

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Board of Town Commissioners

WORK SESSION

April 28, 2020 – 7:00 p.m.

AGENDA

Work Sessions are open to public observation; however, participation is at the discretion of the Board.

This meeting will be conducted via Zoom Video Teleconference. As the Town Hall remains closed to the general public at this time, interested citizens may participate by video: <https://zoom.us/j/92456753769>
Video Meeting ID: 924 5675 3769, or Audio Dial-in only: 929-205-6099.
Participants must sign-in with the Clerk.

Roll Call

Pledge of Allegiance

Business

- 1) Ordinance 2020-03: Personnel System Standards (Board discussion)
- 2) Draft Ordinance 2020-XX: Salary Ordinance (Board discussion)
- 3) Town Business License Program (Board discussion)
- 4) Draft Ordinance 2020-05: Town Operating Budget for FY2021 (Board discussion)
 - General Government
 - Public Safety
 - Public Works
 - Capital Improvement Program (CIP)
- 5) RFP #UM 2020-04 Accounting Firms/submissions (Board discussion)
- 6) Resolution 2012-12: State of Local Emergency Declaration/extension (Board vote)
- 7) Petition for Judicial Review/OMES (Board discussion)
- 8) General Commissioner & Administrative Staff items:

Closed Session (Board vote)

Under General Provisions Article 3-305(b)(1): To discuss . . . any other personnel matter that affects one or more specific individuals; and Article 3-305(b)(8): To consult with staff, consultants, or other individuals about pending or potential litigation.

Business

Board discussion on personnel-related matters, and, consultation with Legal Counsel on pending litigation.

Closed Session statement will be delivered at next Regular Town Meeting on May 12, 2020.

Adjournment

All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217

Kai Bernal-LeClaire
Commissioner/Treasurer

Wanda Leonard
Commissioner

Linda Pennoyer
Commissioner/President

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

ORDINANCE: 2020-03
SESSION: Regular Town Meeting
INTRODUCED: March 10, 2020
DATE ENACTED: _____

**AN ORDINANCE TO ESTABLISH A PERSONNEL SYSTEM WITH CERTAIN GUIDELINES,
PAYGRADES, STANDARDS AND PROCEDURES FOR THE EMPLOYEES OF THE TOWN
OF UPPER MARLBORO.**

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; and

WHEREAS, Section 82–60 of the Town Charter (Compensation of Employees) states that the compensation of all officers and employees of the Town shall be set from time to time by an ordinance; and

WHEREAS, Section 82-15(b) of the Town Charter states the President, with the approval of the Board, shall appoint the heads of all offices, departments, and agencies of the Town government as established by this Charter or by ordinance, and all office, department, and agency heads shall serve at the pleasure of the President, and all subordinate officers and employees of the offices, departments, and agencies of the town government shall be appointed and removed by the president, in accordance with rules and regulations in any merit system which may be adopted by the Board; and

WHEREAS, the Board finds that a merit system is a personnel system created “...to secure the appointment of persons, after examination, suitable and qualified for the positions or offices to which they are applicants, and, second, when after appointment, their efficiency and worth are shown to exist, to place their removal beyond the control of the appointing power, who might, for political, ..., or other insufficient reasons, be disposed to remove them, and to appoint unsuitable and inefficient persons as their successors to the injury and detriment of the public...” *Lilly v. Jones*, 158 Md. 260, 148 A. 434 (1930).

Section 1. Declaration of Policy

- A. This personnel or merit system is established for all present and future employees of the Town, and shall provide the means to recruit, select, develop, advance, and maintain an effective and responsive work force on the basis of relative ability, knowledge requirements of the citizens of the Town.
- B. All personnel actions shall be taken without regard to race, sex, religion, national origin, or political affiliation and shall be based on merit and performance.

Section 2. Scope and Intent

- A. The classifications, definitions, policies and procedures outlined in this ordinance apply to all regular Town staff positions. Regular Town staff positions include all Town positions, including offices, except the following: elected officials, independent contractors, persons employed on projects of limited duration, unpaid volunteers (including interns and Town committee members), or other persons appointed to serve without pay.
- B. All employees who have served less than six (6) months, and all new employees of the Town except police, will serve a probationary period of six (6) months. Police employees will serve a probationary period of one year. The probationary period may be extended for cause by the Town.
- C. This Ordinance shall be read in conjunction with any employee handbook as duly approved by the Board, and this Ordinance shall control or supersede any conflicting provision in said handbook.
- D. Unless a valid employment contract approved unanimously by the full Board states otherwise, nothing in this Ordinance shall be deemed to modify or alter the Town's at-will employment relationship with any employee.

