

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

REGULAR TOWN MEETING

October 13, 2020 – 7:00 p.m.

AGENDA

This meeting will be conducted via Zoom Video Teleconference. As the Town Hall remains closed to the public at this time, citizens may participate by video or phone (*please sign-in with the Clerk*): <https://us02web.zoom.us/j/85999615701> Meeting ID: 859 9961 5701; Dial-in only: 301-715-8592.

Call to Order

- Roll Call
- Pledge of Allegiance
- Consent to the Agenda

Closed Session Statement

- September 22, 2020 Board Work Session.

Approval of Meeting Minutes & Financial Reports

- Approval of the September 15, 2020 Regular Town Meeting minutes
- Approval of the September 16, 2020 Board Gathering Session minutes
- Approval of the September 22, 2020 Board Work Session minutes
- Finance Report & Approval of the Treasurer's Report, as of September 30, 2020.

Reports

- Department Reports — Public Safety, Public Works, Finance and Clerk's Office
- Committee Reports — Historical, Events, Sustainable Communities, CERT
- Commissioner Reports

Business

- 1) Resolution 2020-21 Business License Fees (Introduction/Board Vote)
- 2) MDOT/SHA 3-Year Salt Utilization Agreement (Board Approval/Vote)

Administrative Updates

- 3) Legislation, Projects and Initiatives
- 4) General Commissioner & Staff items

Public Comment

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

Adjournment

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

Janice Duckett
Commissioner

Sarah Franklin
Commissioner/Treasurer

Linda Pennoyer
Commissioner/President

PUBLIC COMMENT PROCEDURES

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

Agendas for meetings are posted on our website and a synopsis of the monthly Town Meeting Agenda is also provided in the “On the Agenda” column of our monthly newsletter, the *Landings*. Outreach and notices of legislative items are also posted on the Town's social media accounts (Facebook & Twitter).

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 2019-02: Adoption of Rules of Order and Regulations for Public Meetings” . . .

III. Citizen Input

A. At regular and special meetings, residents of the Town may have the opportunity to address the Board on any item on the agenda provided a resident is recognized and allowed to speak by the President. Recognized public comment and/or questions that are germane to the immediate agenda item shall be limited to (1) minute. Furthermore, each regular meeting shall also have an agenda item for citizen input regarding any municipal question, during which time any resident of the Town may address the Board for up to three (3) minutes on matters or items not necessarily placed on the agenda. Individuals not residing in the Town may speak at regular or special meetings under conditions specified by the Board. The President or the Board may uniformly change or adjust the time limitations for all speakers depending on the circumstances or provide additional time for experts or other officials.

B. Except in instances where the presiding officer expressly invites or allocates time for public testimony, questions, comments, or other forms of participation, or when public participation is otherwise authorized by law, no member of the public attending an open meeting session may actively participate in the session. Public comment by members of the public is not typically designed or intended for interactive dialogue between the Commission and the public, unless the presiding officer specifically allows it or the Commission elects to suspend its rules to allow such colloquy.

C. Speakers shall state their name for the record, and their address (**street name only**). Ordinarily, for each agenda item, including citizen input, speakers shall have one opportunity to speak and may not poll or ask questions of individual commissioners, staff or public officials. Otherwise, the Board shall determine the conduct of the public discussions on any issue and may set reasonable time limits for such.

D. Ordinarily, work sessions are open to public observation only and public participation is at the discretion of the Board. At work sessions, residents and non-residents may be allowed to speak on any municipal issue, but only under conditions specified by the Board.

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.

Town of Upper Marlboro

REGULAR TOWN MEETING

September 15, 2020 • 7:00 p.m.

unApproved Minutes

This meeting was conducted via Zoom Video Conference: <https://us02web.zoom.us/j/85999615701>
Meeting ID: 859 9961 5701; Dial-in only: 301-715-8592.

Call to Order

The meeting was called to order at 7:01 p.m.

Roll Call: Commissioner/Treasurer Sarah Franklin; Commissioner Janice Duckett; and Linda Pennoyer/President of the Board of Town Commissioners.

Staff present: M. David Williams, Town Clerk; Kyle Snyder/Administrator; UMPD Chief Burse; William Morgan/Director of Finance; and Superintendent Darnell Bond/Public Works.

Also present: Town Attorney Kevin J. Best; SCW Chair Evelyn Stephens; UM CERT President Alonzo Joy; Ray Feldman/Feldman Communications Strategies LLC; Ivan Lanier, Jacob Moore and Tia Ortiz/Greenwill Consulting Group LLC; Joseph Hourclé/Board of Supervisors of Elections; plus, various citizens and interested parties.

Pledge of Allegiance

Closed Session Statement

President Pennoyer read aloud the closing statement from the August 25, 2020 Closed Session:

The August 25, 2020 Board Work Session: The meeting was closed to the public in accordance with the procedures found in the General Provisions Article, §3-305(b) of the Maryland Code. The topics and purposes of this closed meeting were to conduct a General Government Operations and personnel overview, and to preserve confidentiality of information concerning personnel structure, and the selection of the Town Treasurer.

The specific statutory authorities to close the session are found in the General Provisions Art., Section 3-305, Subsection (b), Paragraph (1). Persons noted present for closed meeting discussions: President Linda Pennoyer; Commissioner Sarah Franklin; and Commissioner Janice Duckett.

President Pennoyer noted that Commissioner-elect Duckett had been sworn-in yesterday and is now a voting member of the Board. The President then nominated Commissioner Sarah Franklin to be appointed as Town Treasurer, to which Commissioner Franklin accepted. Commissioner Duckett then motioned to approve the appointment and the President seconded. The motion was approved unanimously. It was noted Commissioner Franklin will be sworn-in at a later date.

