



KENSINGTON AROUND TOWN JOURNAL

Date of Publication: **November 2010**

3710 Mitchell Street Kensington, MD 20895 Office: 301.949.2424 www.tok.md.gov

Kensington To Contract Solid Waste Removal January 2011



The Town Council voted in favor of contracting its solid waste removal at the November 1st Council Meeting. The Town has been discussing the option of contracting for a number of years, and decided to review the internal operational costs and advertise for bids.

Upon receiving the bids, the Town determined that it could save an estimated \$83,000 a year by contracting all of its solid waste removal. The majority of the money will be saved from vehicle maintenance, fuel charges and transferring many of the landscaping and beautification projects that are currently contracted to the Town's Crew. The contract was awarded to Unity Disposal. The Council thanks Town Manager Daily and the Staff for their excellent analysis of all options.

There has been much concern regarding the Crew and their job stability; however, the Town has no interest or plans to dissolve Public Works or downsize the Crew from its current standing. Mr. Daily and Council strongly believe we can fluently move the Town Crew back into projects they use to be responsible for and improve the Town's services.

The idea behind contracting out our solid waste removal is to allow Kensington to reorganize our personnel, while achieving greater financial flexibility. The Town will continue to provide the same services you have come to expect; and by reorganizing and changing staff responsibilities, we will save a significant amount of money. We remind residents that with the outsourcing of trash, your services will remain the same. Please be aware that with any change, there is always a period of adjustment. The Town asks that residents be patient the first few weeks while Unity gets to know Kensington.

A Resolution was also approved for the purchase of new 65-Gallon, wheel-based, recycling containers to replace the current blue bins. The Town decided to use some of the overall savings to purchase each single-family home a larger container for their recyclables. The new recycling containers will be similar to those that other municipalities use. Recycling will continue to be commingled, meaning all of your paper, cardboard and plastics may continue to be put in one container. The Town expects to deliver the new containers around the 1st of the new year.



Updates from Mayor Fosselman

- The new roof screening for **Safeway's** mechanical equipment is complete.
- Phase 1 of the improvements to **Montgomery Avenue and Kensington Parkway intersection** are almost final; the brick crosswalk should be installed soon.
- **Sign enforcement** continues as several businesses have been cited for illegal banners and non-conforming signs.
- **Recycling and trash service** changes will take place in January; the Town Crew's responsibilities will shift from waste disposal to landscape maintenance and other services currently contracted.
- The Council passed a resolution urging the County to focus on the stormwater and flooding issues of **Silver Creek**; a letter will be sent to the County Executive and Council.
- The **Konterra Group** approached the Town with a residential concept for the remaining portion of their property north of the train station; it was suggested they reach out to the community (Nov. 15th meeting) before coming to the Town Council for a courtesy review.
- Sunday December 5th at 5:30pm will be the **annual tree and menorah lighting** at the Town Hall; cookies, cider, live music and Santa will be on hand; in addition, the local **Antique Row businesses will be open** that evening for holiday shopping; prior to the lighting, a **Red Cross blood drive** will be taking place all day at the Town Hall.
- Don't forget to patronize the **Farmer's Market**; in addition to several new vendors, the Market now includes area **wineries** and sample tastings.
- The **Costco** slated for Wheaton is moving forward with intentions to construct at the Westfield Shopping Center; the store and gas station (if submitted) will be separate applications and will follow the County approval process; County Executive Leggett has sent the Town a letter reiterating the County's commitment to stormwater management issues.
- A **Design Guidelines** meeting was held on November 3rd with over 75 Kensingtonians in attendance; County Council and Planning Board Staff were on hand as a PowerPoint presentation was viewed giving the history of the Sector Plan, current status, photo examples of blight in Town, and cases of other areas having experienced successful revitalization; a question and answer period followed.
- On November 8th, the Town Council passed a **resolution supporting the Sector Plan's zoning amendments** (CR Zone); discussions began in May and included a County Council PHED meeting, two Planning Board meetings, three Town Revitalization Committee meetings, and two Town Council meetings; the next step will be a transmittal of the amendments from the Planning Board to the County Council.
- A resolution (and revision to the resolution) to **lower the heights** of several properties along the south side of Knowles and west side Connecticut Avenues was tabled by the Council until Members have an opportunity to visit the sites; an owner of one particular parcel requested the height of his property remain at 75 feet; the Council will take action on November 29th.
- We have several **new Residents** in Town, so please welcome them to Kensington; each receives an information package from the Town.
- **Have a happy and safe Thanksgiving!**

