

Mayor Tracey Furman

**Council Member Darin Bartram
Council Member Nate Engle**



**Council Member Conor Crimmins
Council Member Bridget Hill-Zayat**

Released: February 5, 2021

**Monday, February 8, 2021
Town Council Meeting, 7:00 pm**

The Town Council Meeting will be held through the Zoom Video Conferencing application. We recommend downloading the Zoom app prior to the meeting at the following link: www.zoom.us

The Council Meeting will begin at 7:00 pm and access to the meeting will be through the following Zoom Video Conferencing link:

<https://us02web.zoom.us/j/87585808821?pwd=VERVM2c5a2tYQkU4NXI4NEdwTkZpZz09>

Meeting ID: 875 8580 8821

Password: 638350

Or you may join the meeting by calling: +1 301 715 8592 US (Washington D.C) and entering the Meeting ID and Password above.

CALL TO ORDER

MOMENT OF SILENCE

APPROVAL OF MINUTES

Town Council Meeting Minutes of January 11, 2021

FROM THE MAYOR AND TOWN COUNCIL

1. **PEPCO Rate Case Filing** – Tami Watkins, Government Affairs Manager with PEPCO, will be present to discuss the Rate Case and provide an overview of the Town's streetlighting options.
2. **10311 Summit Avenue (Variance Hearing)** – A request for a variance in accordance with Section 5-107, "Driveways and Parking Surfaces – Single Family Residential Zones", of the Town Code.

3. **Town Election Survey Question** – Discuss language for a proposed survey question addressing community support to allow 16 and 17-year-olds to vote, along with permanent residents, within Town Elections.
4. **Development Review Board (DRB) Updates:**
 - a. Thrive Montgomery 2050 – An update to Montgomery County’s long-range plan to address planning goals.
 - b. Zoning Text Amendment (ZTA) 20-07 – An Amendment to the Montgomery County Zoning Ordinance to allow duplexes, townhouses, and apartments in the R-60 zone under certain circumstances; and amend the density, infill development, and parking standards in the R-60 zone under certain circumstances; and - generally amend the provisions for R-60 zoned property near Metrorail Stations.
5. **Pedestrian and Bicycle Access and Safety Working Group** – Presentation by the Working Group on recommendations and actions for immediate consideration following the submission of the Working Group's initial report.

FROM THE TOWN MANAGER AND STAFF

1. **Housing and Building Code Amendments** – Update on possible amendments to Chapter V, “Housing and Building Regulations”, of the Town code with regards to Building Setbacks.
2. **Labor Day Parade and Festival** – Discussion on whether to begin planning for a Labor Day Parade and Festival.

PUBLIC APPEARANCES

(The public is invited to speak on any subject that is not a topic on tonight’s agenda)

ORDINANCES, RESOLUTIONS, AND REGULATIONS

(Ordinances, resolutions, and regulations to be introduced or adopted following appropriate procedures required by the Town Code; or resolutions that may require discussion by the Mayor and Council prior to approval)

1. **Charter Resolution No. CR-01-2020** – A Charter Resolution of the Mayor and Council of the Town of Kensington Amending Article VII, “Registration, Nominations and Election”, Section 703, “Removal”, Section 704, “Duties”, Section 705, “Notice of Elections”, Section 706, “Appeal of the Actions of the Board of Supervisors of Elections”, Section 707, “Registration”, Section 708, “Nominations”, Section 709, “Election of the Mayor and the Council Members”, Section 710, “Conduct of Elections”, and Section 712, “Vote Count”, to make provisions for resolving a Tie Vote, remove an invalid provision with respect to eliminating Voters from the Supplemental List, provide that no Election will be held and the qualified Candidates will be Declared Elected by the Supervisors of Elections if the number of qualified Candidates is not more than the number of seats to be filled, change how Notice of Elections is given, to allow for Publication in the Town Journal and posting to the Town’s website, any Town Listserv, and at Town Hall, limit Appeals of Supervisors of Elections decisions to Candidates and other qualified voters and set a time limit, extend the deadline to qualify as a Candidate to the third Monday in May in the event that no Candidate has timely filed for an office, clarify that qualifications for office are determined at the time of filing of the Certificate of Nomination, allow the Council by Resolution in an Emergency to postpone an Election until such time as it can be safely held, and to make

other changes, allow the Council by Resolution to Authorize vote by mail, and allow placement of drop boxes for receipt of ballots.

a. A motion will be made to Adopt Charter Resolution No. CR-01-2020.

b. The Public Hearing was held January 11, 2021.

2. **Ordinance No. O-03-2020** – An Ordinance of the Mayor and Town Council of Kensington to Amend Chapter VIII, “Health and Environmental Regulations”, by Enacting Article 9, “Pesticides”, to incorporate Chapter 33B, of the Montgomery County Code entitled “Pesticides”, which contains various provisions to protect the health of the public and to make conforming changes.

a. A motion will be made to Adopt Ordinance No. O-03-2020.

b. The Public Hearing was held January 11, 2021.

3. **Ordinance No. O-01-2021 (Public Hearing)** – An Ordinance of the Mayor and Council of the Town of Kensington Amending Chapter 2, “Government and Administration”, Article 2, “Elections”, Section 2-201, “General Voter Registration”, Section 2-202, “Distribution of Absentee Ballots”, Section 2-203, “Procedures of Absentee Voting”, and Section 2-204, “Canvassing of Absentee Ballots” of the Town Code to delete any requirement that a voter provide a reason for voting by Absentee Ballot and to delete an invalid provision with respect to eliminating voters from the supplemental list.

a. The Public Hearing will be left open until 4:00 pm on Friday, March 5, 2021.

4. **Resolution No. R-01-2021** – A Resolution of the Mayor and Council of the Town of Kensington to Authorize the Town Manager to extend the auditing contract with Linton Shafer Warfield & Garrett, P.A., Certified Public Accountants, to perform the Annual Audit for Fiscal Years 2020-2021, 2021-2022, and 2022-2023.

a. Adoption will require approval by an extra-majority vote of the Council in accordance with Section 2-405, “Professional Services Contracts” of the Town Code.