Board Approval of Election Results for August 10, 2020 2nd Special Election

Clerk Williams read aloud the August 10th, 2020 Town Election results signed and certified by the BoSE to be entered into the record. It was noted that the PGC Board of Elections audited and adjusted the Voter Count, and the Total Ballots Cast downwards by two (2), given 2 voters did not qualify by address.

- Voter count: -66; Total absentee ballots-18; Total ballots cast-84
- Tabulation of votes (in alphabetical order): Bryan A. Bontrager-16; Janice Duckett-70; Write-in votes-0.

Commissioner Franklin moved to receive the certified results as presented and amended, and President Pennoyer seconded. With all in favor, the motion was unanimously approved by Board majority.

Approval of Meeting Minutes & Financial Reports

Commissioner Franklin motioned to approve the Regular Town Meeting minutes from August 11, 2020, the Board Work Session minutes from August 25, 2020, and the Treasurer's Report as of August 31, 2020. Commissioner Duckett seconded. All Board minutes from August's Town Meeting and Work Session, plus, the August Treasurer's Report were unanimously accepted and approved as presented.

Reports

Departments/Committees:

- The CEO and staff of Greenwill Consulting Group LLC delivered updates on their work during August and September at the State Capital on behalf of the Town. Mr. Jacob Moore noted that the Town's legislative "asks" were looking good for the upcoming Session in January.
- Chief Burse delivered the UMPD report for the month of August 2020 that was projected on a PowerPoint for the Zoom attendees. He noted 152 Parking Citations had been issued in August as well as several moving violations (on residential streets.) Kudos by the new Commissioners were extended to the UMPD for their excellent community policing and citizen engagement efforts.
- Superintendent Bond delivered the Public Works status report for June 2020 that was also projected on a PowerPoint for the Zoom attendees. Additional discussion addressed aging infrastructure, ground water, and establishing multiple State and County contacts to resolve related issues faster.
- Director of Finance Morgan reviewed highlights of the August's Treasurers Report noting Parking/Fines and Property Tax revenues have experienced a slight uptick. He also noted that the Worker's Compensation Audit preparation is ahead of schedule at this time. The President added that timelines for the implementation and fee structure of the Business Licensing Program will be discussed further at the September Board Work Session.
- Clerk Williams gave a brief overview of the Maryland Municipal League's annual "Municipal Government Works! Month" program, and, announced that the Town had been awarded the MML "Banner Town" designation for the 8th year in a row. The President noted the Town is planning another a Municipal Government Academy again this year, through a virtual-based platform.
- The Historical Committee had no report at this time.
- Commissioner Franklin reported for EC Chair Gunnoe in his absence. At their last meeting, the EC discussed finding a new Secretary, and how to safely conduct a Drive-Thru "Trunk or Treat" event. The EC is also looking into inviting local businesses and companies to donate the Treats, so, as to keep expenses as low as possible. Other upcoming events discussed included a "distanced" Veterans' Day observance/parade, and an outdoor Holiday Tree Lighting & Caroling event at Town Hall.
- SCW Chair Stephens stated the FY2017 F.I.P. funds have been expended as of June 24th, and a final report was drafted during August. She added that the SCW is preparing an application for the next grant cycle (for FY2021) which is due October 15th. The next SCW Meeting is on September 23rd.
- CERT President Alonzo Joy reported that in August, UM CERT members participated in the Town's Shred Event, distributed food at St Margaret's Church, conducted traffic management at COVID Testing Sites, and assisted at several trash clean-up events. He noted that UM CERT members had put in 2,145 man-hours of training and outreach activities during the month of August. He also thanked the Town for the new CERT Trailer and said that photos of it had gotten a tremendous amount of positive feedback through social media. An October 10th Schoolhouse Pond Clean-Up may or may not happen depending on COVID regulations being considered by the Parks & Recreation Department.

Commissioners:

- Commissioner Duckett: Had no report at this time.
- Commissioner Franklin: Announced she has been researching resources for distance-learning opportunities to possibly assist resident parents of school-aged children during the pandemic. She

noted the PTA and the Library System already had some in development and hoped the Town could post helpful links to these resources on the Town website once these resources come to fruition.

- President Pennoyer: Acknowledged that the Town dodged the bullet from the last local rain/flood event given that several other municipalities suffered a lot of damage and property loss. She added that the Town's Annexation Plan(s) are going forward and going well.

Business

- 1.) Resolution 2020-20 Check Signing Authorization: The President noted the Treasurer and herself are named as primary signers and Commissioner Duckett and the Administrator are named as secondary signers (should the primary signers be unavailable.) Clerk Williams then read aloud the Resolution's introduction. Commissioner Franklin motioned to approve Resolution 2020-20. Commissioner Duckett seconded the motion. Approval was unanimous.
- 2.) DOE 04-2020 Extension of State of Emergency: President Pennoyer explained this Board vote was to extend retroactively the declaration of local emergency from September 15, 2020 until December 31, 2020. Commissioner Franklin motioned to approve the extension DOE 04-2020 and Commissioner Duckett seconded. The motion was unanimously approved.
- 3.) OMES Litigation Update: Town Attorney Best congratulated the newly elected officials and delivered an update on the Town's request for judicial review concerning the County's declassification of the OMES and Principal's House as historic sites. After acknowledging that the initial request was filed one year ago, he explained how the Town's case against County Resolutions CR-98 and CR-72 was presented to Judge Cotton on September 11, 2020, claiming the Council failed to provide the "purpose and scope" of the declassification and thus "misapplied standard of review." Unfortunately, the decision from the bench was that the case would not be remanded. Attorney Best then opined that this was unusual and felt the Town still maintains a good position to file a notice of appeal at the State level. He noted the Board would have 30 days from when the order comes out to request a writ. After discussion, the President said the issue will be further discussed and decided upon in a closed session, as part of, the next Board Work Session on September 22nd.

