	<b>\$ 3,500</b>
5480 GG Town Hall Utilities	9,775	12,000	-2,225	
<b>5485 GG Town Hall Repair &amp; Maintenance</b>	<b>3,467</b>		<b>3,467</b>	<b>\$ 5,741</b>
5490 GG Other	482	2,010	-1,528	
5495 GG Contributions		20,000	-20,000	
<b>Total 5400 GG Operating</b>	<b>\$ 111,019</b>	<b>\$ 122,510</b>	<b>-\$ 11,491</b>	
<b>5900 GG Committee Expenses</b>				0
5905 Events Committee	200	4,590	-4,390	
5910 CERT Team		900	-900	
5915 Historical Committee		1,340	-1,340	
5925 Green Team		1,800	-1,800	
5930 TOUM Event	938	3,000	-2,062	
<b>5935 Trunk or Treat</b>	<b>3,167</b>	<b>1,800</b>	<b>1,367</b>	<b>\$ 1,367</b>
5940 Marlboro Day		5,220	-5,220	
<b>5945 Old Crain Hwy Centennial</b>	<b>5,108</b>	<b>3,160</b>	<b>1,948</b>	<b>\$ 1,948</b>
<b>5950 Happy Leaf Festival</b>	<b>134</b>	<b>3,160</b>	<b>-3,026</b>	<b>\$ (3,026)</b>
<b>5955 Winter Holiday</b>	<b>2,270</b>	<b>1,800</b>	<b>470</b>	<b>\$ 470</b>
<b>Total 5900 GG Committee Expenses</b>	<b>\$ 11,817</b>	<b>\$ 26,770</b>	<b>-\$ 14,953</b>	
<b>Total 5000 General Government</b>	<b>\$ 460,818</b>	<b>\$ 815,202</b>	<b>-\$ 354,384</b>	<b>\$ -</b>



6000 Public Safety				0		SP
6000C Code Enforcement				0		
6100C Code Vehicle Maintenance		2,222		-2,222		
6200C Code Parking Meter Maintenance		2,820	3,000	-180		
<b>Total 6000C Code Enforcement</b>	<b>\$</b>	<b>2,820</b>	<b>\$ 5,222</b>	<b>-\$ 2,402</b>		
6110 PS Salaries		236,021	435,682	-199,661	\$ (30,161)	
6111 PS Overtime		7,834		7,834	\$ 5,000	\$ 2,834
6120 PS FICA		19,223	18,361	862		
6130 PS Health Benefits		12,684	19,000	-6,316		
6150 PS Pension Benefits		25,905	13,540	12,365		
6200 PS Uniforms		3,211	4,000	-789	\$ (3,211)	\$ 3,211
6210 PS Weapons & Duty Equipment		7,736	2,000	5,736	\$ 5,736	
6220 PS Training & Memberships		1,084	2,000	-916		
6230 PS Pre Employment		2,658	3,000	-342	\$ (2,658)	\$ 2,658
6260 PS Mobile Technology		2,500	5,000	-2,500		
6270 PS Supplies		1,498	1,000	498		
6300 PS Professional Services		6,180	18,200	-12,020		
6400 PS Occupancy		277	6,000	-5,723		
6500 PS General Supplies		753	3,500	-2,747		
6700 PS Vehicle Repairs		1,494	7,778	-6,284		
6720 PS Insurance		8,356	6,000	2,356	\$ (1,500)	\$ 1,500
6725 Traffic Safety CIP (New)					\$ 24,285	
6850 PS Speed Camera Fees		33,665	80,376	-46,711		
6880 PS Debt Service		47,464	57,535	-10,071		
6900 PS GOCCP Police State Aid		12,516	18,000	-5,484	\$ 3,086	
<b>PS FY2022 ARPA Funds</b>			2,335		\$ 10,000	
<b>Total 6000 Public Safety</b>	<b>\$</b>	<b>433,879</b>	<b>\$ 706,194</b>	<b>-\$ 272,315</b>	<b>\$ 10,577</b>	
7000 Public Works				0		
7110 PW Salaries		136,102	259,990	-123,888	\$ (17,884)	
7111 PW Overtime		3,771		3,771	\$ 6,000	
7120 PW FICA		10,090	18,361	-8,271		
7130 PW Health-Life-Dental		26,115	52,593	-26,478	\$ (2,000)	
7150 PW Pension Benefits		16,789	6,500	10,289		
7240 Public Works Operating				0		
7210 PW Waste Collection/Disposal Fees		1,535	4,500	-2,965		
7220 PW Waste Disposal/Contractor		25,908	47,000	-21,092		
7230 PW Recycling		4,175	9,500	-5,326		
7250 PW Maint/Repairs/Beautification		11,884	15,000	-3,116	\$ 1,500	
7260 PW Training & Memberships - Dues		75	4,800	-4,725	\$ (1,500)	
7270 PW Other		181	2,000	-1,819		
7280 PW Streets Maintenance		10,049	3,500	6,549	\$ 10,384	
7300 PW- Professional Services			2,500	-2,500		
7340 PW Vehicle Maintenance		4,125	9,500	-5,375		
7350 PW Utilities		2,979	3,500	-521		
7360 PW Mobile Phone		519	2,000	-1,481		
7370 PW Small Tools & Equipment		5,060	6,000	-940		
7385 PW Uniforms		110	3,000	-2,890		

Section 9, Item B.