Section 3. Regular Town Staff Positions

The annual operating budget shall fund the offices and positions listed below. No other regular Town staff positions or offices may be included or authorized in the annual operating budget unless approved within the budget ordinance or an amendment thereto or by an amendment to this Ordinance. In addition to the Town Charter and any previously enacted ordinances in effect, the supervisory positions and named departments or heads thereof enumerated below are considered to be created and duly authorized by law or otherwise ratified by this Ordinance as existing in conformance with Subsection 82-15(b) of the Town Charter. The paygrades referenced in this Section are further described in Section 7, below.

- A. Positions within the Town General Government Department:
 - Chief of Staff (Supervisory) (Paygrade 6-7)
 - Director of Finance & Human Resources (Paygrade 5-6)
 - Town Clerk (Supervisory) (Paygrade 4-6)
 - Deputy Town Clerk (Paygrade 1-3)
- B. Positions within the Town's Public Safety Department:
 - Chief of Police (Supervisory) (Paygrade 6-8)
 - Sergeant (Paygrade 4-6)
 - Corporal (Paygrade 3-5)
 - Three (3) Patrol Officers (Paygrade 2-4)
 - Code Enforcement Officer (Paygrade 1-3)
 - Police Clerk (Paygrade 1-3)
- C. Positions within the Town's Public Works Department:
 - Superintendent of Public Works (Supervisory) (Paygrade 3-5)
 - Three (3) Crewmembers (Paygrade 1-3)

Section 4. Hiring of Town Employees

- A. **Positions Requiring Board Approval:** Hiring for any regular Town staff position that entails the head of any office, department, or agency of the Town government as established by the Charter or by ordinance requires approval by majority vote of the Board of Commissioners, as required by the Charter. The President shall give the Board notice of the hiring of any non-regular position as listed in Section 2.A at least one week prior to the start date of the non-regular employee.
- B. **The process for hiring regular Town staff positions that does not include the head of any office, department, or agency of the Town government is as follows:**
- (1) Any opening for a regular Town Staff position should be advertised for at least thirty (30) days on a publicly accessible job-posting website, the Town website, and all Town social media sites. The position advertisement must include, at a minimum, the education and experience requirements for the position, the major responsibilities for the position as outlined in the Position Description, the salary range for the position, required documents to be submitted for an application, and the closing date for applications. All applications must be reviewed and ranked by at least the cognizant department head and one Commissioner (or at least a Commissioner and the President in the case of a department-head position). Rankings shall be made without regard to race, sex, religion, national origin, or political affiliation
 - (2) If no applications meet the minimum education and experience requirements for the position, the position must be re-advertised for at least fourteen (14) days. If three or more applicants meet the education and experience requirements for the position, then at least the top three qualified applicants must be interviewed within thirty (30) days of the closing of the position advertisement. If less than three (3) applicants meet the education and experience requirements, then all qualified applicants should be interviewed. Interviews must be conducted by at least one Commissioner the cognizant department head.
 - (3) After conducting interviews, the interviewers must select an interviewee within 30 days of the last interview. Once the individual selected has been notified of selection and accepted the position, the Director of Finance & Human Resources will verify any educational requirements by promptly obtaining an official transcript directly from the educational institution. The Director of Finance & Human Resources must also ensure that all selected candidates undergo criminal background checks and drug screening procedures prior to starting employment.

Section 5. Political Activities

- A. No regular Town staff employee shall hold an elected office or more than one (1) appointed office; however, nothing herein shall prevent an officer from holding an *ex officio* office or position.
- B. No official or employee of the Town shall solicit any contributions or service for any political purpose from any Town employee.

- C. Nothing herein contained shall affect the right of any employee to hold membership in the support of political party, to vote as he/she chooses, to express himself publicly or privately on all political subjects and candidates, to maintain political neutrality, and to actively participate in political meetings. Such activities must be engaged in as a private citizen and on the employee's own time.