Administrative Updates

- 4.) Legislation, Projects and Initiatives: Administrator Snyder reviewed a spreadsheet, projected online for the viewing audience, providing updates on current projects with the following sidenotes: 1.) ATHA has a new Executive Director; 2.) Expect the new grant-funded Playground opening in the Spring. Board recently agreed to suspend related non-contractual expenses until a later date; 3.) Mural Project ready for new Arts Council Board; 4.) Have not received back any negative replies from over 200 letters of interest for Annexation mailed out to out-of-town businesses and residents. Details of annexation phases posted on Town website; 5.) The Water Street Bridge project is also coming along; and, 6.) SHA to install flood-zone signs along Route 725 at John Rodgers Blvd, and, at the Marlboro Tire shop as a temporary measure.
- 5.) General Commissioner & Staff items: No additional issues or items were offered at this time.

Public Comment There were no further comments or citizen input at this time.

Adjournment

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

M. David Williams
Town Clerk

Town of Upper Marlboro
Board Gathering
An Educational Session on Local Government
September 16, 2020 • 5:00 p.m.

unApproved Minutes

This meeting was conducted via Zoom Video Conference: <https://us02web.zoom.us/j/84933869870>
Meeting ID: 849 3386 9870; Dial-in only: 301-715-8592

Call to Order

The meeting was called to order at 5:12 p.m.

Roll Call: Commissioner/Treasurer Sarah Franklin; and Linda Pennoyer/President of the Board of Town Commissioners.

Staff present: M. David Williams/Town Clerk; and Kyle Snyder/Town Administrator.

Pledge of Allegiance

Presentation

With unanimous consent to the Agenda, President Pennoyer gave the floor to Town Attorney Kevin J. Best, Esq. who delivered an Educational Session for the newly elected Commissioners.

Structures of Local Government: It was noted during the overview that the Town's form of government is the oldest of the basic three types, but in modern times, most all municipalities are hybridized forms, depending on Charter rules and special attributes of the Town or City.

Maryland Open Meetings Act: The importance of having at least one official in the governing body be trained in the FOIA and/or MPIA was emphasized during the 2-hour overview.

Annexation Process Requirements: Guidance on procedures was given to help ensure success with timelines, community outreach, and stages of State and County approval and notification.

Adjournment

President Pennoyer made a motion to adjourn, Commissioner Franklin seconded the motion. With all in favor, the Board gathering was adjourned at 7:00 p.m.

Respectfully submitted,

M. David Williams
Town Clerk

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772 • 301-627-6905

Work Session Minutes

September 22, 2020 - 7:00 p.m.

unApproved

This meeting was conducted via Zoom Video Conference: <https://us02web.zoom.us/j/85451683537>
Meeting ID: 854 5168 3537; Dial-in only: 301-715-8592

Call to Order

- Meeting was brought to order at 7:04 p.m.
- Roll Call – President Linda Pennoyer; Commissioner Janice Duckett; Commissioner/Treasurer Sarah Franklin; Town Clerk M. David Williams. Also present: Director of Finance William Morgan; UMPW Superintendent Darnell Bond; UMPD Chief David Burse; Town Administrator Kyle Snyder; TUMHC Chair Patti Callicott; TUMHC Archivist Brian Callicott; SCW Chair Evelyn Stephens; plus, various citizens and interested parties.
- Pledge of Allegiance

Business

- 1) 2020 Town Employee Handbook: Finance Director Morgan provided an overview of needed updates to the 2015 edition. It was noted changes are expected to be passed by Resolution at the December Regular Town Meeting. Further discussion will be conducted in closed session.
- 2) Upper Marlboro 2030 Master Plan: Commissioner Franklin delivered an overview of her working draft 10-year Vision Plan for the Town designed to get grants and the community involved.
- 3) Business License Program: TA Snyder reviewed needed edits to the current program. It was noted the program had been suspended until October 31st and fees should be changed by Resolution first, and a new ordinance drafted. The Board discussed when to resume the program, fee amounts and classifications, how to address fees already paid, and timetables for drafting and passage of new legislation. Letters to business owners will be drafted.
- 4) Playground Project Update: Updates on the project were reviewed by TA Snyder. Discussion included ideas for replacement of certain images on panel-art. The TUMHC will assist.
- 5) **Closed Session** (8:49 p.m.)
The President announced the Board would now go into closed session in accordance with the procedures found in the General Provisions Article, §3-305(b) of the Maryland Code. She stated the specific statutory authority to close the session is found in the General Provisions Art., Section 3-305, Subsection (b), Paragraphs (7) & (1). The topics and purposes of this closed meeting is to consult with the Town Attorney on options for possible next steps in light of the recent outcome of the Petition For Judicial Review, and, review personnel matters. Commissioner Duckett motioned to enter into closed session for the afore mentioned reasons, Commissioner Franklin seconded. With all in favor the motion passed unanimously. The President noted that the full Board and Attorney Best would be the sole attendees.
- 6) **Reopening of Work Session** (9:59 p.m.) Continuation of Litigation/ MD Court of Appeals:
Upon the reopening, Commissioner Franklin made a motion to direct the Town Attorney to proceed with litigation in the matter of the Old Marlboro Elementary School. Commissioner Duckett seconded. A vote was taken: Commissioner Franklin-aye; Commissioner Duckett-aye; and, President Pennoyer-aye. The motion was unanimously passed.
- 7) General Commissioner & Administrative Staff items: TA Snyder stated a Roll-Off-Container Permit application was received from 14133 Spring Branch Drive, and he asked for Board approval to issue the permit to expire December 31, 2020. There were no objections.