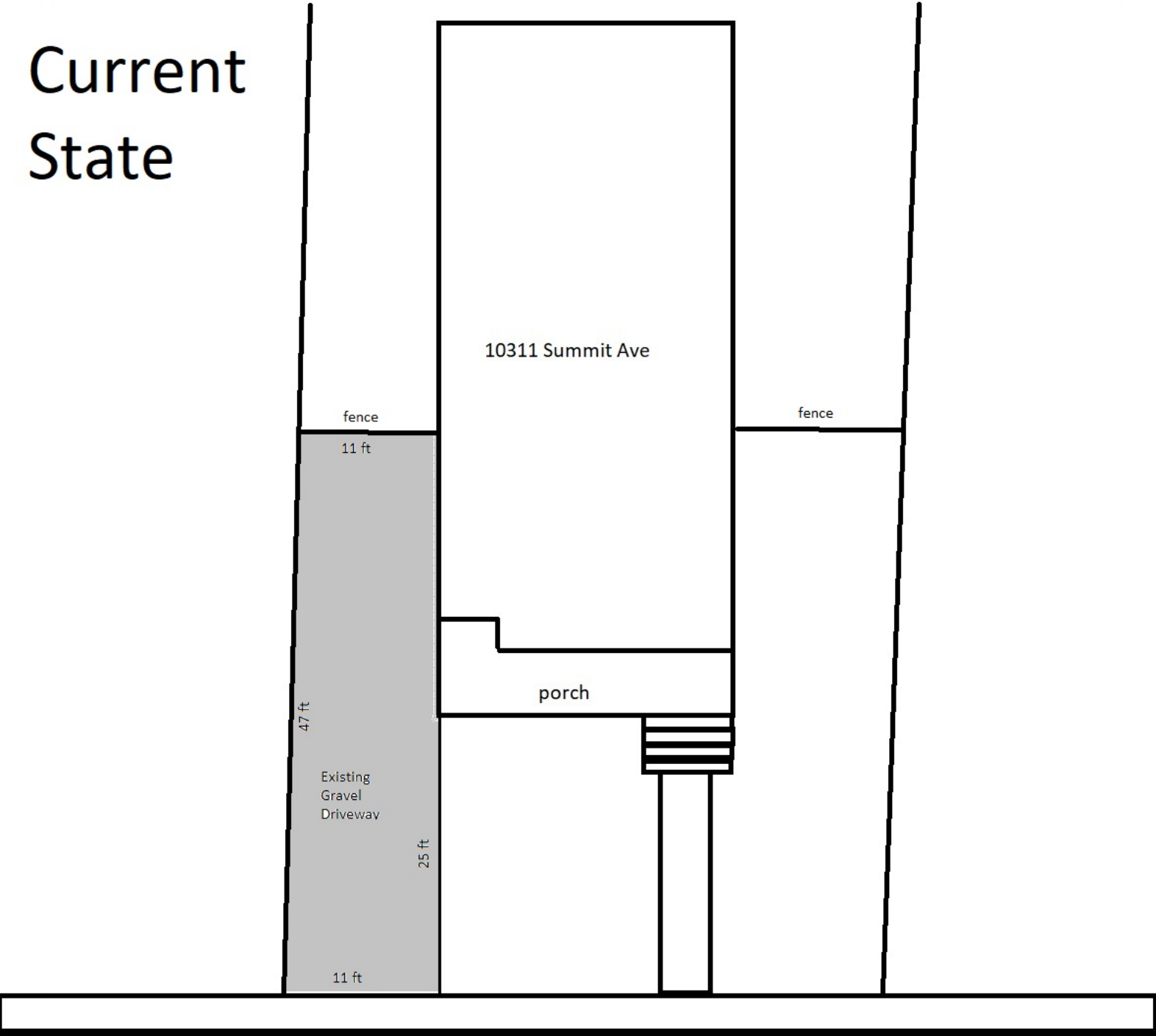
ADJOURNMENT

(The Mayor and Council may move to close the meeting and may move to reopen the meeting)

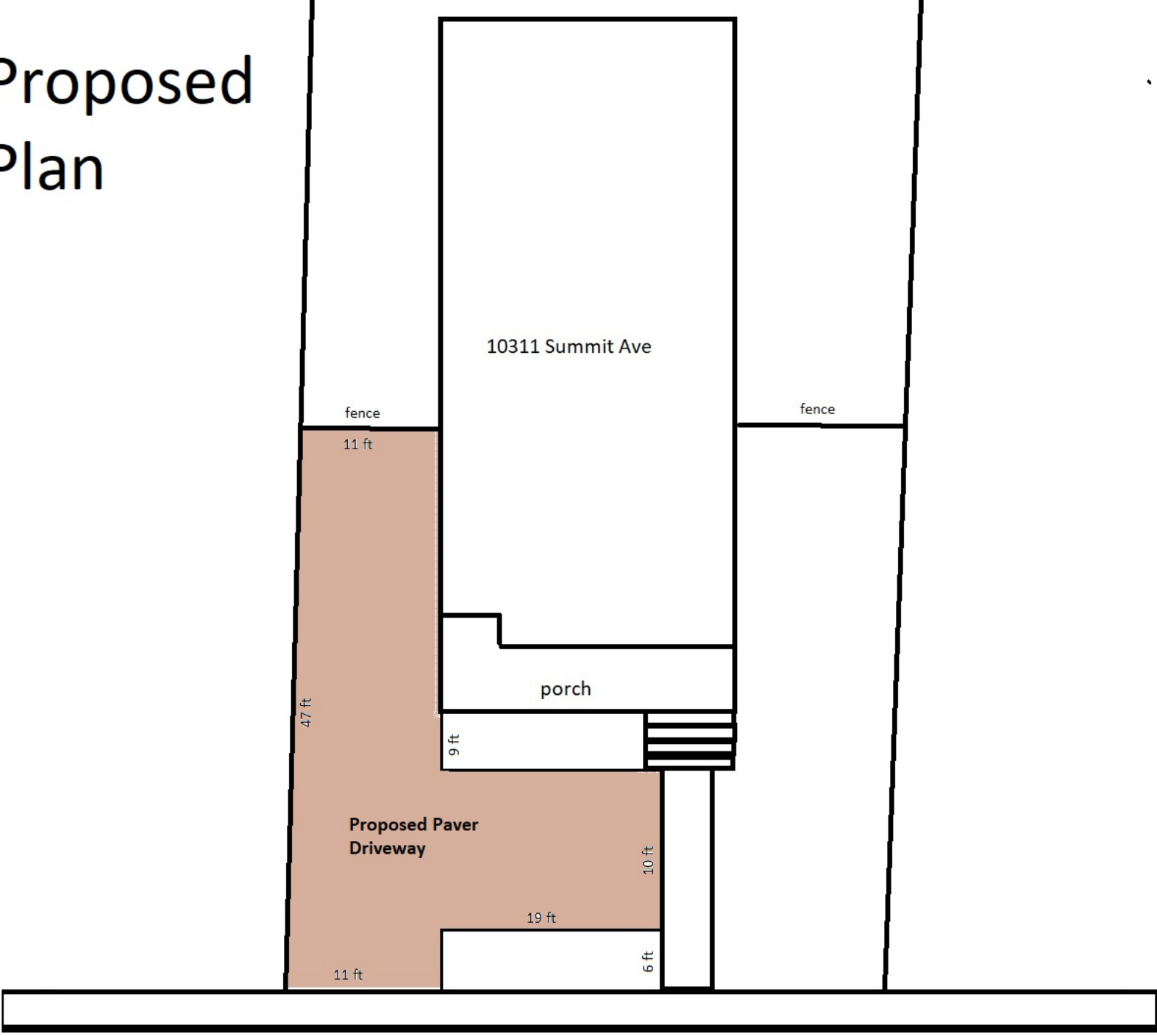
THE NEXT SCHEDULED MEETING(S) OF THE MAYOR AND TOWN COUNCIL WILL BE HELD:

Monday, March 8, 2021, 7:00 pm

Current State



Proposed Plan





PEDESTRIAN AND BICYCLING ACCESS & SAFETY WORKING GROUP
INITIAL REPORT TO THE MAYOR AND TOWN COUNCIL

Resident Participants of the Working Group

Al Carr

Alison Durland

Todd Frankel

Melissa Joy

Jamie Keller

Daniel Martin

David Romeo

Alan Simon

Christopher Zappi

Co-Chairs

Nathan Engle

Anne-Marie Turner

January 2021

A. OVERVIEW:

The Kensington Town Council established the Pedestrian and Bicycling Access & Safety Working Group (WG) in July 2020 to explore options for increasing pedestrian and bicycle access and safety in and around the Town of Kensington (ToK). The Mayor and Town Council solicited voluntary participation of interested residents for the WG through a notification in the July/August 2020 'Around the Town' Journal and 'Kensington' listserv. Councilmember Engle and resident Anne-Marie Turner offered to co-chair the WG. The co-chairs wish to express their gratitude to all of those listed on the cover page of this report who have actively participated in the WG and encourage other interested residents to become involved in future efforts by contacting them (nateengletok@gmail.com; turner.landis@gmail.com).

This report captures the initial recommendations that the working WG has gathered over the past five months. It briefly describes the process that the WG embarked upon to develop these recommendations, lists key recommendations and actions for immediate consideration, and concludes with suggestions for future work of the WG. It also includes more detailed reporting and recommendations in the form of Annexes.

B. WORKING GROUP PROCESS:

The WG held its first meeting in September 2020 and then monthly meetings thereafter through January 2021. The agendas and notes from each meeting are available on the [Town of Kensington's website](#) under '2020/2021 Committee Meeting Minutes'. Initial discussions aimed at deciding how to focus the WG's work during this initial stage of its efforts. Subsequent meetings focused on achieving these goals through several means.

The first was to develop a system for tracking and then prioritizing the eventual recommendations of the WG (i.e., the "prioritization spreadsheet"). The second was to embark on a complete "walkability and bicycling audit" of the ToK to establish a baseline of the physical experience for walkers and bikers and to identify areas for improvement. After an October 31st in-person audit training by Anne-Marie Turner, the WG split the Town into sections to conduct the audits between November 1st and December 24th. The audit map and checklist created by the WG are attached as Annexes 1 and 2, respectively. To the best of the WG's knowledge, the auditing process was conducted for the entire Town. Future iterations of this exercise will consider completing audits for these same stretches at different times of the day (e.g., evening, rush-hour, etc.), and on different days (e.g., weekends vs. weekdays), and will be added accordingly to the walk audit tracking spreadsheet created and maintained by the WG.

WG meetings also included briefings from the participants on various issues related to the WG's goals, including, but not limited to, discussions on: linking the WG's efforts to the ongoing development of Montgomery County's Pedestrian Master Plan; State of Maryland 'Walktober' events and webinars; and relevant State and County processes and grant funding opportunities that could be of influence to pedestrian and bicycling issues in the ToK.