Section 6. Unlawful Acts

- A. No person shall make any false statements with regard to any test, certification, or appointment made under any provisions of this Ordinance, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Ordinance and policies.
- B. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment under this Ordinance, or furnish to any person any special privileged information for the purpose of affecting the rights or prospects of any person with respect to employment with the Town.

Section 7. Compensation.

- A. The Board of Commissioners shall set the compensation of all regular Town staff positions via the annual budget ordinance in enacted in conjunction with the annual operating budget, in accordance with the pay chart below. The pay chart should be published in conjunction with the annual budget. The chart includes eight (8) paygrades, with ten (10) steps in each grade. The base pay for each paygrade must be least 10% higher than next lowest paygrade. Part-time employees will be paid by the hour, at an hourly rate (1/5000) of the annual rate, as a full-time employee with the same position. Part-time employees will have the same minimum and maximum salaries (and same eligibility for step increases) as their full-time counterparts for computing their hourly rate.
- B. Employees increase by one step after completing a period of satisfactory service (in a particular grade and step) with the Town as follows: Increasing one step after one year of satisfactory service for steps 2 through 4, increasing one step after two years of satisfactory service for steps 5 through 7, and increasing one step after 3 years of satisfactory service from steps 8 through 10. Thus, an employee would take 18 total years to move from step 1 to step 10 within a paygrade. Employees may increase in grade (for positions that have multiple paygrades) after 2 years of satisfactory service. They will be placed in the higher pay grade at one step lower than their step in their current paygrade (For example, an employee in paygrade 5 step 3 would be placed in paygrade 6 step 2).

Paygrade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step10
1	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
2	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
3	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
4	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%

5	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
6	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
7	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
8	base	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%

C. Town employees shall receive compensation as outlined above in this Section, and any other financial compensation including a pay increase, bonus, or incentive pay must be approved by a majority of the Board of Commissioners as appropriated in the annual budget ordinance and approved by the detailed budget document.

Section 8. Penalties

Violation of any provision of this Ordinance may result in disciplinary action on the part of the Board of Commissioners up to and including dismissal.

Section 9. Town Employee Handbook

The Board of Commissioners shall set further personnel policies and procedures through approval of the Town Employee Handbook. The handbook shall be reviewed annually and updated at least every three (3) years by Resolution.

Section 10. Position Descriptions and Organization Chart

The Board of Commissioners shall set, by Ordinance or written resolution, position descriptions for all regular town staff that include major duties, minimum education and experience requirements, minimum and maximum pay in accordance with Section 7, as well as, the organizational chain(s) of reporting and responsibilities, including supervisory and/or oversight responsibilities, for each position by separate Ordinance or written resolution adopted from time to time.

Section 11. Severability

Should any part of this Ordinance be held invalid, all remaining parts shall remain in effect.

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 a fair summary of it shall be published once in a newspaper of general circulation in the Town and effective 20 days after passage by the Board.

AYES: _____

NAYES: _____

ABSENT: _____

INTRODUCED in a public session of the Board of Commissioners on this _____ day of _____, 2020.

ORDAINED, APPROVED AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this _____ day of _____, 2020, by:

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Linda Pennoyer, President

Wanda M. Leonard, Commissioner

M. David Williams, Town Clerk

Kai Bernal-LeClaire, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____



Town of Upper Marlboro

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Upper Marlboro, MD 20772

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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Chief of Staff
Date: Friday April 24th, 2020
Re: Town Salary Ordinance Memo

Dear Commissioners,

The Board introduced Ordinance 2020-03 Town Personnel System, which would provide oversight and structure to the Town’s personnel management, hiring, and compensation processes. While Ordinance 2020-03 sets the Paygrades and Steps, the Board must also pass an Ordinance that sets the salaries and step bases. Below is a staff-recommended base steps for the Board to consider. Based on the discussion at the April 28th, 2020 Board Work Session, staff will draft the salary ordinance for introduction at the May 12th, 2020 Town Meeting.

Paygrade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step10
1	20,000	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
2	30,000	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
3	40,000	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
4	50,000	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
5	60,000	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
6	70,000	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
7	80,000	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%
8	90,000	base +3%	base +6%	base +9%	base +12%	base +15%	base +18%	base +21%	base +24%	base +27%

In the meantime, please let me or Director of Finance William Morgan know of any questions or concerns you may have.