Adjournment

The meeting was adjourned at 10:03 p.m.

Respectfully submitted,

M. David Williams
Town Clerk



Town of Upper Marlboro Police Department

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

Monthly Town Police Department Report For the Month of September 2020

Incidents Reported in Town:

Disorderly Report 5	House Alarm 2	Missing Person 1
Minor Police Report 1	Theft from Auto 1	Fight Report 2
Business Alarm 3	Check on Welfare 6	Traffic Complaint 1
Unknown Trouble 1	Fraud Report 1	Suspicious Person 1
Vehicle Accident 2	Vandalism 1	Suspicious Auto 3
Domestic Call 5		

Chief Burse participated in several conference calls with the Prince George's Chiefs Association discussing issues related to COVID-19.

Chief Burse participated in several conference calls with Prince George's County Office of Emergency Management and the Maryland State Police related to COVID-19.

Chief Burse, Sgt. Irby, and Cpl. deBarros conducted high visibility patrols throughout the Town during the Stay at Home Order.

Chief Burse and Sgt. Irby participated in the Swearing-in of Commissioner Duckett.

Chief Burse participated in a conference call with members of the National Faith & Blue Organization.

Chief Burse participated in a conference call with the Maryland Chief's Association.

Chief Burse participated in a Criminal Justice Coordinating Council conference call.

Chief Burse updated security measures within Town Hall.

Sgt. Irby and Cpl. deBarros attended their annual in-service training with the Prince George's County Police Department.

Chief Burse participated in the Fourth Amendment Training hosted by the Prince George's County State's Attorney's Office.

Janice Duckett
Commissioner

Sarah Franklin
Commissioner/Treasurer

Linda Pennoyer
Commissioner/President



Town of Upper Marlboro

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info@uppermarlboromd.gov
www.uppermarlboromd.gov

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

Date: Wednesday, October 8, 2020

Subject: Public Works' Status Report

RE: September 2020 – Monthly Status Report

Capital Improvements – Public Works Superintendent attended the MMLPWA quarterly meeting where there was a presentation by Veteran LED Services that covered germicidal UV-C lighting, air purification, and ventilation. I also attended the quarterly DPW&T municipalities meeting where topics, such as winter prep and Saturday “The Bus” schedule extensions for the 20 (Addison Rd) and 21 (New Carrollton) service lines, were discussed.

Maintenance and Beautification – PW crew pruned back limbs along Rectory Ln (near cemetery) and 725 (at the Cahn Memorial). Crews also performed a brush pushback along School Ln. The trash can for Crave It on Main and Main Street Coffee has been assembled and placed to encourage patrons to recycle and discard trash before returning to their vehicles. Crews also performed a “sign blitz” on ad signs within the Town limits.

Street and Sidewalk Repairs – The new street name signs for Main and Water streets came in and were turned over to Rommel Const. Also, they removed the old signal poles and lines that used to span the intersection. The sinkhole on Spring Branch drive was chipped, filled, and weight-compacted twice to decrease the chance of a recurrence. Dislodged grate on Main St (SR-0417556) construction has been completed with the implementation of a new drain flow box and drainpipe tie-in. Finally, the small sinkhole on Judges Dr was packed and filled by County crews.

Weather Related Activities – September had two moderate rain events that temporarily closed the Water St bridge.

Refuse Accumulations – Bulk day accumulations for solid wastes (Landfill) are 6.18 tons. Bulk day accumulations for yard waste collections are 4.62 tons. We also had two dump body rentals for the month.

Sincerely,

Darnell F. Bond III
Public Works Superintendent

Janice Duckett
Commissioner

Sarah Franklin
Commissioner/Treasurer

Linda Pennoyer
Commissioner/President



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Town of Upper Marlboro FY2021 Budget vs. Actual July 2020 - June 2021

Income

Revenue

Fines, Licenses & Permits

6154 Franchise Fee	\$	1,978.62	\$	16,000.00
6280 Trader's License Fees	\$	-	\$	1,000.00
6350 Permits/Rentals	\$	832.50	\$	15,500.00
6355 Parking Meters	\$	24,654.65	\$	290,666.00
6381 Parking Fines/Penalties	\$	8,559.70	\$	21,000.00
6550 Pub/Edu/Govt Broadcasting	\$	2,386.75	\$	2,500.00
Total Fines, Licenses, Permits	\$	38,412.22	\$	346,666.00

Grants

6530 Grants

6530.2020-03 State Police Aid	\$	610.75	\$	17,317.00
6530.2020-04 Community Open				

Space Grant

	\$	-	\$	100,000.00
Total 6530 Grants	\$	610.75	\$	117,317.00

Intergovernmental

6240 Financial Corporation Tax	\$	-	\$	9,145.00
6260 Highway User Fee	\$	6,196.80	\$	27,725.00
6310 Disposal Fee Rebate	\$	519.00	\$	2,000.00
Total Intergovernmental	\$	6,715.80	\$	38,870.00

Other

6390 Interest Earnings	\$	334.85	\$	5,000.00
6392 Sale of Property	\$	2,340.00	\$	1,500.00
6394 Miscellaneous Revenue	\$	1,046.47	\$	6,500.00
6396 Special Events/Donations	\$	-	\$	2,500.00



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Taxes

6100 Real Estate Taxes	\$	88,173.04	\$	295,000.00
6101 Personal Property Taxes	\$	3,105.88	\$	390,000.00
6230 Income Taxes	\$	120,680.74	\$	160,000.00