C. KEY RECOMMENDATIONS AND IMMEDIATE ACTIONS:

Councilmember Engle reported on the developments of the WG to the Mayor, Town Council, and Town Manager at each Town Council meeting between September and January. Early accomplishments of the WG included requesting the Town to remove signage at Town Hall that discouraged bicycle

parking, as well as helping to locate the installation of a recently purchased 2-bicycle bike rack at Town Hall.

The WG reserved most of its immediate recommendations, however, to be delivered through this report. These recommendations were gathered through several means, including the walkability and bicycling audit process, conversations with County and State officials, and independent research conducted by the various WG participants. The recommendations and immediate actions are also based on the professional/personal views of the participants. The WG identified 32 recommendations in total, comprised of 17 short-term, 11 mid-term, and 4 long-term actions. Some of the recommendations were deemed not an immediate priority for inclusion in the report, while others were combined to comprise the 13 recommendations detailed below. The complete 'results' of the prioritization process are depicted in Annex 3. Although this spreadsheet has not yet been utilized to its fullest extent as envisioned, it has served as an important mechanism for filtering out the key recommendations described below. Future efforts of the WG should focus on refining the prioritization tracking and ranking process.

The recommendations listed below are by order of immediacy, as several of these recommendations involve the need to initiate processes that have deadlines approaching in the next several weeks or months. Missing these deadlines will have a negative cascading effect on subsequent decisions the Town may pursue to improve pedestrian and bicycling access and safety. The combined 13 recommendations represent a combination of applying for grants or 'designation' processes, pursuing discussions with the County and/or State on planning or infrastructure, and/or Town planning, spending, or infrastructure decisions.

Immediate Actions Recommended with Approaching Deadlines

1. Seek Bicycle & Pedestrian Priority Areas (BPPA) designation for the ToK.

The BPPA program is a mechanism of the State of Maryland designed to designate geographical areas where the enhancement of bicycle and pedestrian traffic is a priority. According to the information on the Maryland Department of Transportation State Highway Administration (MDOT SHA) website (<https://roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=693>), "Once MDOT designates an area as a BPPA, drafting a Bicycle and Pedestrian Priority Area Plan (BPPAP) would be a next step. In partnership with the local governments...[MDOT SHA] leads the BPPAP development. MDOT SHA plans bicycle and pedestrian treatments that align State, local, and stakeholder goals to expand existing or planned bicycle and pedestrian infrastructure."

The ToK can apply for BPPA designation, but it requires a letter of support from municipal or county level public works or transportation departments, such as the Montgomery County Department of Transportation (MCDOT). The application process runs between early March to early May 2021. The application is comprehensive and would require the WG to shift its efforts in the next several months to complete this application, with the support of the Town Manager and Town where needed. It would also require the Town to secure the buy-in of MCDOT, and possibly County and State elected officials.

Seeking the BPPA designation and embarking on the subsequent planning process with MDOT SHA should not discourage the Town from pursuing the remaining recommendations in this report. However,

if acquired, designation would help to facilitate a more comprehensive and coordinated effort to pursue many of the recommendations identified by the WG. It would also help with giving these issues visibility and additional technical support to the WG's ongoing efforts. Finally, the WG's functions and representation could transition to support the BPPA process as part of the BPPAP Working Group.

2. Apply for Transportation Land Use Connections (TLC) program for consulting services support.

The Metropolitan Washington Council of Governments (COG) TLC program (<https://www.mwcog.org/transportation/planning-areas/land-use-coordination/tlc-program/>) provides focused consultant services to local jurisdictions working on creative, forward-thinking, and sustainable plans and projects. It provides consultant assistance of \$30,000 to \$60,000 for planning projects, and up to \$80,000 for conceptual design or preliminary engineering projects, including (but not limited to): Corridor and transit station planning; Bicycle and pedestrian safety and access studies; Transit-oriented development studies; Streetscape improvement plans; Design guidelines and roadway standards; and Transit demand and feasibility analysis issues.

Applications for FY22 open in early January 2021, with abstracts due mid-end January and full applications due March 2021. In coordination with MCDOT, the Town should submit a proposal to COG for assistance through the TLC program, which could be to support a range of pedestrian and bicycling priority issues for the ToK (such as those recommended in this report by the WG). The proposal could also be highly targeted to a specific issue, such as to study siting, costing, and financing for Capital Bike Share station(s) [see Recommendation 8, below.]

3. Work with MCDOT on planned pedestrian and bicycling improvements to Summit Avenue.

Parkwood Residents Association Vice President, Jeffrey Griffith, informed the WG about a recent inquiry that he made on behalf of the Association to MCDOT regarding safety improvements along Summit Avenue from Prospect Street to Knowles Avenue. He subsequently informed the WG that he received a positive response from MCDOT, indicating that they are working to provide such improvements this upcoming spring. The improvements could include widening (and separating with a grass buffer) the sidewalk on the East side and also making bicycling enhancements according to the County's Bicycling Master Plan. The Town should engage with MCDOT in these discussions as soon as possible, as it is in the interests of the Town for walkability and biking purposes, and the decisions may potentially impact several ToK homeowners on the East side of Summit Avenue. It is also important for the Town to ensure that the planned developments on the Southeast and Northeast corners of Summit and Knowles are involved in these discussions, to maximize opportunities and synergies in access and safety improvements along this stretch.

Immediate Actions Recommended without Clear Deadlines

4. *Invest in improvements, repairs, and enhancements identified in the “walkability and bicycling audit” process.*

The audits identified a host of recommendations for improving the infrastructure and ultimately enhancing the pedestrian and bicycling experience throughout the ToK. A map that captures most of these improvements is provided in Annex 4, and a full list is available upon request via the audit database created by the WG. The Town should review and consider these recommendations and incorporate them into its planned Capital Improvement Projects.

Many of these are relatively quick fixes that could be made almost immediately, while others would involve soliciting the feedback of residents in the affected neighborhoods and/or waiting for the right time to make the improvements (e.g., to add a sidewalk on the West side of Kensington Parkway between Kent Street and Washington Street).

5. *Prioritize pedestrian and cycling improvements along Connecticut Avenue and at major intersections in the Connecticut Avenue corridor.*

By far, Connecticut Avenue is the most frequently discussed area of concern for pedestrian and bicycling access and safety. The challenges with improving Connecticut Avenue have existed for decades, but these are only likely to be exacerbated with anticipated new developments along the corridor.

The WG recommends that the Town should strongly advocate for making improvements that will transform this stretch; improvements that are both bold and practical. One ‘low-hanging fruit’ would be for the Town to work with SHA to replace the narrow, substandard sidewalks on Connecticut Avenue south of Warner Street/Knowles Avenue with wider, ADA compliant sidewalks, as previously discussed with the State.

Beyond this, however, comprehensive pedestrian and bicycling enhancements in this stretch are not only possible, but they are also necessary if the County is to fully realize its vision for non-vehicle transit as a top priority for future planning (as made clear in its Thrive 2050 planning process). This will take comprehensive planning and unprecedented coordination between ToK, County, and State officials and technical staff to bring about this transformation. The BPPA designation process identified in Recommendation 1 could help serve as the catalyst and the glue that is needed to finally make a material difference. Similarly, the TLC grant mentioned in Recommendation 2 could also emphasize the Connecticut Avenue corridor for improvements.

6. *Pursue enhancements to Kensington Parkway to improve bicycling and pedestrian options and experience.*

Kensington Parkway is a priority for the Bicycling Master Plan. It is also a highly traversed stretch by foot. Its wide nature and newly paved surface make it a prime candidate for immediate improvements to increase pedestrian and bicycling access and safety. Improvements could include that the Town:

- Work with MCDOT along the unincorporated section to add a sidewalk with grass buffer.
- Add a bikeway (bike lane) as envisioned in the Bicycling Master Plan in the section under ToK ownership and work with MCDOT to add a bikeway to the unincorporated section (in conjunction with the sidewalk suggested immediately above).

These recommendations also involve taking advantage of WSSC's work on Kensington Parkway for pedestrian and bicycling improvements, which are already being discussed with Delegate Al Carr, a participant of this WG.

7. *Enhance pedestrian safety at Metropolitan Avenue intersections.*

St. Paul Street/Metropolitan Avenue. The St. Paul Street/Metropolitan Avenue intersection is popular with pedestrians and cyclists traveling to the train station or the southern side of the Town. Before the developer of the Modena Reserve development installed an all-way stop, it was difficult to cross the intersection, as drivers often travel on Metropolitan Avenue at a speed far greater than the 25 mph speed limit and many drivers do not stop to allow pedestrians to cross. The all-way stop has effectively calmed the street and improved safety at the intersection. SHA has indicated it plans to remove the all-way stop, despite the current improvements expressed repeatedly by Town residents and the likely increase in pedestrian use of the intersection once the development is complete and resident occupied.