WWW.EXPLOREKENSINGTON.COM

Ethics Committee

On October 2, 2010, Mayor Fosselman, on his own behalf and that of Councilmember Mary Donatelli, requested an advisory opinion from the Ethics Committee with respect to their participation in discussions of the Kensington Sector Plan and the proposed CR Zone for the commercial area. The mayor's ownership of commercial property was disclosed in November of 2009, published in a subsequent Town Newsletter, and notice was given at a Planning Board meeting. The response of the Ethics Committee follows:

Dear Mr. Fosselman:

Thank you for your letter dated October 2, 2010 sent on behalf of yourself and Council Member Donatelli.

In your letter, you have requested an advisory opinion under section 2-305 of the Town of Kensington code regarding your participation in the public discussion of the Sector Plan and, in particular, the CR Zone. You have noted that in November 2009, you acquired partial ownership of the commercial property located at 10417 Armory Avenue and that Council Member Donatelli also purchased commercial property more recently and that both properties are located in areas of Town currently proposed to be rezoned from C-2 to CR2.0 (the "CR Zone").

Your question specifically is "is it still appropriate for me to participate at Council meetings, or other public discussions, about the Sector Plan, and specifically the zoning change, while also owning this property, or must I abstain?"

As the Ethics Committee, we are authorized to issue advisory opinions of this type under section 2-304 (c)(2) of the Town of Kensington code. Prior to responding to your request we have carefully reviewed section 2-305 of the Town of Kensington code with respect to conflicts of interest.

In particular, the Ethics Committee has focused on whether participation by you and / or Council Member Donatelli in any discussions involving the Sector Plan or the CR zone could result in a direct financial impact on you, your immediate family, or business entity with which you are employed or in which you have a direct financial interest.

Having reviewed your letter in conjunction with this focus, we have reached an opinion with respect to your request.

It is our opinion that you and Council Member Donatelli may continue to participate in overall discussions of the Sector Plan, including convening meetings and performing routine duties on behalf of the Town of Kensington in this regard, but that you should both refrain from participating in any and all discussions pertaining to the CR Zone and related amendments. Once the Town of Kensington Council has reached and voted on its official position on the CR Zone, you and Council Member Donatelli may represent the official position to other government bodies, including, but not limited to, Park & Planning and the County Council. We remind you and Council Member Donatelli that you are only authorized to represent the Town's officially adopted position regarding the CR Zone and amendments, and must refrain from offering or giving any personal opinions on this matter. Additionally, you and Council Member Donatelli should refrain from discussing, offering, or advising on any issues that have not been adopted by the Town Council regarding the CR Zone.

We appreciate the desire by you and Council Member Donatelli to act in conformance with the Ethics Code and for this opportunity to consider this matter and offer our advisory opinion.

Sincerely,

David Beaudet (Ethics Committee Chair)

Cc: Town Attorney

KVFD Brick Drive

The Fire Department's Brick Drive continues . . .

The Kensington Volunteer Fire Department will launch a buy-a-brick campaign to allow citizens to express their families' support for the KVFD 9/11 Memorial as well as to honor or commemorate others. The Memorial is scheduled to begin construction soon, largely through the donation of services by construction businesses in the community. The Memorial, which will be located on the northern side of the department's station at Connecticut and Plyers Mill Road, will feature a 16-foot tall steel beam, burned and twisted, from the point of impact at one of the World Trade Center towers, as well as a section of limestone façade damaged from the 9/11 attack on the Pentagon. The Memorial will commemorate the lives of all citizens, including police, firefighters, and EMS workers, who fell victim to the horrific events of 9/11.