Total Taxes	\$	211,959.66	\$	845,000.00
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Total Revenue	\$	261,419.75	\$	1,363,353.00
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Capital Improvement

9000 Capital Improvement				
9000.2020-02 Transfer of Reserve	\$	100,000.00	\$	110,900.00

Total Capital Improvement	\$	100,000.00	\$	110,900.00
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Total Income	\$	361,419.75	\$	1,474,253.00
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Expenses

8000 General Government

8030 Salaries - Commissioners	\$	-	\$	11,400.00
8035 Salaries	\$	67,798.82	\$	268,280.00
8073 Accounting	\$	4,500.00	\$	18,500.00
8074 Audit	\$	23,500.00	\$	20,000.00
8075 Payroll Processing	\$	1,061.29	\$	5,000.00
8077 Public Notices	\$	200.00	\$	1,800.00
8080 Bank Charges	\$	5,896.87	\$	20,000.00
8086 Staff Development & Training	\$	1,347.68	\$	2,500.00
8090 Postage	\$	572.99	\$	1,200.00
8092 Printing	\$	717.62	\$	7,500.00
8095 Community Events & Receptions	\$	889.22	\$	10,000.00
8110 Legal	\$	10,728.00	\$	55,000.00
8115 Computer Software & Support	\$	1,185.77	\$	9,000.00
8120 Insurance	\$	3,239.00	\$	12,000.00
8130 Supplies	\$	7,456.79	\$	5,000.00
8131 Ofc Equipment R&M	\$	459.99	\$	1,000.00
8160 Telephone	\$	1,645.43	\$	8,000.00



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8165 Utilities	\$	1,893.91	\$	12,000.00
8175 Public Property Maintenance	\$	3,505.56	\$	8,000.00
8180 Grants & Awards	\$	938.18		
8180.03 Community Open Space Grant	\$	-	\$	130,000.00
Total 8180 Grants & Awards	\$	938.18	\$	130,000.00
8185 Historical Committee	\$	-	\$	750.00
8191 CERT	\$	199.49	\$	750.00
8200 Other	\$	-	\$	2,500.00
8205 Consulting Fees	\$	10,500.00	\$	46,000.00
8210 Payroll Tax Expenses	\$	31,996.90	\$	95,000.00
9001 Capital Improvement				
9000.2020-01 Parcel Acquisition	\$	-	\$	-
9000.2020-02 Construction & Maintenance	\$	-	\$	-
9000.05 Annexation	\$	-	\$	30,000.00
Total 8230 Capital Improvement	\$	-	\$	30,000.00
Total 8000 General Government	\$	180,233.51	\$	781,180.00

8250 Public Safety				
8260 Salaries	\$	75,785.37	\$	296,590.00
8261 Overtime	\$	453.66	\$	2,000.00
8273 Uniforms	\$	-	\$	750.00
8274 Weapons & Duty Equipment	\$	5,367.31	\$	20,817.00
8275 Staff Training	\$	75.00	\$	300.00
8277 Substance Testing/Pre Employment	\$	-	\$	-
8280 Supplies	\$	1,716.82	\$	4,200.00
8281 Association Dues	\$	-	\$	500.00
8282 PS Insurance	\$	4,744.00	\$	5,000.00
8290 Payroll Tax Expenses	\$	5,711.94	\$	58,550.00
8300 Vehicle Repairs	\$	-	\$	750.00
8301 Vehicle Maintenance	\$	-	\$	3,000.00
8302 Vehicle Fuel	\$	-	\$	2,500.00



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8320 Other	\$	-	\$	1,500.00
8330 Capital Improvement	\$	6,593.06		
8330.01 Technology	\$	-	\$	-
8330.03 Debt Service (FY2020)	\$	-	\$	33,000.00
Total 8330 Capital Improvement	\$	6,593.06	\$	33,000.00
Total 8250 Public Safety	\$	100,447.16	\$	429,457.00
8350 Public Works				
8360 Salaries	\$	39,487.43	\$	118,380.00
8361 Overtime	\$	-	\$	500.00
8370 Payroll Tax Expenses	\$	10,212.18	\$	35,000.00
8375 Uniforms	\$	132.48	\$	500.00
8377 Dues	\$	-	\$	200.00
8380 Other	\$	560.74	\$	750.00
8383 PW Insurance	\$	4,508.00	\$	6,500.00
8390 Streets Maintenance	\$	1,288.21	\$	3,000.00
8391 Weather Related Expenses	\$	-	\$	2,500.00
8400 Highway Lighting	\$	4,373.80	\$	21,500.00
8405 Vehicle Repairs	\$	-	\$	2,000.00
8410 Vehicle Maintenance	\$	238.25	\$	1,000.00
8415 Vehicle Fuel	\$	-	\$	2,500.00
8487 Substance Testing	\$	-	\$	-
8490 Utilities	\$	449.65	\$	3,000.00
8491 PWF-Maint/Repairs/Beautificatio	\$	1,434.30	\$	9,000.00
8493 Portajohn	\$	600.00	\$	1,200.00
8545 Sanitation	\$	13,704.81	\$	56,086.00
Total 8350 Public Works	\$	76,989.85	\$	263,616.00
Total Expenses	\$	357,670.52	\$	1,474,253.00
Net Operating Income	\$	3,749.23	\$	-



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarboromd.gov
www.uppermarboromd.gov

PROFIT & LOSS September 2020

	<u>Total</u>
Income	
Revenue	
Fines, Licenses, Permits	13,404.05
Intergovernmental	6,196.80
Other Revenue	0.00
Taxes	145,651.02
Total Income	\$ 165,251.87
Expenses	
General Government	43,249.71
Public Safety	31,366.85
Public Works	24,575.71
Total Expenses	\$ 99,192.27
Net Income	\$ 66,059.60



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Monthly Narrative

We have experienced ACH deposits for earned income and real estate taxes. This month's big deposits were expected as the deadline approached for real estate tax payments. Also, with a CARES Act allocation, we were able to submit our first request for reimbursement to Prince George's County. Items to be reimbursed are expenses previously not budgeted for and are COVID-19 related expenses.