The WG recommends that the Town request for SHA to keep the all-way stop and engage the Modena Reserve developer for support on this matter.

Plyers Mill Road/Metropolitan Avenue. The Plyers Mill Road/Metropolitan Avenue intersection presents challenges to both pedestrians and drivers. Pedestrians face the prospect of crossing wide streets with generally poor sight lines, given the geometry and size of the intersection and lack of pedestrian signals. Drivers unfamiliar with the area face confusing signage and signals. This intersection would be significantly improved through design interventions to reduce the size of the intersection and simplify traffic flow.

The WG recommends that the Town encourage SHA to review the design of the intersection. In parallel, the Town should engage the Kensington Crossing developer early on in its effort to develop 10619 Connecticut Avenue (also known as the "Huggins Site"), as early plans call for an entrance to the development's surface lot at this intersection.

8. *Consider adding Capital Bikeshare (CaBi) station(s) in the ToK.*

Kensington represents a significant gap in the CaBi network. Adding a station or two would help to bring cyclists to and from Bethesda, North Bethesda, Rockville, Wheaton, and Silver Spring to Kensington businesses. It would also improve access to public transportation options (MARC and Metro) for current and incoming residents that will join the community with ongoing new development projects.

Indicative cost breakdowns have been provided to the WG by MCDOT. One-time capital costs are approximately \$55,000 per station (15-dock and 19-dock), and annual operating costs are between \$15,000 and \$19,000. If the CaBi stations are installed, Lyft, the vendor operating the County's dockless e-bikes, might also consider adding them to the network for Kensington at little or no additional cost to the ToK.

A first step in this pursuit could be to apply for the TLC program grant to study where to site and how to finance the station(s), as noted in Recommendation 2.

9. *Improve crossings along Knowles Avenue.*

Knowles Avenue is the primary entry into the ToK from the west, bringing high volumes of traffic. It is also the main route through which pedestrians from adjacent neighborhoods, such as Parkwood and Kensington Estates, access the Town on foot or bicycle. The current design and infrastructure along Knowles Avenue are insufficient for ensuring pedestrian and bicycling comfort and safety, including narrow sidewalks directly adjacent to the road, an absence of designated bicycling pathways, and dangerous intersections. At present, all three options for crossing Knowles Avenue (west of Connecticut Avenue) are extremely uncomfortable or dangerous for pedestrians (i.e., Connecticut Avenue, Detrick Avenue, and Knowles Avenue).

The ongoing and anticipated future large development projects along Knowles Avenue will bring much needed improvements through widened and separated sidewalks and bike lanes. Even with the new developments, challenges will remain with respect to safe and comfortable crossing options. Moreover, additional people walking and cycling along and across Knowles will increase with the added housing units from the developments, bringing more pressure to an already difficult corridor.

For immediate improvements, the WG recommends that the Town work with SHA to install crosswalks and other relevant street markings at Detrick Avenue at both the North and South sides of Knowles Avenue.

The WG also recommends that the Town work with SHA and the developers of the properties along Knowles Avenue to propose a safe solution, or set of solutions, for crossing Knowles Avenue between Connecticut Avenue and Summit Avenue; solutions that account for increased pedestrian and bicycling as an extension of the new development.

10. Improve options for pedestrian crossings of the railroad tracks.

The pedestrian crossing of the railroad tracks at the MARC station is the only opportunity to cross the tracks east of Connecticut Avenue and poses an inherent risk to pedestrian and bicyclist safety due to its poor design. Trains frequently operate at high rates of speed through the station and there are limited sight lines to the east, with no indications that a train is approaching (contrast with a vehicular crossing, which has gates, lights, and bells). There are many potential solutions to mitigate this risk, ranging from automated signage and announcements that indicate when a train is approaching, to the construction of a dedicated underpass or overpass for pedestrians/cyclists.

The WG recommends that the Town engage CSX and the Maryland Transit Administration to explore potential solutions to improve the safety of the crossing.

11. Pursue a ‘road diet’ on North-bound University Boulevard (North of split with Connecticut Avenue).

Three lanes are not necessary heading North on University Boulevard out of the ToK. At the same time, the fast movement of vehicles and narrow sidewalk without a buffer make this a prime location for a road diet. The Town should work with SHA to reduce this portion of University Boulevard to two lanes and add a protected bike lane and a widened sidewalk with a buffered grass strip separating the road from the sidewalk. A road diet also has the potential to reduce pedestrian crossing distances and increase pedestrian safety by reducing speeds on University Boulevard.

12. Assess opportunities and needs for pedestrian-scale street lighting.

Work with a street lighting consultant to review where gaps in street lighting exist and where appropriate opportunities may reside for adding pedestrian-scale street lighting, such as Kensington Parkway and Metropolitan, Connecticut, Knowles, and Summit Avenues (including estimating capital and operating costs). This could be done in conjunction with the hiring of a consultant to advise the Town on the PEPCO rate case.

13. Reduce speed limits.

High vehicle rates and speeds directly contribute to the likelihood of a crash, increase the severity of injuries to vehicle occupants, and reduce the survivability of any pedestrian or cyclist involved (see National Transportation Safety Board report: [“Reducing Speeding-Related Crashes Involving Passenger Vehicles”](#)). Jurisdictions across the country have recently lowered speed limits in recognition of this fact and in an effort to improve overall safety for pedestrians, cyclists, and drivers. In 2020, DC lowered speed limits on all streets from 25 mph to 20 mph. In addition, DC has implemented a “Slow Streets Initiative” that includes a 15 mph speed limit and limited vehicle traffic on select streets.

The Working Group recommends that Town reduce speed limits on its streets to 20 mph and request that SHA lower the speed limit on Connecticut Avenue through the Town of Kensington to 30 mph or lower.

D. SUGGESTIONS FOR FUTURE WG EFFORTS:

The immediate future efforts of the WG should focus on helping the Town with implementing Recommendations 1 and 2; mainly, helping to ensure that the necessary support is garnered in the various jurisdictions and agencies, as well as supporting with the designation/grant application submissions. Also, if BPPA status is successfully achieved, the WG should merge and help to constitute what would ultimately be the BPPAP Working Group.

Further efforts of the WG will focus on conducting follow up walkability and bicycling audits and linking these findings with the County's Pedestrian Master Plan, as well as making improvements to the prioritization process and tracking system developed by the WG over the past few months.

The WG also welcomes additional suggestions by the Mayor, Town Council, Town Manager, and residents for future efforts that the WG should embark upon.

Annex 1. ToK Walkability and Bicycling Audit Map



Annex 2. ToK Walkability and Bicycling Audit Checklist

Walk and Bike Audit Checklist

Town of Kensington, Maryland

Streets/Intersection and Corridor#: _____

Date, Day of Week, and Time of Day: _____

Audit Conducted by: _____

SIDEWALKS

Does the street have a sidewalk? Which side of the street or both sides? What is the sidewalk condition (broken, trip hazards, narrow, etc.)?	
Is the sidewalk a comfortable width? Can you walk side by side with your companion, push a stroller, operate a wheelchair, etc.?	
Are sidewalks separated from traffic by parking, trees, grass buffer, etc.? Are there barriers that make walking difficult (poles, signs, shrubs, trash cans, low-hanging trees, etc.)?	
Is the sidewalk often interrupted for cars (driveways, loading docks, etc.), and/or does it cease to exist at certain stretches?	
Are buildings easy to access from the sidewalk (e.g., facing the sidewalk, providing pathways or entrances near the sidewalk, etc.)?	
Do intersections (and medians) have curb ramps for wheelchairs, strollers, and carts? Do the ramps have detectable warning strips?	
Do intersections have marked crosswalks? Does the intersection have approaches with sidewalks and curb ramps where a crosswalk could be marked?	
OVERALL RATING: Rate this stretch from 0-5 (0 being like Interstate 495, 1 being like Connecticut Ave, and so on, with 5 being a walker's/cyclist's paradise)?	