<b>7390 PW Weather Related Expenses</b>		4,500	-4,500	\$ 1,500
7400 PW Streetlight Electricity	16,733	22,000	-5,267	
<b>7410 PW Insurance</b>	4,987	6,000	-1,013	\$ 2,000
7420 PW Mosquito Control	1,104	1,600	-496	
7430 PW Debt Service	20,000	20,000	0	
<b>Total 7240 Public Works Operating</b>	<b>\$ 109,422</b>	<b>\$ 166,900</b>	<b>-\$ 57,478</b>	
<b>Total 7000 Public Works</b>	<b>\$ 302,290</b>	<b>\$ 504,344</b>	<b>-\$ 202,054</b>	\$ -

<b>8000 Grants &amp; Awards</b>		96,610	-96,610
<b>8180 FIP</b>		50,000	-50,000
<b>8500 Resident Assistance</b>	4,057	15,000	-10,943
<b>8600 StreetScape</b>	38,733	525,000	-486,267
<b>8700 Community Playground</b>	260,000	755,075	-495,075
<b>Total 8000 Grants &amp; Awards</b>	<b>\$ 302,789</b>	<b>\$ 1,441,685</b>	<b>-\$ 1,138,896</b>
<b>Total Expenses</b>	<b>\$ 1,499,776</b>	<b>\$ 3,467,425</b>	<b>-\$ 1,967,649</b>
<b>Net Operating Income</b>	<b>\$ 349,302</b>	<b>\$ 0</b>	<b>\$ 349,302</b>

Section 9, Item B.

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

ORDINANCE: 2023-02  
SESSION: Regular Town Meeting  
INTRODUCED: February 28, 2023  
DATE ENACTED: \_\_\_\_\_

**AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CONDUCT OF VOTER REGISTRATION, MAINTENANCE OF RECORDS, CONDUCT OF ELECTIONS, CERTIFICATION OF ELECTION RESULTS, AND PENALTIES RELATED THERETO; AND GENERALLY RELATING TO TOWN ELECTIONS**

**WHEREAS**, a division of the Town Charter is entitled “ Registration, Candidates and Elections” and includes §82-19 (Voters) through §82-35 (Penalties); and

**WHEREAS**, Section 82–34 of the Town Charter (Regulation and Control) states that the Board of Commissioners shall have the power to provide by ordinance in every respect not covered by the provisions of said Charter for the conduct of registration, candidacy and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud; and

**WHEREAS**, Ordinance 2001-2 entitled “An ordinance to regulate and provide for the conduct of voter registration, maintenance of registration records, conduct of elections, certification of election results and penalties related thereto” was enacted on October 9, 2002; and

**WHEREAS**, Section § 4-108 of the LG Article of Md. Ann. Code states (i) that a qualified voter may vote in a municipal election by absentee ballot, (ii) that a municipality shall provide a procedure to vote by absentee ballot, (iii) that a municipality may not require an individual to provide a reason that the individual will be unable to vote in person on election day in order to vote by absentee ballot, and (iv) that a municipality may use any method to enable absentee voters to vote, including using any facilities to transmit and receive applications for absentee ballots; and

**WHEREAS**, Section § 4-108.1 of the LG Article of Md. Ann. Code states that as to voting in a municipal election: (1) a person is subject to the offenses and penalties related to voting specified under § 16-201 of the Election Law Article; and (2) the State Prosecutor or the State's Attorney for the county in which the municipal election was held and where the offense is alleged to have occurred may prosecute the person for the offense; and

**WHEREAS**, Section 82–59 of the Town Charter (Authority to employ personnel) states that the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or state law and to operate the Town government

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

## ELECTIONS

### Section 1. Purpose and Authority:

A. The purpose of this Ordinance is to set forth the rules and procedures for electing or selecting the five (5) Town Commissioners for the Board of Town Commissioners, and putting advisory or referendum questions before the voters, as well as to define the roles and responsibilities of the Board of Supervisors of Elections, the Town Clerk and other employees charged with managing the municipal election and registration processes.

B. The authority to hold municipal elections is contained in Article XI-E of the Constitution and the Local Government Article of the State of Maryland Annotated Code, as amended from time to time, and certain sections of the Charter of the Town of Upper Marlboro. Although the State Elections Article is not generally applicable to municipal elections, all Town election procedures shall be subject to the relevant and controlling provisions contained in the Annotated Code of Maryland.