1. Future Deposits
2. CARES Act/COVID-19 Expenses
3. Financial Audit
4. Business License Certification

Bank Accounts

Cash on Hand and in Banks

1000 PGFSB Operating Checking	59,013.00
1001 Petty Cash	300.00
1010 PGFSB Payroll Account	163.96
1040 M&T Checking	6,545.11
1117 Old Line Bank	103,275.93
1122 Congressional Bank CD 5756	212,310.55
1140 MLGIP	26.30
Total Bank Accounts	\$ 381,543.85

The Town of Upper Marlboro

RESOLUTION: 2020-21
SESSION: Regular Town Meeting
DATE : October 13, 2020

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS MODIFYING THE LOCAL STATE OF EMERGENCY ORDER INITIALLY ISSUED ON MARCH 25TH, 2020, AND ADJUSTING CERTAIN BUSINESS LICENSE FEES AND CHANGING THE TIMEFRAMES RELATING TO LICENSURE OF BUSINESSES LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO

WHEREAS, an initial Town Emergency Declaration for the present COVID-19 pandemic was declared on March 25th, 2020, with an extension approved by the Board of Town Commissioners at the April 28th Board Work Session as Resolution 2020-12 followed by Emergency Order No. 04-2020 issued on September 15, 2020 further adopting by reference certain local orders, extending and modifying the duration of the emergency orders of the Town through December 31st, 2020, unless terminated or modified earlier; and

WHEREAS, an Order of the Governor of the State of Maryland Number 20-09-01-01 issued September 1, 2020, specifically authorized political subdivisions to issue more restrictive orders than issued by the Governor including requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or requiring individuals to remain indoors or to refrain from congregating; and

WHEREAS, County Executive Order No. 20-2020 was promulgated on September 3, 2020, and pursuant to Section 14-111 (b)(1) of the Public Safety Article of the Annotated Code of Maryland the consent of the county governing body was provided to extend the local declaration for more than 30 days, and such was the primary purpose of CR-90-2020 adopted on September 15, 2020; and

WHEREAS, the Board of Commissioners is authorized pursuant to Ordinance 2018-07 to license any and all associations, corporations, industrial, institutional, rental, research, retail or service business establishments, limited liability corporations or partnerships, and professional associations or corporations doing business in the Town of Upper Marlboro, and to require any business owner or establishment who is a holder of a County liquor license to obtain a special supplemental municipal liquor license issued by the Town; and

WHEREAS, Section 4 of Ordinance 2018-07 provides that business licenses shall be valid for one year, from July 1 through June 30, and must be renewed annually; and

WHEREAS, the Board of Commissioners passed Resolution 2018-05 on October 9, 2018 establishing the initial Business License Fees, which will be modified as stated herein upon passage of this Resolution; and

WHEREAS, the Board of Commissioners has determined that there is a need to set new or reduced business license fees in consideration of the impacts of the COVID-19 pandemic that have

The Town of Upper Marlboro

negatively affected the Town's businesses and modify the deadline for business license renewals, and that the deadline to obtain or renew a license for the business license year of 2020-2021 shall be November 1, 2020 instead of July 1, 2020; and

WHEREAS, pursuant to Section 4 of Emergency Ordinance 2020-04, upon the executive order of a civil municipal emergency by the President, and during the existence of such civil emergency, the President may, in a form that meets the requirements of said section, make and proclaim an order abrogating or modifying any relevant and existing ordinance, resolution, rule, regulation, or charter provision to allow for extensions of permits, licenses, registrations, nomination certificates or other permissions, deadlines or mandated filings to extend or avoid lapsing of same for a period of time extending for up to 30 days after the emergency; and

WHEREAS, pursuant to Subsection 4.C of Emergency Ordinance 2020-04, the Board shall consider the statements and provisions set forth in said civil emergencies ordinance and may, by resolution, modify, ratify, amend or reject an order of the President issued pursuant thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the Local (County) Order known as Executive Order No. 20-2020 issued by the County Executive, as amended, and CR-90-2020, as amended, are hereby adopted by reference herein as if written word for word herein below and shall be applicable and enforced by the Upper Marlboro Police Department within the corporate limits of the Town.

AND BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS that as of the effective date of this Resolution, all businesses of any type within the Town limits shall pay a reduced fee of \$45.00 per business or use and \$10 per vending machine for their 2020/2021 Business License Fee, and 20% of the cost of their Liquor License, as applicable.

AND BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS that Item J regarding lottery sales of the fee schedule stated in Resolution 2018-05 is hereby stricken and repealed pursuant to the exemption provided in §9-102 of the State Government Article of Md. Ann. Code.

AND BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS that the Town Board of Commissioners agrees that the COVID-19 pandemic continues to endanger the Town, and hereby approves, ratifies and authorizes the extension of the Local State of Emergency indefinitely until it is terminated or modified earlier.

AND BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS that the President shall cause this Resolution to be delivered to the Governor of the State and, to the extent practicable, to all news media within or near the Town, and shall utilize as many other available such means, including but not limited to, posting on public facilities, signs, public address systems, newsletters, newspapers, Town internet web sites or social media accounts as may be practical to use and as shall be necessary in his judgment, in order to give the widest dissemination of such and orders and resolutions to the public.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a Public Meeting held on October ____, 2020.