Kyle Snyder
Chief of Staff

Kai Bernal-LeClaire
Commissioner/Treasurer

Wanda Leonard
Commissioner

Linda Pennoyer
Commissioner/President

**Town of Upper Marlboro
FY2020 Condensed Budget
July 2020 - June 2021**

Income

Revenue

Fines, Licenses & Permits

6154 Franchise Fee	\$	12,500.00
6280 Trader's License Fees	\$	1,000.00
6350 Permits/Rentals	\$	15,500.00
6355 Parking Meters	\$	375,000.00
6381 Parking Fines/Penalties	\$	25,000.00
6550 Pub/Edu/Govt Broadcasting	\$	5,000.00
Total Fines, Licenses, Permits	\$	434,000.00

Grants

6530 Grants

6530.2020-01 FIP	\$	50,000.00
6530.2020-02 Conservation Energy Grant	\$	25,000.00
6530.2020-03 State Police Aid	\$	17,317.00
6530.2020-04 Community Open Space Grant	\$	100,000.00
Total 6530 Grants	\$	192,317.00

Intergovernmental

6240 Financial Corporation Tax	\$	9,145.00
6260 Highway User Fee	\$	31,106.00
6310 Disposal Fee Rebate	\$	2,000.00
Total Intergovernmental	\$	42,251.00

Other

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

Taxes

6100 Real Estate Taxes	\$	305,000.00
6101 Personal Property Taxes	\$	407,000.00
6230 Income Taxes	\$	206,179.00
Total Taxes	\$	918,179.00

Total Revenue	\$	1,685,249.00
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Capital Improvement

9000 Capital Improvement	
9000.2020-01 State Bond Bill	\$ 175,000.00
9000.2020-02 Transfer of Reserve	\$ 286,412.00
Total Capital Improvement	\$ 461,412.00
Total Income	\$ 2,146,661.00
Expenses	
8000 General Government	
8030 Salaries - Commissioners	\$ 3,600.00
8035 Salaries	\$ 273,455.00
8073 Accounting	\$ 50,000.00
8074 Audit	\$ 12,000.00
8075 Payroll Processing	\$ 4,000.00
8077 Public Notices	\$ 2,500.00
8080 Bank Charges	\$ 15,000.00
8086 Staff Development & Training	\$ 5,000.00
8090 Postage	\$ 1,200.00
8092 Printing	\$ 7,500.00
8095 Community Events & Receptions	\$ 13,000.00
8110 Legal	\$ 50,000.00
8115 Computer Software & Support	\$ 8,200.00
8120 Insurance	\$ 15,000.00
8130 Supplies	\$ 5,800.00
8131 Ofc Equipment R&M	\$ 1,300.00
8160 Telephone	\$ 7,400.00
8165 Utilities	\$ 21,400.00
8175 Public Property Maintenance	\$ 7,750.00
8180 Grants & Awards	
8180.01 FIP	\$ 50,000.00
8180.02 Park Conservation Grant	\$ 25,000.00
8180.03 Community Open Space Grant	\$ 100,000.00
Total 8180 Grants & Awards	\$ 175,000.00
8185 Historical Committee	\$ 1,500.00
8191 CERT	\$ 1,500.00
8200 Other	\$ 1,000.00
8205 Consulting Fees	\$ 46,000.00
8210 Payroll Tax Expenses	\$ 80,100.00
9001 Capital Improvement	
9000.01 Town Hall Upgrades	\$ -
9000.02 Match Monies	\$ 130,000.00

9000.2020-01 Parcel Acquisition	\$	30,000.00
9000.2020-02 Construction & Maintenance	\$	145,000.00
9000.05 Annexation	\$	30,000.00
Total 8230 Capital Improvement	\$	335,000.00
Total 8000 General Government	\$	1,150,005.00

8250 Public Safety

8260 Salaries	\$	404,000.00
8261 Overtime	\$	6,000.00
8273 Uniforms	\$	2,500.00
8274 Weapons & Duty Equipment	\$	2,950.00
8275 Staff Training	\$	750.00
8277 Substance Testing/Pre Employment	\$	1,000.00
8280 Supplies	\$	2,200.00
8281 Association Dues	\$	750.00
8282 PS Insurance	\$	3,000.00
8290 Payroll Tax Expenses	\$	58,550.00
8300 Vehicle Repairs	\$	7,000.00
8301 Vehicle Maintenance	\$	8,000.00
8302 Vehicle Fuel	\$	10,000.00
8320 Other	\$	2,000.00