### Section 2. Applicability:

This Ordinance applies to the process of electing and selecting the members of the Board of Town Commissioners for the Town of Upper Marlboro and the conduct of registration, candidacy for office and elections in general and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

### Section 3. Definitions:

- A. Absentee Voting: Voting in a location other than an official polling station using a ballot not typically used in a polling place.
- B. Ballot: The means by which a resident records their vote. It may be an Electronic Ballot (generated by a voting machine) or a Paper Ballot (designed by the Town Clerk or designated employee with approval of the Board of Election Supervisors).
- C. Ballot Question: Non-binding questions the sitting Board of Town Commissioners may choose to incorporate into the ballot to receive advice or input from the Town's voters on different topics. Such questions may also include referendum questions mandated by State law.
- D. Board of Supervisors of Elections: Is composed of at least three (3) members, with a maximum of five (5) members; who shall be appointed by the Board of Commissioners by the second Tuesday in September in odd years and serve for a term of two years.

- E. Duly Authorized Agent: A person at least 18 years of age, who is not a candidate on the ballot, and is designated in writing by a qualified voter as his or her agent in picking up and delivering an absentee ballot.
- F. Election Day: The 1st Tuesday in November of every odd-numbered year as established by Charter.
- G. Election Judges: Town residents who are otherwise eligible to vote in a Town election may be appointed as needed by the Board of Supervisors of Elections to assist with conducting the election. On Election Day Members of the Board of Supervisors of Elections shall also be considered to be Election Judges for the purpose of Section 8 of this ordinance.
- H. Election Procedures Manual: A reference manual for Town Commissioner and other Town elections containing detailed instructions on preparing and conducting an election as well as standard templates and relevant legal references. Said Manual is to be approved and updated from time to time by ordinance. This Manual shall have the force of law and is regarded as both substantive rulemaking and interpretive agency guidelines on existing laws and customs pertaining to the conduct of registration, candidacy, and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.
- I. Prince George's County Board of Elections: the authority for conducting elections in Prince George's County under the State Election Code, which is generally inapplicable to municipal elections with certain exceptions.
- J. Provisional Voter: A resident not listed in the Voter Registration List, whose eligibility to vote must be established after casting a ballot.
- K. Public outreach: A systematic attempt and/or requirement to provide information, notice or services to a targeted group of people, such as posting to the Town website or in a newspaper of general circulation.
- L. Qualified Voter: An individual authorized under the Town Charter to vote in elections in the municipality. A qualified voter domiciled in the Town of Upper Marlboro may not generally vote in any other jurisdiction of the State using another residence.
- M. Registration: Recording one's name and other information on a list of qualified voters. See also Universal Registration and the Supplemental Voter Registration List.
- N. Sample ballot: A facsimile of a ballot used for informational purposes.
- O. Special Election: An election held on a date other than a regularly scheduled general election for the purpose of filling a Town Commissioner vacancy or conducting a referendum. A special election shall be held pursuant to the Charter or relevant State law not less than thirty (30) days and not more than forty-five (45) days after the vacancy is created.
- P. Spoiled ballot: A ballot that has been declared invalid by the Board of Supervisors of Elections, is endorsed as such by an election judge and ratified by vote of the Board of Supervisors of Elections and is excluded from the vote count in accordance with this ordinance and criteria detailed in the election procedures manual of the Town of Upper Marlboro.
- Q. Supplemental Voter Registration List: A list of voters registered to vote solely in Town elections.

- R. **Town Clerk:** A municipal employee and appointed official charged with a set of clerical and other responsibilities, including management of the municipal elections process. Election preparation and management may be carried out by another designated municipal employee unless the Town Charter states otherwise. Unless another employee or official is designated by written resolution of the Board, the Town Clerk shall serve as the municipal corporation liaison to the County Board of Elections and as clerk to the Town Board of Supervisors of Elections. The Town Clerk may accept documents on behalf of the Board of Election Supervisors.
- S. **Universal registration:** A system of qualifying voters based on residency in the State of Maryland and its political subdivisions to vote in Federal, State, County and Municipal elections by registering only once. The Town Charter also provides for the maintenance of a Supplemental Voter Registration List for those who wish to register only in Town elections.
- T. **Voter Authorization Card (VAC):** A card provided by the Prince George's County Board of Elections or the Town Board of Supervisors of Elections in conjunction with the voter registration lists that must be signed before a voter may proceed to cast a vote.
- U. **Voter Registration List:** Official primary voter registration list for the Town of Upper Marlboro obtained from the Prince George's County Board of Elections and maintained by the State of Maryland Board of Elections.
- V. **Voting age:** at least 18 years of age, per Section 82-19 of the Town Charter.
- W. **Voting machine:** A mechanical or electronic piece of equipment, including software, used to define ballots; to cast and count votes; to display and report election results; and to maintain an audit trail.
- X. **Voting machine vendor:** A business that sells or leases voting machines and provides the technical support to operate them.
- Y. **Write-in Vote:** The action of a voter permitted by the Charter to write-in the name of a person who is not a declared and certified candidate for Town Commissioner on the ballot.

