

# Town of Upper Marlboro

## REGULAR TOWN MEETING

March 14, 2017

Approved Minutes

### Call to Order

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

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

Staff present: M. David Williams, Town Clerk/Administrator; Fran McLellan, Project Manager

Also present: Kevin J. Best, Town Counsel; and various citizens and interested parties.

### Pledge of Allegiance

### Approval of Meeting Minutes & Financial Reports

President Storey asked for consent to the Agenda. Approval was granted by all Commissioners present. The Town Meeting minutes from March 14, 2017 and the Work Session minutes from March 28, 2017 were acknowledged by the Board as reviewed. Commissioner Clagett motioned to approve both sets of minutes, Commissioner Pennoyer seconded. All minutes from both March's Town Meeting and Work Session were unanimously approved.

Commissioner Clagett reviewed highlights of the Treasurer's Report as of March 31, 2017, noting that total operational revenues and general government expenses were within an acceptable range of the 67% benchmark for 8 months into FY2017. She noted Public Works line-item 8410/Vehicle R & M was high, and also advised that 5 CDs will be up for renewal in CY2017. When asked why fuel expenses were so low, it was noted there was a 4-month backlog in billing from the County's Gasboy Service. Commissioner Pennoyer motioned to approve the Treasurer's Report, President Storey seconded. The Treasurer's Report as of March 31, 2017 was unanimously approved.

### Reports

Staff/Committees: Town Clerk Williams announced that the proper procedures for Public Comment and Conduct for Meetings of the Board will now be printed on the backside of all Town Meeting Agendas.

The TUMHC Chair announced that the group would be actively participating in many events this year that include: the "Kids Passport to Maryland History" at the Upper Marlboro Branch Library in April; the "Ice-Cream Social" at Darnall's Chance House Museum in July; as well as, the "Cruizin' Main Street Car Show" and the "National Night Out" events in late summer.

Commissioner Clagett: Reported that she attended the Benecon Health Benefits Seminar in Lancaster on March 9<sup>th</sup>, reporting it was a good program but they were unable to provide much information given the uncertain state of healthcare provisions. It was noted that the Town's representative from Benecon will be meeting with the Town later this month for its annual renewal meeting to review current coverage.

Commissioner Pennoyer: Reported she met with County Administration representative, Thomas M. Himler, and Howard Ways, Executive Director of the Redevelopment Authority about the OMES buildings. She stated a stipend of \$500K would be available to the Town in the County's FY18 Budget to help with downtown redevelopment, with larger stipends for the same in subsequent fiscal year budgets. It was noted that the OMES site will be coming off the County's surplus list in November. Commissioner Pennoyer will seek to set-up dates for the Board of Town Commissioners to meet with Mr. Himler and Mr. Ways in April. She also reported the Town's Business Group would probably be meeting next month.

President Storey: President Storey delivered details and updates on the following topics: 1.) New street signage on Elm and Church Streets and Old Mill Road has been installed; 2.) SHA has conducted some additional ADA-compliant work on the Route 725 Sidewalk Project; 3.) A request for citizens to contact their State Representatives in support of HB1443 has been posted; 4.) A resident outreach postcard, to be mailed Town-wide soon, has also been reproduced in this month's newsletter, requesting residents to

sign-up for emergency alerts and news announcements; 5.) The Town Hall Addition & Renovation Project/Mandatory Referral Pre-Briefing was held yesterday—the Planning Board Hearing is scheduled for this Thursday at 10 a.m. Final Plans with engineer’s seals to be delivered by Architect this week—the Project Manager is compiling specs for the bid package and will publish a Call-for-Bids in March.

**Business**

Elm Street Driveway Cuts: The President reviewed the project’s history, its partnership with the SHA, the DPW&T and the County, plus, the Board’s long-range objectives for improved public safety and enhanced walkability and connectivity for citizens. The President presented two (2) driveway cut proposals for the Board’s approval (one cut will be brand-new, the other an existing cut to be relocated.) The President noted that the property owner of 14504 Elm may request a small adjustment to the final positioning of the cut within the next week. After Board review, Commissioner Clagett motioned to approve both driveway cut proposals as presented, Commissioner Pennoyer seconded. Both driveway cut proposals, with time-limited positioning variable option for 14504 Elm, were unanimously approved.

Ordinance 2017-01 Building & Permitting: The President stated that the ordinance had remained unchanged since its official introduction at the February 28, 2017 Board Work Session, and then proceeded with a second and final reading of Ordinance 2017-01: Building & Permitting. A resident then expressed a concern about the wording of the Roll-off Container provision. Town Attorney Kevin Best engaged the resident and the Board as to what the preferred wording should be. After discussion, an agreement on a few minor edits to Section 6 (Roll-Off Container Permits) were noted by the Clerk. Commissioner Clagett motioned to approve the ordinance as amended, Commissioner Pennoyer seconded. With no one opposed, Ordinance 2017-01 was unanimously approved.

Overview by Town Attorney: Kevin J. Best delivered an overview of the Town's Contracting and Procurement Laws as established by the Town Charter, its amendments and Town Ordinance 2011-02. Acknowledging the Charter allows for the Board to waive its competitive bidding process upon full majority vote, he advised that the record should reflect separate motions by the Board that allow the waiver, as well as, the designation of the permitted, alternative method(s) of procurement. In closing, Mr. Best also reviewed procedures and definitions for public comment as they apply to the Town’s Rules of Order and Regulations at Regular Town Meetings.

**Public Comment**

Friends of the Library/Upper Marlboro Branch member, Joe Hourclé, thanked all that participated in, and/or donated items to, their Annual Book Sale. Commissioner Pennoyer urged residents to check out the Historical Committee’s Facebook page for recent postings of historic photos. She also announced there was a new business in Town named Whimsical Art Celebrations.

Another citizen asked Mr. Best to confirm the requirement that an emergency procurement vote would require a full majority vote of the Board. Mr. Best affirmed the requirement, but also advised that the Town may want to amend that Charter requirement as the Town may find its hands tied in a bona fide emergency situation, where a third Board member’s participation is not feasible.

**Adjournment**

Commissioner Clagett made a motion to adjourn, President Storey seconded the motion. With no one in opposition, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

  
M. David Williams  
Town Clerk/Administrator