STREETS

Are there controlled places to cross the street (e.g., 4-way stops, signalized intersections)? How frequent are these crossings?	
If no sidewalks are present, do you feel comfortable walking in the street?	
Is there adequate, pedestrian scale lighting (e.g., like the lighting on Antique Row)?	
When traffic signals are present, is there a pedestrian signal? Is there enough time to cross for all users, including children and older adults? Is there a long wait for the signal to change? Can children and wheelchair users reach and hear pedestrian push buttons at crossings?	
Does vehicle traffic move at a speed that feels safe walking by or when crossing the street? Do drivers yield to people crossing the street? Do you feel safe from cars walking along this street?	

Were vehicles, trees, or signs blocking the view of traffic for pedestrians?	
Describe the general condition of the area (e.g., is trash or graffiti present, is there shade provided by trees or buildings, etc.?)	
OVERALL RATING: Rate this stretch from 0-5 (0 being like Interstate 495, 1 being like Connecticut Ave, and so on, with 5 being a walker's/cyclist's paradise)?	

BICYCLING

What is the general experience for a bicyclist? Are there clearly marked bike lanes? Would children be safe biking? Are there opportunities here to achieve aspects of the County's Bicycling Master Plan?	
Do you see bicyclists in this area? Are they using the sidewalk or the road?	
Is bicycle parking available? Where is it located in this area?	
OVERALL RATING: Rate this stretch from 0-5 (0 being like Interstate 495, 1 being like Connecticut Ave, and so on, with 5 being a walker's/cyclist's paradise)?	

TRANSIT

Do bus stops have sidewalk access? Is seating available and is it sheltered? Are bus stops separated from the road and do they have crossings nearby that are efficient and comfortable to use?	
Is this location near the Marc train? If so, is the train accessible to pedestrians/cyclists from this block? List any challenges.	
OVERALL RATING: Rate this stretch from 0-5 (0 being like Interstate 495, 1 being like Connecticut Ave, and so on, with 5 being a walker's/cyclist's paradise)?	

RECOMMENDATIONS (Flag any major concerns, specific improvements, or other noteworthy highlights from this stretch).

KEEP IN MIND

- ✓ Plan for about 30 minutes for every half mile of walking plus time before and after the walk.
- ✓ Make sure the routes are safe enough to walk in groups. Note any issues for possible participants.
- ✓ Create maps of the area from Google maps to accompany this checklist and mark as you go.
- ✓ Try to think about all types of road users, children, bicyclists, people in wheelchairs, people with visual or hearing impairments, and transit riders.
- ✓ Take photos of the conditions and to document key 'findings'!

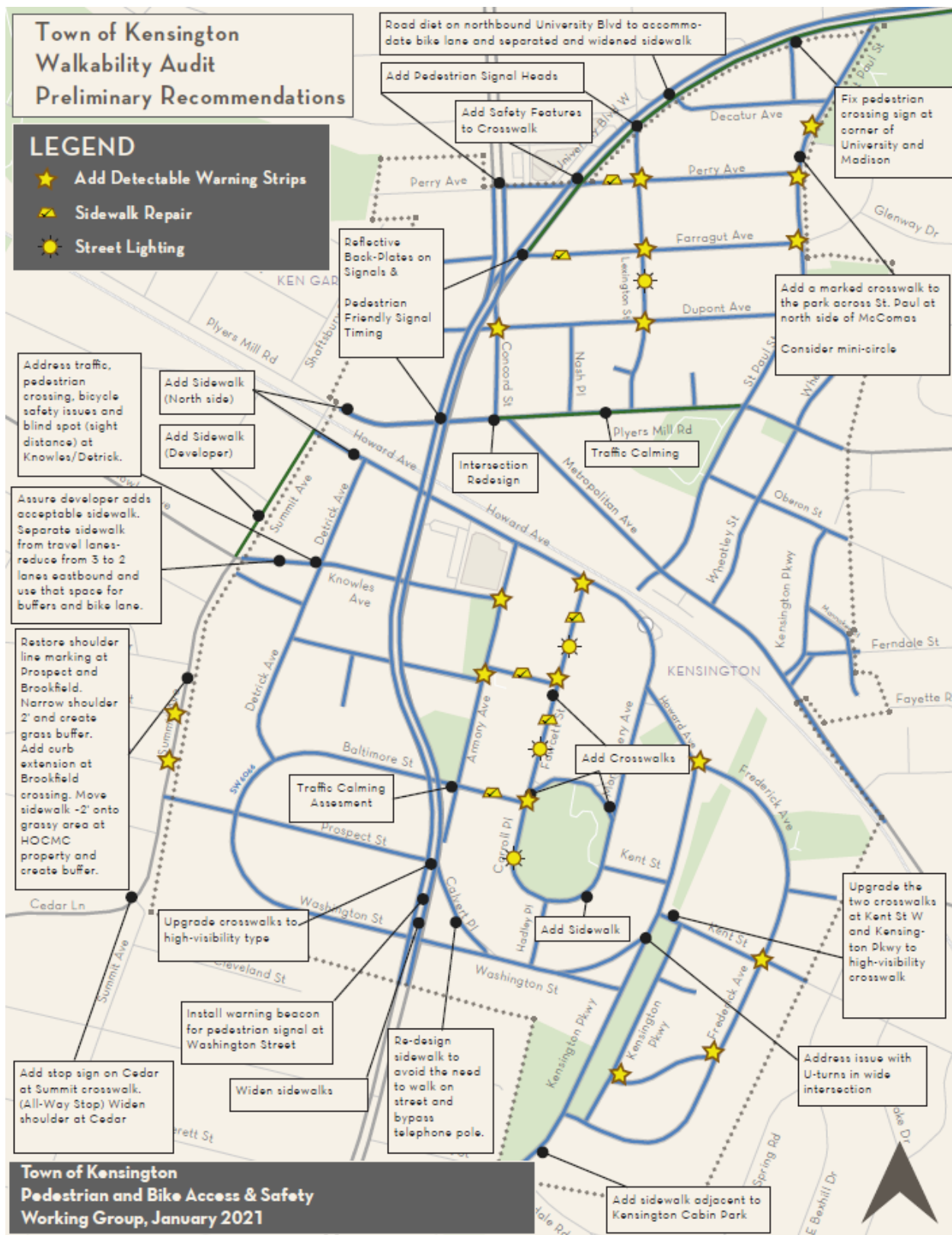
OTHER COMMENTS : _____ (continue to another page if needed)