#### **Section 4. Voter Registration**

- A. Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided within the corporate limits of the Town for thirty(30) days next preceding any Town election and (d) is registered in accordance with the provisions of Section 82-24 of the Town Charter shall be a qualified voter entitled to vote at any or all Town elections.
- B. An applicant for Town registration on the Supplemental Voter Registration List shall sign a form and verify by oath the following information: (i) full name, address, date of birth, citizenship status, and date of residency in Town. When a disabled applicant is unable to come to the Town offices or designated place to sign a registration form, a supervisor or the Town Clerk may visit the disabled applicant at that person's residence to secure the signature.

#### **Section 5. Appointment and Duties of Board of Supervisors of Elections**

A. The Board of Supervisors of Elections exercises general supervision of the Town elections in accordance with Section 80-20 of the Town Charter. The Board of Supervisors of Elections shall be appointed for a two-year term by the Mayor with the approval of the Board of Town Commissioners on or before the 2<sup>nd</sup> Tuesday in September in even numbered years or the year before the general Town election. The Board may be composed of three to five members including any additional member that may be designated to serve as an alternative or substitute member who shall act as a member in the absence of any one of the regularly appointed members.

B. Members of the Board of Supervisors of Elections shall meet the qualifications stated in Section 82-20 of the Town Charter and may be removed in accordance Section 82-21 of said Charter.

C. The Board of Supervisors of Elections shall appoint one of its members as chairperson. Vacancies on the said Board of Supervisors shall be filled by the Mayor with the approval of the Board of Commissioners for the remainder of the unexpired term as needed. All persons appointed to serve as a supervisor or election judge shall take the oath or affirmation administered by the Mayor as found in Section 82–85 of the Town Charter.

D. In addition to the duties enumerated in Section 82-22 of the Town Charter, it shall be the duty of the Board to become familiar with relevant State laws, Town charter and ordinances and the Election Procedures Manual that guide the electoral process by reading said documents and attending relevant training at the State, County or municipal level; review supplemental voter registration lists and absentee voter lists; prepare the polling station and supervise the election; and tally the votes and report the election results to the sitting Board of Town Commissioners.

E. The Board of Supervisors of Elections may also appoint election judges to assist with carrying out an election. All supervisors and election judges shall be qualified voters of the Town, and the Board of Supervisors of Elections shall submit the names of all appointed elections judges to the Town Clerk prior to the election.

F. The Board of Supervisors of Elections, Chairman, and election judges shall be compensated by the Town per election in the below amounts:

- Board of Supervisors of Elections Chair \$500 per election
- Board of Supervisors of Elections Member(s) \$350 per election
- Election Judge(s) \$250 per election
  - Elections Judges who do not work a full day at the polls shall receive a percentage of this pay equal to the percentage of the Election Day that they worked.

G. The Board of Commissioners may modify the above compensation established in this Section by written resolution. The Town Clerk shall ensure compensation is issued within seven (7) days after the election date. Expenditures for their compensation and to support the duties of the Board of Supervisors shall be determined by the Board of Commissioners annually in the budget.

## **Section 6. Preparing for Town Elections**

Town elections take place on the second Tuesday in November of every odd-numbered year and in accordance with the following:



A. Election Schedule: In September prior to the Town election, the Town Clerk shall update the election schedule for publication on the Town website in October or other suitable means of public outreach. The schedule shall contain important dates and deadlines related to the election.

B. Registration:

1. No less than six (6) months prior to a Town election, the Town Clerk shall contact the Prince George's County Board of Elections and request the development of a plan and schedule to implement universal registration, including a voter registration list and the supporting materials for the Town election, pursuant to §3-403 of the Maryland Election Law Article, as may be amended. The Town's supplemental voter registration list shall be finalized by the Town Clerk thirty (30) days prior to the election date.
2. In accordance with Section 82-24 of the Town Charter, registration with the Prince George's County Board of Elections by a voter who resides in the corporate limits of the Town and whose address is reflected on the rolls as a Town resident shall be deemed registered for the Town elections. A person continues to have the choice to register only with the Town for its elections and not to register with the Prince George's County Board of Elections.
3. Persons desiring to register only with the Town may register at Town Hall during normal working hours daily; or upon request, may receive an application by mail. Registration shall be permanent (unless lawfully purged), and no person shall be entitled to vote in Town elections unless he is registered to vote with the Board of Supervisors upon the supplemental municipal voter registry maintained by the Town at least ten (10) days prior to the election or with the Prince George's County Board of Elections in accordance with state law. In accordance with Section 82-23 of the Town Charter, the Board of Election Supervisors shall give at least two weeks' notice of every registration day or the general availability of registering at the Town Hall in a newspaper of general circulation as stated in paragraph B(1) above.
4. It shall be the duty of the Board of Supervisors of Elections to keep the registration lists up to date by striking from the lists persons known to have died, to have moved out of the Town, or who have become otherwise disqualified by the Board of Supervisors or the County Board of Elections. An individual is not qualified to be a registered voter under state law and the Charter if the individual shall have been convicted of a disqualifying crime or be under guardianship for mental disability as provided in Section 3-102(b) of the Election Article of the Annotated Code of Maryland. The Board of Election Supervisors will not enter or maintain on the rolls maintained as town-only rolls any voter registered with the County system.