A brick walkway will surround these pieces, creating a simple but dramatic Memorial to all those who lost their lives in the terrorist attack on September 11, 2001. Members of the community will be able to purchase standard-sized bricks (4"x8") and personalize them with an engraved inscription of up to 3 lines. The engraved bricks will be available through KVFD at \$100 each, engraved and installed.

During the construction phase of the project, citizens will have the opportunity to order engraved bricks using an easy and secure online ordering process which will be available soon at www.kvfd.org. Funds raised through the buy-a-brick campaign will be used to offset costs associated with the Memorial, and to enable KVFD donation to charitable groups devoted to assisting the families of 9-11 victims, with any excess being considered for new emergency service apparatus for volunteer service to the community.

Along with the "Flight 93" Memorial rose garden on the south side of the same station, KVFD will be one of the very few places in the nation commemorating all three national tragedies of 9/11 – the World Trade Center, the Pentagon, and Flight 93, which crashed in Pennsylvania.



Leafing Schedule

The Town will be repeating its leafing schedule beginning Monday, November 15. Please have your leaves ready prior to the Monday of your respective starting date.

NORTH: will begin Monday, November 15th, north of the railroad tracks and east of Connecticut Avenue.

SOUTH: will begin Monday, November 22nd, south of the railroad tracks and east of Connecticut Avenue.

WEST: will begin on Monday, November 29th, west of Connecticut Avenue.

If you choose to collect your leaves, please do not place them in plastic bags. Bag them in reusable containers or paper lawn bags. The Town Crew will collect bagged leaves during its regular brush collection.

Sept. 27, 2010 Council Meeting Summary:

- Approved the minutes of September 13, 2010
- MNCPPC presented plans for Kensington Cabin Park
- Discussed criteria to be used in the bill for Off-Sale Beer and Wine
- Approved Resolution R-23-2010 to support reinstatement of State Shared Revenue or More Diverse Revenue Raising Authority

A recording of the Council Meeting can be found here: <http://www.tok.md.gov/c/387/>

A full text of the minutes can be found here: <http://www.tok.md.gov/e/431>

Oct. 11, 2010 Council Meeting Summary:

- Approved the minutes of September 27, 2010
- Discussed Outsourcing Trash Removal and Recycling
- Approved Resolution R-24-2010 Updating the Schedule of Fees
- Approved Resolution R-25-2010 for Additional Funding to the Street Resurfacing Contract for Kent Street

Oct. 11, 2010 Minutes 7:05 p.m.

Mayor Fosselman, Council Members Barch, McMullen and Sullivan, Town Manager Daily, and Asst. to the Town Manager Hoffman were present. Council Member Donatelli was necessarily absent. The Pledge of Allegiance was recited and a Moment of Silence observed for Mary Donatelli's father who is ill and for the suicide victim and their family.

Outsourcing trash was discussed. The Mayor noted the following background information: a survey was done two years ago and the response was approximately divided in half; in July the Town Manager gave a report of in house costs and projected outsourcing costs, the Council requested bids to verify the costs; Residents

at prior meetings and emails have said they want to keep the Town crew employed; economic times have changed, Highway User Revenue has been significantly reduced the past two years and savings can be realized by outsourcing; the Town Crew needs to be graduated into other duties not as physically demanding; no decisions will be made tonight; and the topic will be discussed again at another upcoming meeting.