The Town of Upper Marlboro

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Linda Pennoyer, President

Sarah Franklin, Commissioner

M. David Williams, Town Clerk

Janice Duckett, 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 _____ day of _____, 2020.

M. David Williams, Town Clerk

THREE YEAR SALT UTILIZATION AGREEMENT

by and between

Maryland Department of Transportation
State Highway Administration

and

Town of Upper Marlboro, Maryland

This AGREEMENT (“**Agreement**”) made as of the 1st day of September 2020, executed in duplicate, by and between the Maryland Department of Transportation State Highway Administration (“**MDOT SHA**”) and Town of Upper Marlboro, Maryland, a political subdivision of the State of Maryland and a body politic and corporate (“**TOWN**”).

WHEREAS, during certain winter snow emergency operations (“**Snow Event**”) the TOWN may have a need to obtain additional salt (“**Salt**”) to effectively complete their winter snow operations; and

WHEREAS, the TOWN has requested, and MDOT SHA has agreed, to allow the TOWN to obtain Salt from MDOT SHA stockpiles during a Snow Event in accordance with the terms and conditions contained herein; and

WHEREAS, the TOWN shall reimburse MDOT SHA for the cost of Salt plus other related expenses; and

WHEREAS, MDOT SHA and the TOWN agree that this Agreement will benefit both parties of this Agreement and will promote the safety, health and general welfare of the citizens of the State.

NOW, THEREFORE, in consideration of the premises and of the mutual promises between MDOT SHA and the TOWN, as set forth herein, the adequacy of which is hereby acknowledged, the parties hereby agree to the following:

I. TERM & BUDGET

The Term of this Agreement is for a period of three (3) years beginning the first (1st) day of September 2020 and ending on the thirty first (31st) day of August 2023, both dates inclusive, unless sooner terminated as set forth herein. For budgeting and planning purposes only, during the Term of this Agreement the total cost for Salt shall not exceed Two Thousand Dollars (\$2,000). This is an estimate only and the TOWN shall be responsible for actual costs incurred at the time of acquisition.

II. SALT COSTS

- A. The cost of Salt, at the time of execution of this Agreement is Fifty One Dollars and Forty One Cents (\$ 51.41) per ton, which includes the price of the Salt, a Delivery Charge and an Overhead Charge.
- B. The Salt price listed herein are subject to awarded contracts by MDOT SHA and shall be adjusted accordingly.
- C. The Delivery Charge includes the cost of fuel and mileage to transport the Salt to an MDOT SHA Salt dome. The Overhead Charge is determined by the federally approved Overhead Rate that may be adjusted on October 1st of each year. The current Overhead Rate is seven and eighty seven hundredths percent (7.87%).
- D. The cost of the Salt may be adjusted weekly to account for Delivery Charge variances.

III. ESTABLISHMENT of the SALT COST

The MDOT SHA has established a charge number for the TOWN which will be used to document Salt withdrawals from MDOT SHA's inventory system. The current charge number for the TOWN is **BY289M84**.

IV. PROCEDURES

- A. Salt Scheduling
 - 1. The MDOT SHA Shop Locations: For purposes of this Agreement, MDOT SHA shops to be used for Salt for the TOWN, as determined by MDOT SHA, are:
 - Marlboro Salt Dome
 - 2. Prior to a Snow Event: The TOWN will contact Ernie Johnson, MDOT SHA's Resident Maintenance Engineer (RME), or designee, of the Marlboro Shop at 301 952-0555 to arrange for the TOWN's trucks to be loaded with the Salt at the designated location the day before a local forecasted snow if time permits; otherwise MDOT SHA and the TOWN will determine which MDOT SHA salt storage site is appropriate to use to load the Salt onto the trucks and MDOT SHA will provide an operator to facilitate the loading of the Salt.
 - 3. During the Snow Event: The TOWN will contact the appropriate MDOT SHA Shop nearest to that truck and request to be loaded at an approximate preferred time of arrival. MDOT SHA will then arrange for an operator to meet the TOWN truck at that location as close to the preferred time as possible without negatively affecting MDOT SHA operations. In

addition, if a TOWN truck is in the vicinity of a specific dome during a Snow Event and an MDOT SHA operator is present, the TOWN truck may then be topped off, if desired. In situations where MDOT SHA Snow Event operations are already active when the TOWN operations begin, the TOWN can notify MDOT SHA as far in advance as possible and MDOT SHA will make every effort to provide an operator at all the locations requested in order to begin loading TOWN trucks with Salt.

4. Post Snow Event: The TOWN can contact the appropriate MDOT SHA shop to request re-loading after a Snow Event, and MDOT SHA will schedule the re-loading at both parties' convenience.
5. The TOWN shall not return any unused Salt to any MDOT SHA shop.

B. Load Records

1. The TOWN shall ensure all vehicles picking up Salt on their behalf are identified by a sticker or placard indicating the TOWN's name.
2. Only an MDOT SHA authorized loader operator shall load the TOWN trucks.
3. The MDOT SHA shall create a written loading record that must be signed by the TOWN driver. A copy shall be given to the TOWN driver to account for every load of Salt that the TOWN receives from MDOT SHA. Each load record shall contain the following information:
 - a. truck number or license tag number,
 - b. the number of scoops/ buckets loaded,
 - c. the number of tons loaded based on the scoops / bucket size value multiplied by the number of scoops /buckets.