C. Board of Supervisors of Elections: Recruitment of potential members of the Board of Supervisors of Elections may begin in July and August a year prior to the election by publicizing the position in suitable means of public outreach and the Town Clerk shall ensure that all members of the Board of Supervisors of Elections receive a course of training in their duties. The training shall take place throughout the year prior to an election.

D. Town Commissioner Candidacy:

1. The Town Clerk shall provide notice of the filing deadline of an election by suitable means of public outreach no less than sixty 60 days before a general election, and no less than twenty days for a special election, as needed; provide Petitions of Candidacy and Written Intent Statement forms to residents wishing to file for Town Commissioner candidacy to be received no later than the second Monday in October of the election year; and receive and review the filed forms.
2. The Board of Election Supervisors shall prepare said forms for use by candidates in securing nominating signatures as required by § 82-28 of the Charter. Any statements of candidacy or petitions filed with a supervisor shall be promptly transmitted to the Clerk.
3. A candidate seeking to withdraw must submit to the Board of Election Supervisors a written, signed letter clearly stating the candidate's intent to withdraw within three (3) business days after the deadline for filing said forms and the names of all candidates not withdrawn in accordance with this section will remain on the ballot through the election.
4. As soon as practical after the deadline for filing of petitions and written intent statement forms, the Board of Supervisors of Elections will meet and review each one. The qualifications of the prospective candidate will be certified in accordance with the Charter. Each signature on the petition will be checked for qualified voter registration. If the petition or statement has any defects or missing information, the Chairman, another designated supervisor or the Clerk will advise the candidate of the findings. The candidate may withdraw the petition or statement, or correct the defects and resubmit the form before the filing deadline.
5. Each candidate may designate up to two (2) observers who may be present in the polling place during the period of the election and thereafter when the ballots are actually being counted and certified provided that the observer has written authorization from the candidate. Upon closing of the polls, the candidate may be one of the observers for the purposes of witnessing the vote count. A police officer may be allowed in the voting or canvassing room for purposes of order. Observers must not disrupt, or interfere with election activities and any observer including a candidate may be asked to leave by the Board of Election Supervisors if the observer is deemed to be disruptive or interfering with election activities.
6. The Town Clerk shall also advise candidates on all relevant election matters, including the election schedule, Candidates' Night, campaigning and other questions that may arise.

E. Campaign Materials and Electioneering: The Town Clerk shall inform Town Commissioner candidates of the Town's campaigning rules. Starting three weeks prior to the election, campaign literature may be distributed, and campaign signs and posters may be displayed on private property, including the Town maintained rights-of-way, with the abutting property owner's permission. No person may canvas, electioneer or post any campaign literature or material in a polling place or within a one hundred-foot radius from the entrance and exit of the building closed to that part of the building in in which voting occurs, nor shall anyone linger, be or remain within

said distance of one-hundred feet of the polls except election officials and peace officers, unless it be in approaching the polls to vote or in passing along the streets in the usual and orderly manner of travel.

Campaign signs shall:

1. Not be displayed until three (3) weeks prior to the election.
2. Not create a public safety hazard.
3. Be removed within two (2) days after the election.
4. Not be attached to utility poles.
5. Displayed on designated Town right of way locations determined by the Town Administrator together with the Director of Public Works and the Chief of Police in the August prior to each election. In a Special Election the locations used in the last general election shall apply.

F. Write-in Candidates: The Town Clerk shall ensure the ballots provide adequate spaces to permit the voter to write in the name or names of additional candidates not listed on the ballot. A write-in candidate may win an election if they meet all the qualifications to be elected and serve as a Commissioner and receive at least the 5<sup>th</sup> highest vote count in a general election or the highest vote to fill a vacancy in a special election.

G. Candidates' Night: The Town Clerk shall arrange for a Candidates' Night to be held in October prior to a Town election. All qualified candidates confirmed at that time may participate in this moderated public forum to introduce themselves, briefly state their platform, if any, and answer questions from residents. A third party group or organization may also assist with this event and preferably act as moderator. A reasonable attempt shall be made to ensure the date and time chosen allows all candidates a reasonable opportunity to participate.

H. Notice of Election: In accordance with Section 82-23 of the Charter, the Town Clerk shall give at least two (2) weeks' notice of every election in a paper of general circulation, or other suitable form of public outreach, and physically post the Election Notice in three (3) public places in the Town.

I. Election Supplies: The Town Clerk shall ensure that all necessary election supplies and materials are on hand on Election Day, either for voting by paper ballot or by voting machine.

## **Section 7 Absentee Ballots**

An eligible voter may vote by absentee ballot in a Town election for any reason, pursuant to §4-108 of the Maryland Local Government Article, as may be amended. Subject to oversight by the Board of Elections Supervisors, the Town Clerk shall prepare absentee ballots and an absentee voter list to keep an accurate record of voters who request an absentee ballot.