Annex 3. Prioritization Process Results

Kensington Pedestrian and Bicycling Access and Safety Working Group - Evaluation Matrix																													
Issue/Opportunity/Activity	Description	Proposed	Tracking ID (TRD)	Timeframe	Primary Infrastructure	Impacted Categories/Benefits						Responsibility				Grant Candidate? (note potential sources)	Dependencies/ Timeline Cycle	Walkability Index	Potential Demand	Recent Safety Incidents?	Evaluation Criteria				Estimated Cost				
						Retail	Leisure	Safety	Access	Walkers	Bikers	Transit	Other	Town	County						State	Developer	Benefits to Other Neighborhoods	Other (TRD)	Other (TRD)	Other (TRD)	Recommendation	Up-front	Annual Maint./Oper.
Conduct Walk and Bike audits throughout Kensington.	Conduct Walk and Bike audits throughout Kensington.			1. Short-term																									
Kensington Parkway walking and cycling challenges/improvements	Sidewalks, shoulders, and paths are inconsistent along Kensington Parkway. Pedestrians and bicyclists often need to contend with each other and with traffic for the same space.	Improve signage and road markings for use by pedestrians, bicyclists, and cars.	*	1. Short-term	Other	N	Y	Y	Y	Y	Y	N		Y	Y	N	N	?		High									
Pedestrian safety issues on the pathways to the MARC train station, especially across Metropolitan Ave.	High volume pedestrian crossings across a street with drivers typically traveling well above the speed limit, with limited visibility both day and night.	Potential solutions: - Permanent all-way stop at St. Paul Street/Metropolitan Ave - HAWK lights at other Metropolitan Ave crosswalks/intersections		1. Short-term	Combination	Y	Y	Y	Y	Y	Y	Y								High			Capital View / Homebased						
	Once MDOT designates an area as a BPFA, staffing the Bicycle and Pedestrian Priority Area Plan (BPAP) can begin. In partnership with the local governments, the Maryland Department of Transportation State Highway Administration (MDOT SHA) leads the BPAP development. MDOT SHA plans bicycle and pedestrian treatments that align State, local, and stakeholder goals to expand existing or planned bicycle and pedestrian infrastructure. If no State roads are within a BPFA, the local agency leads and funds BPAP development.	How Town submit letter and application to seek BPFA designation (March 5-May 5 window) https://roads.maryland.gov/roadsafety/bpfa/submit-appeal.html https://roads.maryland.gov/roadsafety/bpfa/submit-appeal.html		1. Short-term	Other	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	March 5-May 5 window for posting		High	N	Facilitates a comprehensive process	Supports PBAS WG efforts		Immediate priority to bring to Town Council's attention	Low	Low	
Bicycle & Pedestrian Priority Areas (BPFA) designation	Portion of sidewalk on Carroll Place, just South of Baltimore Street is very dark making it difficult to navigate sidewalk at night (between Nodes E3 and E5).	Recommend installing an additional street light at PEPCO pole #77843-7802.	*	1. Short-term	Other	N	Y	Y	Y	N	Y	N	N	Y						High						Contact PEPCO to request a quote for installing light on PEPCO pole #77843-7802.			
Large gap between street lights on Carroll Place	The intersection of Metropolitan Ave / Pymers Mill Rd / Concord St is geometrically expansive, confusing to drivers, and unsafe for pedestrians.	Reevaluate intersection for pedestrian safety and clarity for drivers. Subdivide intersection into two: Metropolitan Ave / Pymers Mill Rd and Pymers Mill Rd / Concord St. Ensure all stop lights are working (at least one is often out). Reevaluate signage to ensure the 4-way stop is clear. Reevaluate 4-way stop. Add pedestrian-only sequence with all lights turned to solid red.		1. Short-term	Complete Street	N	Y	Y	Y	Y	Y	Y							High							Reevaluate intersection for pedestrian safety and clarity for drivers. Subdivide intersection into two: Metropolitan Ave / Pymers Mill Rd and Pymers Mill Rd / Concord St. Ensure all stop lights are working (at least one is often out). Reevaluate signage to ensure the 4-way stop is clear. Reevaluate 4-way stop. Add pedestrian-only sequence with all lights turned to solid red.			
Intersection of Metropolitan Ave / Pymers Mill Rd / Concord St	Three recommendations: (1) Add/replace 1 or 2 marked crosswalks to improve access to Reeves Library from Carroll, Montgomery, and/or near circle from Warner Circle Park. (2) Consider a crosswalk to cross Baltimore at Carroll. (3) Consider a crosswalk to cross from Carroll to Fawcett near Node E3.			1. Short-term	Crosswalk	N	Y	Y	Y	Y	N	N	Y			N	N												
Crosswalks on Carroll Place near Reeves Library (525364)	No crosswalks in the area.	Change the two crosswalks at Kent St W and Kensington Hwy to high-visibility crosswalks to improve safety and visibility to motorists.		1. Short-term	Crosswalk	N	Y	Y	Y	Y	Y	N	Y			N	N												
Change crosswalks at Kensington Hwy & Kent St W (527172) to high-visibility	Bus stop along Conn. at Baltimore (node 453) is in need of repair.	Replace/replace bench and consider adding a shelter.		1. Short-term	Other	N	Y	Y	N	N	N	Y				N													
Bus stop along Conn. at Baltimore (node 453) is in need of repair	Vehicle traffic driving on shoulder in "D" lane immediately adjacent to "D" sidewalk	Restore shoulder line marking at Prospect and Broadfield. Narrow shoulder by 2' and create grass buffer. Add curb extension at Broadfield crossing. Move sidewalk "D" east onto grassy area at HOCAC property and create buffer.		1. Short-term	Sidewalk	Y	Y	Y	Y	Y	Y	N	TRD	N	Y	N	N			Medium	Y		Provide safe access from residential areas to commercial areas						
Summit Ave between Knowles and Prospect	Sidewalk ends midblock	Continue sidewalk on North side to Conn.		1. Short-term	Sidewalk																								
Howard Avenue between Summit and Connecticut	Sign has fallen down and should be re-erected	Re-erect sign		1. Short-term	Crosswalk									Y			SHA									Notify SHA of downed sign and request fixing it	Low	Low	
Fix pedestrian crossing sign at corner of University and Madison	Many residents access Kensington Heights Park (County owned and maintained) from St. Paul Street, but there is currently no crosswalk connecting the two.	Add marked crosswalk at this key intersection		1. Short-term	Crosswalk									Y	Y											Town to add crosswalk, potentially in coordination with county	Low	Low	
Add a marked crosswalk to the park across St. Paul at north side of McComas	Ramp on county side of the street is missing detectable strips with truncated domes	Add the strips with domes		1. Short-term	Combination									Y	Y											Town to request county to add strips with domes	Low	Low	
Add truncated dome strips to park side of sidewalk intersections at St. Paul and McComas	Perry and Levington Intersection is missing the proper detectable strips and truncated domes at sidewalk intersection ramps.	Add the strips with domes		1. Short-term	Combination									Y												Town to add to sidewalk ramps	Low	Low	
Add detectable strips with truncated domes to Perry and Levington Sidewalk ramp	The broken sidewalk slab along section 0910 of Perry.	Town crew to fix it		1. Short-term	Sidewalk			Y						Y			No									Town to fix immediately	Low	Low	
Fix broken sidewalk slab along section 0910 of Perry																													