8330 Capital Improvement

8330.01 Technology	\$	-
8330.02 Vehicles	\$	-
8330.03 Debt Service (FY2020)	\$	33,000.00
Total 8330 Capital Improvement	\$	33,000.00

Total 8250 Public Safety	\$	541,700.00
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8350 Public Works

8360 Salaries	\$	175,120.00
8361 Overtime	\$	4,000.00
8370 Payroll Tax Expenses	\$	56,900.00
8375 Uniforms	\$	750.00
8377 Dues	\$	250.00
8380 Other	\$	750.00
8383 PW Insurance	\$	6,500.00
8390 Streets Maintenance	\$	4,000.00
8391 Weather Related Expenses	\$	2,500.00

8400 Highway Lighting	\$	25,000.00
8405 Vehicle Repairs	\$	2,500.00
8410 Vehicle Maintenance	\$	2,500.00
8415 Vehicle Fuel	\$	5,000.00
8487 Substance Testing	\$	150.00
8490 Utilities	\$	3,500.00
8491 PWF-Maint/Repairs/Beautificatio	\$	18,000.00
8493 Portajohn	\$	1,200.00
8545 Sanitation	\$	56,336.00
8550 Capital Improvement		
8550.01 Annexation Upgrades	\$	50,000.00
8550.02 Seasonal Upgrades	\$	15,000.00
8550.03 Energy Conservation	\$	25,000.00
Total 8550 Capital Improvement	\$	90,000.00
Total 8350 Public Works	\$	454,956.00
Total Expenses	\$	2,146,661.00
Net Operating Income	\$	-



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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Chief of Staff
Date: Friday April 24th, 2020
Re: RFP 2020-04 Town Accounting Services

Dear Commissioners,

The Board approved Town RFP 2020-04 Town Accounting Services at the March 24th, 2020 Board Worksession. Since then the Town has successfully advertised the RFP on the Town's website, as well as the Maryland Municipal League's site, and obtained a total of 5 companies who have submitted proposals to the Town.

The Town's Director of Finance William Morgan will review the proposals with the Board at the April Board Worksession. The Board is scheduled to vote/approve a firm at the May 12th, 2020, Regular Town Meeting. Below are the firms that have submitted proposals:

- Weyrich, Cronin & Sorra LLC of Hunt Valley, Maryland.
- Ijaz & Associates of Tysons, Virginia.
- Dickey & Associates LLC of Largo, Maryland.
- C. Brown & Associates of Upper Marlboro, Maryland.
- Alta CPA Groupe of Annapolis, Maryland

Copies of the proposals are included with this memo for discussion at the April Board Worksession. Mr. Morgan will be emailing an additional document prior to the meeting with a breakdown between the firms. Please let us know if you have any questions or concerns in the meantime,

Kyle Snyder
Chief of Staff

Kai Bernal-LeClaire
Commissioner/Treasurer

Wanda Leonard
Commissioner

Linda Pennoyer
Commissioner/President

The Town of Upper Marlboro

RESOLUTION: 2020-12
SESSION: Regular Town Meeting
DATED: April 28, 2020

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO EXTENDING THE LOCAL STATE OF EMERGENCY INITIALLY ISSUED ON MARCH 25TH, 2020.

WHEREAS, on March 5, 2020, Maryland Governor Larry Hogan initially declared a state of emergency in response to concerns about the novel Coronavirus (COVID-19); and

WHEREAS, in accordance with the Md. Code Ann., Public Safety Art., Section 14-111, a local State of Emergency may be declared by the principal executive officer of a political subdivision; and

WHEREAS, in accordance with Emergency Ordinance 2020-04 (Emergency Operations), the President of the Town may declare a Local State of Emergency for a 30-day period; and

WHEREAS, an initial Emergency Declaration was declared by the President on March 25th, 2020 and was extended by a second declaration issued on or about April 24, 2020 for the period of April 25th, 2020 through June 5th, 2020.