- A. Application: A registered voter may request an absentee ballot as early as thirty (30) days prior to the election. The request can be made electronically or by mail. Absentee ballots and accompanying envelopes are made available to any eligible voter upon request until

the election, including ballots requested in writing by a duly authorized agent. Requests can be made up until the closing of the polls, however all ballots must be submitted prior to the polls being declared closed in order to be counted. Upon issuing an absentee ballot the Town Clerk shall cross that persons name off the voter registration list and mark “absentee ballot” next to the name.

- B. Lost or Destroyed Absentee ballots:** No voter who has been issued an absentee ballot for an election shall be authorized to cast their ballot in any manner other than by casting an absentee ballot. Should an absentee ballot be lost or destroyed, without being returned to the Town Clerk, a second ballot may be issued. The Town Clerk shall verify that one (1) ballot is being submitted for each absentee voter. If the Town Clerk finds a voter has cast more than one absentee ballot they shall challenge these ballots. Should the absentee ballot be challenged by the Town Clerk as to the ballot being cast by the person to whom it was issued or as to the ballot being obtained and returned in accordance with the provisions of this section, the Board of Supervisor of Elections shall determine the validity of any challenged absentee ballot.
- C.** When the Board of Supervisors of Elections determines from proof or investigation that any person who has marked and transmitted and absentee ballot has died before Election Day, such ballot of the deceased voter shall not be counted. However, if prior to the time of such counting and certification of the results, the Board of Supervisors of Elections shall not have determined that the absentee resident who makes a ballot had died before Election Day, such ballot shall be counted, and the fact that said absentee resident may later be shown to have been actually dead on Election Day shall not invalidate said ballot or said election after the results have been certified.
- D. Mailed Ballot Collection:** A Member of the Board of Supervisors of Elections shall go to the Board of Supervisors of Elections Post Office box at the closing of the polls. If any ballots are found within they shall be considered submitted or cast prior to the closing of the polls and shall be counted.

**B. Qualified Agent:** Any registered voter voting by absentee ballot may designate an agent to pick up and deliver an absentee ballot granted that they; are at least 18 years of age, are not a candidate on the ballot, sign an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application, marked and placed in an envelope by the voter, or with assistance in the agent's presence without any undue influence; and returned to the Town by the agent.

**C. Late Absentee Ballots:** Any absentee ballots received after polling has closed will be handled as a spoiled ballot.

**Runoff Elections:** An attempt will be made to supply any voter who voted absentee with a absentee ballot for any runoff election as soon as official copies are available, and the above regulations shall substantially apply to any runoff election.

- E. Storage of Absentee Ballots: Every absentee voter shall be listed on the absentee voter list that includes name, address, date of issuance of ballot and date of receipt of voted ballot. Voted ballots shall be kept sealed in their envelopes and stored in a secure location to be opened and tallied on Election Day.
- F. Absentee Ballot Delivery: On elections day, prior to the closing of the polls the Town Clerk shall deliver the absentee ballots to the place designated by the Board of Supervisors of Elections and shall make an accounting for the purpose of counting absentee ballots as to the number of absentee ballots issued and the number returned. The Town Clerk shall keep such record of the absentee ballots in a secure place as is kept with other voting records.

### **Section 8 Election Day**

On Election Day all members of the Board of Supervisors of Elections shall be considered Election Judges as well as being members of the Board of Supervisors of Elections. The preparation for and the conduct of an Election Day are described in detail in the Election Procedures Manual. The polls are open between 8:00 a.m. and 7:00 p.m.

A. Preparing the Polling Station: The Town Clerk shall meet the members of the Board of Supervisors of Elections and Election Judges before polls open at 8:00 a.m. on Election Day to prepare the polling station. Preparation of the polling station includes:

1. Posting sample ballots and instructions outside and inside the polling station for public view. The sample ballot shall show names of declared candidates and questions, if any.
2. Demarcating a one hundred (100') foot perimeter around the polling station structure as a "no electioneering" zone. No campaigning by candidates or their supporters will be allowed within this area. Candidates for election may cross this line only to cast their own vote.
3. Setting up a voter "check-in" station, including readying of the voter registration lists and Voter Authorization Cards.
4. Completing set up of voting booths. If voting machines are used, the Elections Chair, with assistance from the voting machine vendor, shall verify that they are ready for use and counters set to zero. If paper ballots are used, members of the Board of Supervisors of Elections shall ensure that each booth has a pen for marking the ballot.
5. Setting up ballot boxes if paper ballots are used. Ballot boxes must be empty and ready for use. The Town Clerk shall keep the ballot box key in secure storage until the polls close.

### B. Polling Station Open:

1. The Board of Supervisors of Elections supervises the polling station and may assign Election Judges to their particular stations. Upon opening of the polls, all Election Judges shall take their assigned stations. At least one member of the Board of Supervisors of Elections shall remain at the polls at all times. At least two Election Judges shall staff the voter check-in/ registration tables. One Election Judge shall staff the voting booths and

one shall staff the ballot boxes, if paper ballots are used. Physically disabled voters shall be assisted in a manner substantially consistent with the relevant provisions found in the Maryland Election Law Article, as may be amended.