Kensington Pedestrian and Bicycling Access and Safety Working Group - Evaluation Matrix																																	
Issue/Opportunity/Activity	Description	Proposal	Tracking ID (TBD)	Timeframe	Primary Infrastructure	Impacted Categories/Benefits										Responsibility				Grant Candidates? (from potential sources)	Dependencies/ Timeline Cuts	Evaluation Criteria					Recommendation		Estimated Cost				
						Retail	Leisure	Safety	Access	Walkers	Bikers	Transit	Other	Town	County	State	Developer	WALKABILITY Index	Potential Demand			Recent Safety Incidents?	Benefits to Other Neighborhoods	Other (TBD)	Other (TBD)	Other (TBD)	Recommendation	Up-front	Annual Maint./Oper.				
Consider professional services to plan for pedestrian and bicycling safety and access generally, or specific issues, such as pursuing Capital Bike Share (C&B) station(s) locations for Kensington	The Transportation/Land Use Connections Technical Assistance Program provides focused consultant services to local jurisdictions working on creative, forward thinking, and sustainable plans and projects. The TPC provides consultant assistance of \$40,000 to \$60,000 for planning projects, and up to \$80,000 for conceptual design or preliminary engineering projects, including Corridor and transit station planning. Bicycle and pedestrian safety and access studies. Transit-oriented development studies. Streetscape improvement plans. Design guidelines and roadway standards. Transit demand and feasibility analysis.	Apply for Transportation Land Use Connections (TLC) program for a range of issues and/or a specific issue, such as to study biking, costs, funding sources for bike share station(s). https://www.mctag.org/transportation/transportation-land-use-connections-tlc-program/ file:///C:/Users/v6338954/Downloads/TPC%20brochure-final.pdf		1. Short-term	Complete Street	Y	Y	Y	Y	Y	Y	Y		TBD	TBD	TBD				Yes, this is a grant program	Very pressing, as applications for FY22 open early January, with abstracts due mid-end January and full applications due March 2021.								Apply for FY22 grant - need to determine how the scope of the grant - decide at next Working Group meeting, as the deadline for abstracts will be coming up before we report to Town Council at the February meeting	Low	Low		
	Narrow sidewalk on Connecticut Avenue bridge over train tracks				2. Mid-term																												
Improve the crossing at Knowles & District intersection.	There are no crosswalks in any direction at Knowles & District.		*	2. Mid-term	Crosswalk	Y	Y	Y	Y	Y	N	N		Y			N		?				High										
Pedestrian street lighting	Howard Ave is the only area with some semblance of pedestrian scale lighting. This should be expanded to other areas in the commercial core.	Add/upgrade heavily-walked areas with Pedestrian scale street lighting.		2. Mid-term	Complete Street	Y	Y	Y	Y	Y	Y	TBD	TBD		Y	Y	Y	Y		Maybe	Pope's streetlight LED conversions may affect timing, so would development projects and other sidewalk improvements.		Medium	Don't Know			More welcoming environment for walkers				Have Town explore costs for upgrading pedestrian scale street lighting to key areas (e.g., Kensington Parkway, Metropolitan, Connecticut, Knowles, Summit).		
	Education campaigns			2. Mid-term																													
Pedestrian crossing of railroad tracks	Besides Connecticut Ave, the only opportunity to cross between north and south of the railroad tracks is via the tracks themselves. There is no indication of whether a train is approaching and limited signage to the east.	Potential solutions: - Signal, announcements, or signage that indicates a train is approaching - Build an underpass or overpass for pedestrians/bicyclists		2. Mid-term	Crosswalk	Y	Y	Y	Y	Y	Y	Y	Y											High			Capitol View / Homewood				Potential solutions: - Signal, announcements, or signage that indicates a train is approaching - Build an underpass or overpass for pedestrians/bicyclists		
	Repair cracks on Baltimore Ave sidewalk (S&E263)			2. Mid-term	Sidewalk	N	Y	Y	Y	Y	Y	N	N		Y	N	N																
Enhance visibility of pedestrian crossing and traffic signals at Conn. and Washington Street	Blinking yellow light to cross Conn. at Washington Street with pedestrian push button. Traffic often doesn't stop even when light is red and pedestrian walk signal is activated.	Change to high-visibility crosswalk and add flashing lights or signs to alert traffic to controlled intersection.		2. Mid-term	Crosswalk	N	Y	Y	Y	Y	Y	Y	N																				
Summit Ave between Knowles and Howard	No sidewalk	Assure developer with acceptable sidewalk. Continue sidewalk to Howard.		2. Mid-term	Complete Street	Y	Y	Y	Y	Y	Y	Y	N	TBD	N	Y	Y	Y															
Knowles between Summit and Connecticut	Heavy vehicle traffic driving immediately adjacent to "N" sidewalk.	Assure developer with acceptable sidewalk. Separate sidewalk from travel lanes instead from 3 to 2 lanes eastbound and use that space for buffers and bike lane.		2. Mid-term	Complete Street	Y	Y	Y	Y	Y	Y	Y	Y	TBD	N	N	Y	Y															
Lane diet northbound stretch of University to accommodate bike lane and separated and widened sidewalk	3 lanes are not necessary heading N on University out of Tak. At the same time, the fast movement of vehicles and narrow sidewalk without a buffer make this a prime location for a lane diet.	Reduce University to 2 lanes and add a buffered grass strip separating the road from the sidewalk.		2. Mid-term	Combination												Y		SHA										Liase with SHA on pursuing lane diet	High	Low		
C&B stations	Install C&B station at location identified through the TLC program. Cost breakdown has been provided by Sander Brecher and Beth Demand of MCDOT. If installed, left, the vendor operating the County's bike share system, might also consider adding them if we wish to the Kensington part of the network.	Add one or two stations in Kensington, but need to consider funding options, as one-time capital costs are approximately \$35,000 per station (13-bike and 18-bike), and annual operating costs are between \$15,000 and \$25,000.		3. Mid-term	Other							Y	Y	Y	Y	TBD	TBD			Possibly, but likely no grants will finance the operating costs, so Tak would need to budget for it.									Wait results from a TLC study on siting and begin discussing with Council and Town residents whether we want to budget operating costs on an annual basis for the bike share program.	Med	Med		
Connecticut Avenue crossings near Knowles		Improve the ease, safety, and walkability for pedestrians and cyclists to traverse Connecticut Ave. in the vicinity of Knowles Ave.	*	3. Long-term	Combination	Y	Y	Y	Y	TBD	Y	Y	N	Y	Y	N	N		?				High	Y	Ken-Gar							High	TBD
Kensington Parkway walking and cycling challenges/improvements	Sidewalks, shoulders, and paths are inconsistent along Kensington Parkway. Pedestrians and bikers often need to contend with each other and with traffic for the same space.	Potential improvements: (1) Walking/Bicycle path along street and/or shoulder. (2) Paths on both sides of Kensington Parkway. There is currently space for walking only on one side in many portions, and no bike path. (3) Connect Kensington Parkway with Rock Creek Park walking/bicycle path.	*	3. Long-term	Other	N	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N		?				High			Cherry Chase View						High	TBD
Sidewalk improvement on Calvert (S&E775)	In upper portion of Calvert Place, just East of Conn. Ave., there's a telephone pole in the middle of the sidewalk.	Re-design sidewalk to avoid the need to walk on street and bypass telephone pole. This is not viewed as high-priority and could inhibit residential parking, which would not be well-received.		3. Long-term	Sidewalk	N	Y	Y	Y	Y	Y	N	N		Y	N	N	N															
Montgomery Ave sidewalk extension (S&E970)	Sidewalk ends a short distance from Kent (about 2 houses). No further sidewalk until after Hapley (node 69).	Enhance sidewalk so that it is continuous if there is sufficient space, but not high priority.		3. Long-term	Sidewalk	N	Y	Y	Y	Y	N	N		Y	N	N	N																

Annex 4. Map of Fixes, Improvements, and Enhancements Identified in by Audit Process



Charter Resolution No. CR-01-2020

Introduced: December 14, 2020

Adopted:

OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING ARTICLE VII REGISTRATION, NOMINATIONS AND ELECTIONS, SECTION 703, "REMOVAL", SECTION 704, "DUTIES", SECTION 705, "NOTICE OF ELECTIONS", SECTION 706, "APPEAL OF THE ACTIONS OF THE BOARD OF SUPERVISORS OF ELECTIONS", SECTION 707, "REGISTRATION", SECTION 708, "NOMINATIONS", SECTION 709, "ELECTION OF THE MAYOR AND THE COUNCIL MEMBERS", SECTION 710, "CONDUCT OF ELECTIONS", AND SECTION 712, "VOTE COUNT", TO MAKE PROVISION FOR RESOLVING A TIE VOTE, REMOVE AN INVALID PROVISION WITH RESPECT TO ELIMINATING VOTERS FROM THE SUPPLEMENTAL LIST, PROVIDE THAT NO ELECTION WILL BE HELD AND THE QUALIFIED CANDIDATES WILL BE DECLARED ELECTED BY THE SUPERVISORS OF ELECTIONS IF THE NUMBER OF QUALIFIED CANDIDATES IS NOT MORE THAN THE NUMBER OF SEATS TO BE FILLED, CHANGE HOW NOTICE OF ELECTIONS IS GIVEN, TO ALLOW FOR PUBLICATION IN THE TOWN JOURNAL AND POSTING TO THE TOWN'S WEBSITE, ANY TOWN LISTSERV, AND AT TOWN HALL, LIMIT APPEALS OF SUPERVISORS OF ELECTIONS DECISIONS TO CANDIDATES AND OTHER QUALIFIED VOTERS AND SET A TIME LIMIT, EXTEND THE DEADLINE TO QUALIFY AS A CANDIDATE TO THE THIRD MONDAY IN MAY IN THE EVENT THAT NO CANDIDATE HAS TIMELY FILED FOR AN OFFICE, CLARIFY THAT QUALIFICATIONS FOR OFFICE ARE DETERMINED AT THE TIME OF FILING OF THE CERTIFICATE OF NOMINATION, ALLOW THE COUNCIL BY RESOLUTION IN AN EMERGENCY TO POSTPONE AN ELECTION UNTIL SUCH TIME AS IT CAN BE SAFELY HELD, AND TO MAKE OTHER CHANGES, ALLOW THE COUNCIL BY RESOLUTION TO AUTHORIZE VOTE BY MAIL, AND ALLOW PLACEMENT OF DROP BOXES FOR RECEIPT OF BALLOTS.

A Charter Resolution of the Mayor and Council of the Town of Kensington, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and of §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended; and

WHEREAS, §5-202 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Mayor and Council to adopt those Charter resolutions as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

CAPS : Indicate matter added in amendment of proposed Charter Amendment.

CAPS : Indicate matter deleted in amendment of proposed Charter Amendment.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Charter Amendment.

secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Mayor and Council undertook a thorough review of the Charter with respect to registration of voters, nomination of candidates and elections; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to adopt the amendments as proposed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Kensington, Maryland, that:

Section 1. Article VII, “Registration, Nominations and Elections”, Section 703 “Removal” of the Town Charter is repealed, re-enacted and amended as follows:

Section 703. Removal

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges for removal. There shall be a public hearing on the charges before the Council if the member of the Board SO requests within ten (10) days after receiving the written copy of the charges.

Section 2. Article VII, “Registration, Nominations and Elections”, Section 704 “Duties” of the Town Charter is repealed, re-enacted and amended as follows:

Section 704. Duties

The Board of Supervisors of Elections shall ~~[be in charge of]~~ ADMINISTER nominations and all Town elections. The Board may appoint election clerks or other ~~[employees]~~ PERSONS to assist it in any of its duties, but no salary, expenses, or other compensation shall be paid to such appointees except as provided by the Council. The Board shall be the judge of the election ~~[and qualifications of its members]~~.