Town Manager Daily presented a review of the five bids received for trash and recycling which would result in a cost savings of approximately \$250,000 over three years; he is still waiting for bids on single stream recycling (commingled) which were not received originally from all the bidders. He stated the three crew members would be kept; and the crew would still do leaf pick up, snow removal, mowing, and have more time available for park maintenance and other areas currently contracted out. He also stated in response to Council questions there are currently two crew members driving the trash trucks with temporary labor used on the back of the truck (due to a crew member's medical leave); there would be enough work for the crew without trash removal; he would have to evaluate whether with the savings another crew member could be added; wheeled toters could be purchased for residents with the savings realized in the first year; he has spoken with the crew regarding outsourcing and their interest in other duties; the increased number of worker compensation claims; one truck could be kept for a specific period of time; there will be provisions for missed pickups and other issues that arise in the contract; and bulk pick up will also be outsourced.

Council Member Sullivan stated she wanted to let Residents know that for the most part the Council is in agreement that this is not going to be decided too quickly.

The Mayor requested information be put on

the website noting advantages of outsourcing and any downsides which he thought may relate to Residents comfort level of outside contractors. He also stated the current recycling contractor has been responsive in resolving problems; the Town temporarily outsourced for seven weeks when the Town's truck was being repaired in 2005 and no one noticed the difference; and also mentioned the possibility of a trial basis depending on the pricing.

Council Member McMullen noted the significant cost savings and that he is interested in hearing from Residents on concerns not related to costs.

Council Member Barch requested the Town stay with single stream (commingled) recycling.

Rudy Uberman of Fawcett Street spoke in favor of outsourcing trash removal.

Duane Rollins of Dupont Avenue requested the Council consider one day a week service instead of twice weekly. Council Member Sullivan and Barch did not agree with reducing services to once a week.

Council Member Barch suggested helping businesses in some way with trash removal. The Mayor stated he has discussed the possibility of providing some type of screened trash areas for businesses but the businesses would have to pay for actual service.

Gloria Botkiss of Carroll Place questioned whether the crew would be kept and preferred twice a week trash service. The Mayor noted the crew would be kept and used for other duties.

Dan Botkiss of Carroll Place suggested speaking with the former Mayor of Somerset for information on outsourcing. The Mayor noted we have spoke with other municipalities and if he is provided with contact information we can also talk to him.

The Mayor reported the following: he participating in a meeting with the County

Commission on Consolidation and Restructuring of County Government, he is interested in input from the Council on how the county can consolidate and restructure; explained the "Mayor's To Do List" which is a formal process for responding to Resident complaints and code violations, new items are added to the list and the staff meets to resolve the issues; attended the County PHED Committee Meeting where consolidation of Park and Planning was discussed, which will affect the Town and the remaining Sector Plan process; met with Delegate Al Carr regarding state and Town issues; was invited to Parkwood Residents Association meeting where Delegate Waldstreicher addressed school redistricting, the Town received a letter from Bruce Crispell of MCPS stating they have no intention of redistricting the schools in the Walter Johnson Cluster and the White Flint Sector plan will incorporate one new school; volunteered for the 1st Noyes Library Dinner held at Café 1894, a portion of the proceeds are being donated to the Foundation; attended a tour of the White Flint Sector Plan area; met with representatives from Kensington Heights to discuss ongoing issues with Costco and the Sector Plan; met with three representatives from the Merchants Association to assure them the Town has no intention of eliminating antique dealers on Howard Avenue but wants to incorporate them in the revitalization, also discussed was assisting with marketing and other events; attended the Governor's Housing Conference; went to lunch with the Town staff; met with Council Member Barch and a local architect to review Sector Plan materials; sat in on the meeting for Wheaton's Sector Plan, school redistricting was also discussed and the message was the same - the increase in population does not result in redistricting; thanked the staff for the budget report which showed the Town did very well the past year due to conservative spending, updates will be given more frequently; and received a request from the

Secretary of Highway Administration to submit a letter stating our transportation priorities such as the Purple Line, widening of I-270, etc., this will be on an upcoming agenda and a letter sent.