2. The Elections Supervisor Chair shall be responsible for provisional voting and ensure that residents, who are not on the voter registration list, are able to cast a provisional ballot. Provisional ballots are set aside for separate tallying. Votes remain provisional until the eligibility of the voter has been established by the Prince George's County Board of Elections and the Board of Elections Supervisors.

3. The Town Clerk shall announce the closing of polls five minutes before 7:00 p.m. on Election Day. Any resident wishing to observe the tallying may remain inside the polling station when the doors are locked. No one shall be permitted to enter or re-enter the polling station while tallying is in progress.

C. Vote Count Observation and Decorum: After the last voter has voted and the polls have closed, and before the canvassing or counting begins, candidates and members of the public may be permitted to enter the room where the votes will be counted. Once the counting begins, the door to the counting room will be closed and no one will be allowed to enter until the votes have been tallied. Once inside the room, anyone wishing to leave will not be readmitted until the counting has concluded. The use of electronic devices, other than those being used by the Board of Supervisors of Elections for counting, will not be permitted in the polling room during the counting of the votes. Anyone who violates the restrictions set forth herein may be, at the discretion of the election judges, ejected from the proceedings.

If paper ballots are used:

1. The ballot box key shall be returned to the Elections Supervisor Chair by the Town Clerk to open the ballot boxes.
2. The Elections Supervisor Chair shall remove ballots from the ballot box and organize them for tallying assisted by other members of the Board of Supervisors of Elections.
3. The Elections Chair shall read out aloud how each ballot was voted, including write-in votes and ballot questions (if any).
4. Two members of the Board of Supervisors of Elections will independently tally the votes cast for each candidate and results of each ballot question.
5. In the case of an irregular or potentially spoiled ballot, the Elections Supervisor Chair shall consult with two other members of the Board of Supervisors of Elections to determine if the ballot is valid or spoiled in accordance with criteria detailed in this ordinance and the election procedures manual of the Town of Upper Marlboro. If spoiled, the ballot shall be marked "void" and set aside. A designation of a voided ballot shall be ratified by a majority of all supervisors prior to certification and shown to any challenger but shall not leave the hand of the member of the Board of Supervisors of Elections.
6. When all regular ballots are tallied, the Elections Supervisor Chair shall open the sealed envelopes with absentee ballots and count them. The absentee ballots shall be added to the tally of regular ballots. The result is compared with the tallied check marks on the

County voter registration list and the Town supplemental voter list to ensure that the total number of voters agrees with the total number of ballots cast.

7. Provisional votes shall be tallied separately and set aside until the qualification of each provisional voter can be verified.
8. Voted ballots shall be placed in envelopes, sealed and signed across the seal by three members of the Board of Supervisors of Elections. Said envelopes, marked voter registration list and Voter Authorization Cards shall be kept in a secure place until they are delivered to the Prince George's County Board of Elections for certification.
9. Tally sheets shall be verified, signed and dated by the Elections Supervisor Chair and members of the Board of Supervisors of Elections. Tally sheets, together with spoiled ballots, those not distributed and not used shall be placed in envelopes, sealed, signed across the seal by at least three members of the Board of Supervisors of Elections and returned to the Town Clerk.

If voting machines are used:

1. The Elections Chair, with two other members of the Board of Supervisors of Elections, shall open the voting machines and unroll the tally sheets.
2. The machine count shall be verified by at least two members of the Board of Supervisors of Elections. Under the supervision of the Elections Chair, members of the Board of Supervisors of Elections shall tally record sheets from each voting machine once the machine votes have been tallied, the Elections Chair shall open the sealed envelopes with absentee ballots and count them. The absentee ballots shall be added to the tally of regular ballots. The result is compared with the tallied check marks on the County voter registration list and the Town supplemental voter registration list to ensure that the total number of voters agrees with the total number of ballots cast.
3. Provisional votes, cast by paper ballot, must be tallied separately, and returned separately to the Prince George's County Board of Elections to be certified.
4. Tally sheets shall be verified against the total count of the signed voter authorization cards, a count of check marks on the County voter registration list, and a count of checks on the Town supplemental registration list.
5. Voting machine tally sheets and absentee ballots shall be placed in envelopes, sealed, and signed across the seal by at least three members of the Board of Supervisors of Elections.
6. Voting machines shall be locked and sealed and keys placed in a sealed envelope for safekeeping until the voting machines are picked up by the vendor.

Canvassing absentee ballots:

1. The official receiving an absentee ballot shall note date and time of receipt and initial on the front of the envelope. If a date stamp is used, the stamp is endorsed with the initials of the person accepting receipt. The envelope shall not be opened by anyone at time of receipt. The ballots received prior to the closing of the polls will be placed in a locked file. Ballots received at the town office will be delivered to the custody of the Town Clerk as soon as practicable. The name of the person doing this will be entered in the register described below.