WHEREAS, the Town Board of Commissioners agrees with the Mayor’s actions and finds the threat remains, and it is set to approve or ratify the extension of the declaration at the next regular meeting of the Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this _____ day of _____, 2020, 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 which shall extend from April 25th, 2020 through June 5th, 2020 for a period of 41 additional days, unless terminated or modified earlier.

ATTEST:

THE TOWN OF UPPER MARLBORO

Clerk

Linda Pennoyer, President

Date: _____

Wanda M. Leonard, Commissioner

Kai Bernal-LeClaire, 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



Town of Upper Marlboro

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THE TOWN OF UPPER MARLBORO, MARYLAND **DECLARATION OF A LOCAL STATE OF EMERGENCY**

WHEREAS, on March 5, 2020, Maryland Governor Larry Hogan initially declared a state of emergency in response to concerns about the novel Coronavirus (COVID-19); and

WHEREAS, in accordance with the Md. Code Ann., Public Safety Art., Section 14-111, a local State of Emergency may be declared by the principal executive officer of a political subdivision; and

WHEREAS, in accordance with Emergency Ordinance 2020-04 (Emergency Operations), the President of the Town may declare a Local State of Emergency for a 30-day period; and

WHEREAS, an initial Emergency Declaration was declared on March 25th, 2020, and the Town finds the threat remains, with the Board of Town Commissioners set to approve the extension of the declaration at the April 28th Board Work session; and

WHEREAS, the President does hereby find that it is in the best interest of public safety and the protection of property that the exercise of certain rights be temporarily limited and that the conditions of this Order is designed to provide the least necessary restriction on those rights; and

NOW THEREFORE, be it resolved that on this 24th day of April 2020, President Linda Pennoyer of the Board of Commissioners for the Town of Upper Marlboro, hereby declares:

1. As of 5:00 p.m. a State of Local Emergency exists within the boundaries of the Town of Upper Marlboro as a result of ongoing concerns about the possible spread of the Coronavirus (COVID19) existing on April 24, 2020.
2. The State of Local Emergency shall extend from April 25th, 2020 through June 5th, 2020 for a period of 41 additional days, unless terminated earlier.
3. All Town-owned buildings and facilities are closed to the public until the cancellation of this State of Local Emergency, and all non-essential Town employees shall telework and not report in-person to work.
4. All Town Parking meters shall be free of charge until the cancellation of this State of Local Emergency.
5. During this State of Local Emergency, the President and Board of Town Commissioners shared responsibilities include but are not limited to taking actions authorized by the Town Charter or Ordinances, or otherwise as needed to protect the public's health, safety, and welfare.

ATTEST:

THE TOWN OF UPPER MARLBORO

M. David Williams, Town Clerk

Linda Pennoyer, President

Date: _____

Kai Bernal-LeClaire
Commissioner/Treasurer

Wanda Leonard
Commissioner

Linda Pennoyer
Commissioner/President



Town of Upper Marlboro

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-DRAFT- COVID-19 Response Policy/Directive

Effective Monday April 27th, 2020

This policy is to govern the Town of Upper Marlboro's internal response to the COVID-19 pandemic to safeguard the Town's employees and elected officials. Chief of Staff Kyle Snyder shall coordinate the Town's response and preparation to this pandemic, and work closely with Department heads and elected officials to ensure the Town staff is protected. The below actions are being taken following the CDC and OSHA guidelines. Any staff or elected officials with concerns regarding the Town's COVID-19 response are free to contact the President or Chief of Staff directly at any time.

Part 1- Self-Health Screening:

The Town has set up two self-health screening stations, one at Town Hall and one at Public Works. All staff, commissioners, and visitors are required to complete a Self-Health Screening upon reporting and leaving work at Town facilities each day. Any indications of a fever, coughing, or shortness of breath, and the employee should not proceed further into the facility, return to their vehicle, and contact their supervisor immediately for further direction.

Required Screening: The screening consists of taking temperature via an infrared forehead/ear thermometer upon reporting and leaving work, as well as checking box if you are having coughing or shortness of breath. Please wipe down the equipment with provided alcohol prep wipes after use.

Optional Screening: The Town will also have a wrist blood pressure cuff and a finger pulse Oximeter to measure blood-oxygen levels for staff and commissioners to use at the screening stations if they wish. These vitals do not have to be recorded. Please wipe down the equipment with provided alcohol prep wipes after use.