Council Member Barch reported he submitted preliminary language (hours, refrigeration, council purview) for the off sale beer and wine state bill because of the quick deadline for requesting a bill, Delegate Waldstreicher was interested in sponsoring the bill, and the Council will have time to work on the specific language in the next month prior to the first public hearing at the Montgomery County Delegation Road Show; reminded the Council he needs input from parents on the suggested playground equipment for Kensington Cabin Park; and noted the Design Guideline Meeting for the Sector Plan will be on November 3rd.

Council Member McMullen will be submitting a draft letter on the Reynold's property; and he will be communicating with the representative from the Walter Johnson Cluster whenever discussions come up on school issues.

Council Member Sullivan reported she spoke with Bruce Crispell from MCPS, she received actual numbers of over enrollment at Walter Johnson and the elementary schools in the cluster, she noted MCCPTA has concerns on over enrollment and is doing a study on the methodology used for enrollment projection; met with Delegate Carr about state and local issues; met with Planning Chair Francoise Carrier and others to ask questions and share information about planning and zoning; attended the Parkwood Residents Association Meeting; noted she found a example of a nice wine store in Ellicott City, however they had nice content by choice not by regulations; noted how the Farmers' Market is well attended and a nice gathering place; thanked Mayor for the debris being cleaning on the bridge; and congratulated the WJ varsity soccer team.

Town Manager Daily reported he received one bid for the Konterra parking lot for \$906,800 which was significantly over the budgeted amount and will be meeting with Building Inspector Stablow regarding this; he will check with SHA on the timing of the light at University and Connecticut; and will contact the contractor on correcting the new island on Montgomery and Kensington Parkway.

Resolution No. 24-2010 was discussed to increase the fees on permits and use of armory facilities. The Town Manager noted most were being adjusted 4% and the last time they were adjusted was in June 2009. Set up and service fees are not in the rental costs but will be put in the actual rental agreement. Council Member Sullivan wanted to ensure the Town was not overcharging and questioned whether the fees have been compared. Council Members McMullen and Barch noted they were compared last time and they did feel the need to reexamine it since it is just an incremental increase. The Town Manger will verify liability insurance for rentals with liquor licenses and security deposits are not returned if there are clean up problems.

Resolution No. R-25-2010 was discussed to authorize additional funding for repair of Kent Street from Frederick Avenue to Kensington Parkway at the same unit cost as the previous contract with NZI.

Council Actions

Council Member McMullen moved to approve the minutes from September 27, 2010 Town Meeting. The motion passed unanimously 3 to 0. Council Member Donatelli was absent.

Council Member Barch moved to adopt Resolution No. R-24-2010 codifying and updating a schedule of fees, charges, and expenses as provided for in the ordinances of the Town of Kensington. The motion passed unanimously 3 to 0. Council Member Donatelli was absent.

Council Member Barch moved to adopt Resolution No. R-25-2010 to authorize additional funding to a contract to repair and resurface certain streets within the Town. The motion passed unanimously 3 to 0. Council Member Donatelli was absent.

Council Member Barch moved to adjourn the meeting at 8:15 p.m. The motion passed unanimously 3 to 0. Council member Donatelli was absent.



Annual Holiday Tree & Menorah Lighting

The Town will be holding its Annual Tree Lighting on **Sunday, December 5th.**

The festivities will begin at 5:30 with warm cider, cookies and performances by the Kensington Arts Theatre. The Tree will be lit at 6:00 followed by a visit from Santa Clause and the Kensington Volunteer Fire Department. In addition, many of the Town's businesses will stay open late to help kick-off the Holiday shopping season. The Town also hopes residents will help out the American Red Cross by donating blood earlier in the day.



American Red Cross

Town Blood Drive

The Town will be hosting a Blood Drive by the American Red Cross on Sunday, December 5, 2010. The Drive will be held at Town Hall (3710 Mitchell Street, Kensington, MD 20895) from **10:00 am to 4:00 pm.**

Please contact the Town or 1-800-RED-CROSS to schedule an appointment.