V. PAYMENT

- A. The MDOT SHA shall provide a detailed invoice to the TOWN by May 31st of each year for all actual costs incurred by MDOT SHA to provide Salt to the TOWN. The invoice shall be accompanied by normal documentation from MDOT SHA to evidence actual costs incurred.
- B. Upon request by the TOWN, MDOT SHA may provide information to include the number of buckets and estimated tonnage provided to the TOWN for each date of withdrawal.
- C. The estimated cost of the Salt is based on the average amount of Salt used during the previous three (3) years at the prevailing rate at the time of execution of this Agreement and will be subject to future adjustments during the Term according to costs for Salt, delivery and overhead in effect at that time.
- D. REIMBURSEMENT

1. Reimbursement to MDOT SHA for the SALT during the Term, including MDOT SHA overhead, is estimated to be Two Thousand Dollars (\$2,000) and is based on estimated quantities from the previous term, however, actual costs and tonnage may vary and the TOWN shall reimburse MDOT SHA for all actual tonnage (which includes the delivery charge) and overhead costs.
- E. In the event of extremely heavy Salt usage, MDOT SHA reserves the right to submit progress billings to the TOWN in lieu one annual invoice.
- F. The TOWN shall reimburse MDOT SHA for all costs incurred by MDOT SHA for all supplied Salt provided during the Term pursuant to this Agreement within thirty (30) days of receipt of each invoice.
- G. In the event MDOT SHA does not receive payment of invoices within thirty (30) days of the TOWN's receipt of each invoice, MDOT SHA will notify the TOWN of the overdue payment and provide the TOWN the opportunity to pay such overdue amounts. If payment of the overdue amount is not received within thirty (30) days following notification, MDOT SHA will then notify the TOWN in writing, and the parties hereby agree that MDOT SHA may make a deduction from the TOWN's share of Highway User Revenue equal to the overdue invoice amount(s) or MDOT SHA may refer the overdue amount to the Central Collection Unit, at 300 West Preston Street, Room 500, Baltimore MD 21201-2365 for collection of overdue amount.

VI. GENERAL

- A. The MDOT SHA does not supply Brine, a pretreatment salt-based mixture.
- B. Title VI Assurances. All parties to this Agreement shall comply with the requirements of **APPENDIX A** (2 pages) and **APPENDIX E** (1 page) of MDOT SHA's Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A which generally set forth non-discrimination regulations and other civil rights related regulations. **APPENDIX A** and **APPENDIX E** are attached hereto and incorporated herein as substantive parts of this Agreement. The term "Acts" in Appendix A refers to 49 C.F.R. Part 21 and 28 C.F.R. Section 50.3. The term "Recipient" in Appendix refers to MDOT SHA.
- C. The MDOT SHA and the TOWN agree to cooperate with each other to accomplish the terms and conditions of this Agreement.
- D. The provisions contained in this Agreement shall be binding upon the parties until the earlier to occur of; (i) three (3) years from the date first written above, (ii) thirty (30) days after written notice has been given by either party to the other that they elect to no longer be bound by the terms and conditions of this Agreement, or (iii) August 31, 2023. However, termination of this Agreement and any

Amendments is contingent on all outstanding invoices being paid by the TOWN to MDOT SHA.

- E. The TOWN shall indemnify, hold harmless and defend, at MDOT SHA's option, the State of Maryland, MDOT SHA and the Maryland Department of Transportation, from and against any and all liabilities, obligations, damages, penalties, claims, costs, charges and expenses, incurred in connection with the loss of life, personal injury and/or property damage arising from or in connection with the activities performed pursuant to this Agreement by the TOWN or its contractors, agents or assigns.
- F. The MDOT SHA shall reserve the right to limit or deny Salt to the TOWN in order to avoid jeopardizing MDOT SHA's snow remediation operations.
- G. This Agreement shall inure to and be binding upon the parties hereto, their agents, successors and assigns.
- H. This Agreement and the rights and liabilities of the parties hereto shall be determined in accordance with Maryland law and in Maryland courts.
- I. The recitals (WHEREAS clauses) at the beginning of this Agreement are incorporated as substantive provisions of this Agreement.
- J. All notices and/or invoices, if to the TOWN, shall be addressed to:

Kyle Snyder
Town Administrator
Town Hall
14211 School Lane
Upper Marlboro, MD 20772
Phone: 301 627-6905
Fax:
E-mail: ksnyder@uppermarlboromd.gov

And if to MDOT SHA:

Ernie Johnson
Resident Maintenance Engineer
Maryland State Highway Administration
6500 S.E. Crain Highway
Upper Marlboro, MD 20870
Phone: 301 952-0555
Fax: 301 952-1657
E-mail: ejohnson1@mdot.maryland.gov

With copies to:

Erica Rigby
District Engineer, D-3

State Highway Administration
9300 Kenilworth Avenue
Greenbelt, MD 20770
Phone: 301 513-7300
Fax: 301-513-7415
Email: erigby@mdot.maryland.gov

And,

MDOT SHA Agreements Team
Office of Procurement and Contract Management
State Highway Administration
707 N. Calvert Street
Mailstop C-405
Baltimore, MD 21202
Phone: (410) 545-5547
E-mail: shaagreementsteam@mdot.maryland.gov

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers on the day and year first above written.

**MARYLAND DEPARTMENT OF
TRANSPORTATION
STATE HIGHWAY ADMINISTRATION**

WITNESS

By: _____ (SEAL)

Andre Futrell
Deputy Administrator for
District Operations

Date

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

RECOMMENDED FOR APPROVAL:

Assistant Attorney General

Ernie Johnson
Resident Maintenance Engineer

William J. Bertrand
Director
Office of Finance

TOWN OF UPPER MARLBORO, MARYLAND
a body corporate and politic

WITNESS

BY: _____ (Seal)
Linda Pennoyer
President, Board of Town Commissioners

Date

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

TOWN Attorney

APPENDIX A OF THE TITLE VI ASSURANCES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such. provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction; the

Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX E OF THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. § 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP 'persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 741 00);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).