Employees who are screened at one location do not have to re-screened upon entering another facility (Ex. Public Works employees who screened themselves at Public Works do not have to re-screen themselves upon entering Town Hall that same day).

The logs will be reviewed regularly by the Chief of Staff (MD EMT-B Certification). Department heads are charged with ensuring their staff follows the procedure. Failure to complete log, or falsifying information, endangers your coworkers and will be handled as "Falsification of Town Records" violation under the Employee Handbook, an "Unacceptable Violation".

Part 2- Social Distancing

Social distancing means avoiding large gatherings and maintaining distance (approximately 6 feet or 2 meters) from others when possible. Strategies that the Town and its Department heads are encouraged to use include:

- Implementing flexible worksites (e.g., telework)
- Implementing flexible work hours (e.g., staggered shifts)

- Increasing physical space between staff at the worksite
- Increasing physical space between staff & residents (phone calls & emails vs in-person)
- Implementing flexible meeting and travel options (e.g., postpone non-essential meetings or events)
- Delivering services remotely (e.g., phone, video, or web)

Part 3- Town Vehicle Usage:

No more than one Town staff member should be in the same Town-owned vehicle at the same time to prevent possible exposures. If multiple employees do need to ride together, all passengers are required to wear masks, and weather depending, windows should be down to circulate fresh air. All Town-owned vehicles shall be cleaned every week and kept tidy and neat at all times.

Part 4- Personal Protective Equipment:

The Town is constantly working to acquire and ensure an adequate stock of PPE for the staff and commissioners, including surgical masks, gloves, face shields, hand sanitizer, N95 masks. The staff that needs PPE can go through their Department heads.

Town staff, elected officials, and visitors must wear a mask when inside Town facilities, and when interacting in close proximity to each other/residents.

Refuse Collection: Public Works staff shall use additional PPE such as puncture-resistant gloves and face and eye protection, to prevent worker exposure to the waste streams (or types of wastes), including any contaminants in the materials, they manage. Such measures can help protect crew members from sharps and other items that can cause injuries or exposures to infectious materials. This is a OSHA standard.

Part 5- Cleaning and Disinfectant:

Town Hall is cleaned every week by a contract cleaning company. This cleaning involves wiping down all surfaces with disinfectant, as well as other routine cleanings. Staff is encouraged to wipe down their work areas with provided disinfectants before leaving if/when they report to work. An outside company will be brought in as needed to “deep clean” Town facilities. Anti-bacterial soap, and handwashing guidelines, are provided at all Town handwashing stations.

Part 6- Exposure/Positive Test Action Plan:

Town Staff who appear to have symptoms (i.e., fever, cough, or shortness of breath) upon arrival at work or who become sick during the day should immediately be separated from other staff and visitors and sent home. Town staff shall go through their medical provider/primary care physician to test for COVID-19 if necessary. Should an employee test positive, they need to notify their supervisor immediately, and the following steps will take place:

- The Chief of Staff, Department head, and the Director of Human Resources utilize the Self-Health screening log to determine days the employee reported to work, and ask the employee which coworkers they have been in “close contact” with within the prior two weeks. The CDC defines “close contact” as “a person that has been within six feet of the infected employee for a prolonged period of time.” The Town shall cooperate with State and County contact tracers as necessary.

- An additional 80 hours (two weeks) of sick leave shall be granted to the employee to be used for COVID-19 usage. This is addition to the employee’s regularly accrued sick leave, and can only be used for COVID-19 related illness.
- As time permits, test documentation, and a doctor’s note shall be provided to the Director of Human resources.
- The Chief of Staff shall coordinate with the Director of Human Resources to inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).
- The Chief of Staff shall coordinate with the Superintendent of Public Works to schedule a “deep cleaning” of Town Hall, Public Works, and all vehicles as soon as possible.
- Should Public Works employees be affected, the Town may suspend Bulk Trash & Yard Waste collection for a period of two weeks if staffing shortages.
- Should the Police Department be affected, the Chief of Police shall coordinate as needed with the County police to ensure proper coverage of the Town.
- The President shall have the ultimate decision regarding any actions taken by the Town.

Please direct questions or comments to ksnyder@UpperMarlboroMD.gov or 301-609-0447.

Linda Pennoyer
President, Board of Town Commissioners
The Town of Upper Marlboro