MAYOR & COUNCIL PRESIDENT

Peter C. Fosselman, 3607 Dupont Avenue
Mayor.Fosselman@tok.md.gov

TOWN COUNCIL

Mackie Barch, 10303 Montgomery Avenue

Mary Donatelli, 10400 Montgomery Avenue

Sean McMullen, 3423 Wake Drive

Lydia Sullivan, 10310 Detrick Avenue

Mayor.Council@tok.md.gov

TOWN STAFF

Town Manager

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Assistant to the Town Manager

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Facility Manager/Event Coordinator

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Town of Kensington

3710 Mitchell Street

Kensington, MD 20895

8am-4pm Monday-Friday

301.949.2424

TOWN PERMITS

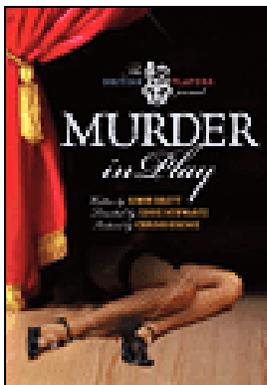
10526 Connecticut Avenue—Sign

3708 Farragut Avenue—Fence

10000 Frederick Avenue—Fence

10220 Carroll Place—Shed

3936 Washington Street—Fence



The British Players

present *Murder in Play*— a traditional British murder mystery – at the Kensington Town Hall, 3710 Mitchell Street, Kensington, MD. Production dates/times: November 11, 12, 13, 18, 19 & 20 at 8 pm., November 13, 14, 20 & 21 at 2 pm. Tickets from \$7-\$18 available from the Box Office: 301-875-8544 or see our website: www.britishplayers.org

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The Kensington Farmers' Market will continue to be open Saturday from 8am—12 noon during the winter months. Additional information regarding the Market can be found online at: <http://www.tok.md.gov/c/318/Farmersmarket>

New Trash, Brush, Recycling, and Bulk Pick-Up Schedule

Beginning January 1, 2011

TRASH: Tuesdays and Fridays

BRUSH: Tuesdays (new day)

RECYCLING: Tuesdays (new day) Recycling will remain commingled.

BULK: Call Town Hall the day before a trash day to schedule.



If It Snows . . .

The Town requires residents and businesses to clear a path on the sidewalk in front of their properties within 24 hours of each snow fall. If a path has not been cleared, a notice will be sent to the resident or business reminding them. IF snow remains, a citation will be issued—**\$65 for residential and \$195 for businesses.**

Exceptions: residential sidewalks located on Conn., Summit and Knowles Avenues will be cleared by the Town.

If you are traveling during the winter months, please make arrangements before leaving to have someone clear your sidewalk.

The Town is accepting names of individuals who wish to be contacted to help with snow removal for residents not physically able to clear or those out of Town. If you are interested, please contact the Town at 301.949.2424



Street Light Out?

Please report any street light outages to PEPCO at 1-877-737-2662, to the Town or online at www.pepco.com. When calling, you will need the pole number, or the nearest landmark and/or intersection.



Help Save Noyes!

Noyes Library will be holding three more Dance Parties to help raise the necessary \$70,000 for fiscal year '11 to keep Noyes' doors open.

Sat., Nov. 27th 3-5pm

Sat., Dec. 18th 3-5pm

Sat., Jan. 22nd 3-5pm

www.NoyesLibraryFoundation.org

TOWN CALENDAR

Town Offices Closed

Thurs. and Fri., Nov. 24th & 25th

Make Some Noyes Dance Party

Sat., Nov. 27th 3-5pm (Town Hall)

Town Council Meeting

Mon., Nov. 29th 7pm

Town Blood Drive

Sun., Dec. 5th

Town Tree & Menorah Lighting

Sun., Dec. 5th 5:30pm

Info on Page 8

Please check the Town's website
for up-to-date information.

www.tok.md.gov

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To Our Kensington Neighbors