2. On election day, the Board of Election Supervisors will maintain all absentee ballots in a separate, secure file box with the related application materials until the polls close. No absentee ballot received by mail can be counted unless it was postmarked no later than Election Day.

D. Recount and Tie Votes: The Board of Commissioners has jurisdiction and power to hear and determine any appeals, to review and correct the actions of the Board of Election Supervisors and to order the recanvassing, recounting and re-certification of the results of any election. The Board of Supervisors of Elections may conduct a recount if it discovers or suspects a defect or error in its procedures prior to the deadline for certifying the results in accordance with the Charter. In the case of a tie vote, the Board of Commissioners shall order and provide a run-off election between the tied candidate within twenty-one (21) days of the initial election.

E. Announcement of Election Results: The Elections Supervisor Chair shall announce the five candidates receiving the highest number of votes as Commissioners-elect or the candidate in a special election with the highest vote. The Elections Supervisor Chair shall also announce the results of any Ballot Questions.

F. Statement of Election Results: After the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall, no later than 12:00 Noon on Thursday immediately following the election, certify the results of the election to the Clerk of the Town who shall record the results in the minutes of the next Town Meeting of the Board of Commissioners. The five candidates for Commissioners receiving the highest number of votes in a general election shall be declared elected.

G. Certifying Election Results and Eligibility to Serve:

1. After tallying the votes, the voter registration lists, Voter Authorization Cards, and voted ballots, shall be retained by the Town for a period of at least six (6) months or in accordance with any approved and applicable records retention schedules.
2. The Charter does not confer upon the Board of Election Supervisors the power or responsibility for determining whether a successful candidate is qualified to serve, as distinct from initially determining whether a qualified candidate is qualified to stand for election at the time a petition is filed. Section 82-7 of the Charter empowers the Board of Commissioner to be the judge of the election and qualification of its members and Section 82-25 affords any person who feels aggrieved by the actions of the Board of Supervisors of Elections with the right to appeal the action to the Board of Commissioners. Therefore, the Board of Election Supervisors certifies elected candidates to the Clerk based exclusively upon the votes cast by registered voters qualified to vote, but certification is without prejudice to the jurisdiction of any other appropriate body or court to ascertain the eligibility of the successful candidate to serve in the capacity to which the individual was elected.

### **Section 9 Ballot Questions**

Pursuant to Ordinance 2019-08, the sitting Board of Town Commissioners may, by Resolution or the qualified voters may petition to add non-binding questions to an election ballot to receive



advice or input from the Town's voters on different topics. Said Resolution should list each question and provide detailed background information and a statement as to why this topic is important. The Resolution should be approved no more than thirty (30) days prior to the election date. Ballot questions shall be included in the sample ballot and posted in a paper of general circulation, or other suitable form of public outreach.

## **Section 10 Additional Items, Meetings, Penalties and Disqualifications**

A. Assistance To Voters: Any registered voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include the voter's labor union or employer. Any person rendering assistance pursuant to this subsection shall execute a certification to be included in the instructions.

B. Voting Secrecy: The Board of Elections shall provide an enclosure to vote that ensures secrecy in the marking of the ballots and shall count the ballots only after the close of the polls as scheduled.

C. Meetings. The Board of Elections may meet at regular intervals and may hold special meetings as may be required and all such meetings shall be publicly advertised and open to the public in accordance with the Md. Open Meetings Act. The Board's internal deliberations are generally governed by Robert's Rules of Order, Revised.

D. Disputes and Appeals. Upon appeal of an action of the Board of Supervisors of Elections, the Board of Commissioners will attempt to resolve any disputes over candidate or voter qualifications, voter registration and related matters by hearing at which witnesses may be asked to appear and provided sworn testimony. Affected persons may be advised or accompanied by legal counsel. The Board may also draw upon the investigative unit of the Town Police for additional information it needs to develop facts for decision.

C. Penalties: Any person who shall violate any of the provisions of this Article shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or be sentenced to imprisonment for not more than six (6) months, or both, in the discretion of the court. Any person who:

(1) fails to perform any duty required of him or her under the provisions of the Town Charter, §§ 82-19 through 82-35, inclusive, or this Article passed thereunder, or

(2) in any manner willfully or corruptly violates any of the said provisions of the Charter or any ordinances passed thereunder pertaining to any registration, candidacy, or election, or

(3) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, candidacy, or election, shall be deemed guilty of a misdemeanor, punishable as provided in this Section.

D. Disqualifications. Any officer or employee of the Town government who is convicted of a misdemeanor under the provisions of this Section shall immediately upon conviction thereof cease to hold such office or employment.

**Section 10 Severability**

If any section, subsection, paragraph, sentence, clause, or word contained in this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portion of this Ordinance, which shall remain in full force and effect and to this end the provisions of the Ordinance are hereby declared to be severable.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners for the Town of Upper Marlboro, Maryland, that this Ordinance 2023-01 shall replace and repeal Ordinance 2001-02 (Elections).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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 \_\_\_\_\_, 2023.

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