Section 3. Article VII, “Registration, Nominations and Elections”, Section 705, “Notice of Elections” of the Town Charter is repealed, re-enacted and amended as follows:

Section 705. Notice of Elections

The Board of Supervisors of Elections shall give at least two (2) weeks’ notice of

every election, by POSTING A NOTICE THEREOF AT TOWN HALL, TO THE OFFICIAL TOWN WEBSITE, AND TO ANY TOWN-MAINTAINED E-MAIL LISTSERV, AND BY PUBLISHING IN THE TOWN NEWSLETTER ~~[, an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town].~~

Section 4. Article VII, "Registration, Nominations and Elections", Section 706

"Appeal of the Actions of the Board of Supervisors of Elections" of the Town Charter is repealed, re-enacted and amended as follows:

Section 706. Appeal of the Actions of the Board of Supervisors of Elections

If any ~~[person]~~ CANDIDATE OR OTHER QUALIFIED VOTER shall feel aggrieved by the action of the Board of Supervisors of Elections ~~[by any action]~~, such person may appeal to the Council WITHIN FIFTEEN (15) DAYS OF THE ACTION. Any decision or action of the Council upon such appeals may, in turn, be appealed to the Circuit Court for Montgomery County within thirty (30) days of the decision or action of the Council.

Section 5. Article VII, "Registration, Nominations and Elections", Section 707

"Registration" of the Town Charter is repealed, re-enacted and amended as follows:

Section 707. Registration

~~[Registration by a resident with the Montgomery County Board of Supervisors of Elections shall be deemed registration for Town elections.]~~ A. ANY PERSON RESIDING WITHIN THE CORPORATE LIMITS OF THE TOWN OF KENSINGTON WHO IS REGISTERED TO VOTE WITH THE MONTGOMERY COUNTY BOARD OF SUPERVISORS OF ELECTIONS AND WILL BE AT LEAST 18 YEARS OF AGE ON ELECTION DAY SHALL AUTOMATICALLY BECOME A REGISTERED VOTER OF THE TOWN AND BE ENTITLED TO VOTE AT GENERAL OR SPECIAL ELECTIONS OF THE TOWN, provided that the application for such registration is received by the Montgomery County Board of Supervisors of Elections no later than 9:00 p.m. on the fifth Monday prior to an election. The Kensington Board of Supervisors of Elections shall accept the list of registered voters provided by the Montgomery County Board of Supervisors of Election as a valid registration list for the Town.

B. Registration of voters shall be permitted in the Town offices during regular office hours every day such offices are open, to develop a supplemental list of registered voters, and at such other times and places as the Council may establish from time to time. Town registration books shall be closed on the last Tuesday in May prior to the Town election. The Board of Supervisors of Elections shall keep the Town supplemental registration lists up to date by striking from the lists any persons who have died, OR ~~[who have moved out of]~~ NO LONGER

MAINTAIN RESIDENCE IN the Town [~~or who has not voted in a Town election within the five preceding calendar years.~~] The Council, by ordinance, [~~shall~~] MAY adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for re-registration when necessary.

Section 6. Article VII, “Registration, Nominations and Elections”, Section 708

“Nominations” of the Town Charter is repealed, re-enacted and amended as follows:

Section 708. Nominations

A. Persons may be nominated AND QUALIFY for elective office in the Town by filing a certificate of nomination AND THE FINANCIAL DISCLOSURE REQUIRED BY SECTION 2-308 OF THE KENSINGTON CODE at the office of the Board of Supervisors of Elections on or before the second Monday in May preceding the Town election. No person shall file for nomination to more than one elective Town public office or [~~to~~] hold more than one elective Town public office at any one time.

B. IN THE EVENT THAT NO QUALIFIED CANDIDATE FILES FOR THE OFFICE OF MAYOR OR ONE OR MORE COUNCIL SEATS ON OR BEFORE THE SECOND MONDAY IN MAY PRIOR TO THE ELECTION AS REQUIRED HEREIN, THEN THE DEADLINE FOR RECEIPT OF CERTIFICATES OF NOMINATION AND AUTHORIZATIONS IS EXTENDED TO THE THIRD MONDAY IN MAY PRIOR TO THE ELECTION.

C. NO CERTIFICATES OF NOMINATION FOR AN INDIVIDUAL SHALL BE CONSIDERED VALID UNLESS THAT INDIVIDUAL POSSESSES ALL THE REQUIRED QUALIFICATIONS FOR THE OFFICE SOUGHT BY THE DATE OF FILING.

Section 7. Article VII, “Registration, Nominations and Elections”, Section 709,

“Election of the Mayor and the Council Members” of the Town Charter is repealed, re-enacted and amended as follows:

Section 709. Election of the Mayor and the Council Members

A. On the first Monday in June in every even numbered year, the voters of the Town shall elect the Mayor and two (2) persons as Council Members. On the first Monday in June in every odd numbered year, the registered voters of the Town shall elect two (2) persons as Council Members. The Mayor and the Council Members shall serve for terms of two (2) years.

B. WHEN A STATE OF EMERGENCY HAS BEEN DECLARED FOR THE TOWN BY THE MAYOR AND COUNCIL, OR BY THE STATE OF MARYLAND OR MONTGOMERY COUNTY, PURSUANT TO STATE OR LOCAL LAW, AND IN THE JUDGMENT OF THE MAYOR AND COUNCIL THE STATE OF EMERGENCY

PREVENTS THE SAFE, ORDERLY AND EFFICIENT CONDUCT OF A TOWN ELECTION, THE MAYOR AND COUNCIL MAY, BY RESOLUTION, POSTPONE AN ELECTION UNTIL SUCH TIME AS THE ELECTION MAY BE CONDUCTED IN A SAFE, ORDERLY AND EFFICIENT MANNER AND MAKE NECESSARY CHANGES TO THE METHOD, CONDUCT, OR VOTING SYSTEM OF AN ELECTION TO ENSURE AN ACCURATE VOTE COUNT AND CERTIFICATION OF THE ELECTION RESULTS.

C. THE MAYOR AND COUNCIL MAY BY RESOLUTION:

1. AUTHORIZE AN ELECTION TO BE CONDUCTED IN WHOLE OR IN PART BY MAIL, AND
2. MAKE PROVISION FOR A DROP-BOX FOR BALLOTS AT TOWN HALL.

Section 8. Article VII, "Registration, Nominations and Elections", Section 710

"Conduct of Elections" of the Town Charter is repealed, re-enacted and amended as follows:

Section 710. Conduct of Elections

It is the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 6:00 p.m. to 9:00 p.m. on election days or for ~~longer~~ SUCH hours ~~if~~ THAT the Council BY RESOLUTION requires. The Board of Supervisors of Elections shall provide for absentee ballots.

AS OF THE DEADLINE FOR NOMINATION SET FORTH IN SECTION 708, IF THE NUMBER OF QUALIFIED CANDIDATES IS NOT MORE THAN THE NUMBER OF SEATS TO BE FILLED, THEN NO ELECTION WILL BE HELD, AND THE QUALIFIED CANDIDATES SHALL BE DECLARED ELECTED FOR THE TERM BY THE BOARD OF SUPERVISORS OF ELECTIONS AT THE NEXT PUBLIC MEETING OF THE MAYOR AND COUNCIL.

Section 9. Article VII, "Registration, Nominations and Elections", Section 712 "Vote

Count" of the Town Charter is repealed, re-enacted and amended as follows:

Section 712. Vote Count

Within twenty-four (24) hours after the closing of the polls, OR AS SOON AS PRACTICABLE THEREAFTER, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Mayor of the Town who shall order the results recorded in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The two (2) COUNCIL MEMBER candidates ~~[for Council Members]~~ with the highest

number of votes in the ~~[municipal]~~ GENERAL election shall be declared elected as Council Members.

IF TWO OR MORE CANDIDATES FOR MAYOR, OR THREE OR MORE CANDIDATES FOR COUNCILMEMBER, RECEIVING THE HIGHEST NUMBER OF VOTES, RECEIVE AN EQUAL NUMBER OF VOTES, THE MAYOR AND COUNCIL SHALL DIRECT THE BOARD OF SUPERVISORS OF ELECTIONS TO ADMINISTER A SPECIAL ELECTION. THE SUPERVISORS OF ELECTIONS SHALL DECLARE THE CANDIDATE FOR MAYOR, AND THE TWO COUNCIL MEMBER CANDIDATES, RECEIVING THE HIGHEST NUMBER OF VOTES IN THE SPECIAL ELECTION TO BE ELECTED TO THE RESPECTIVE OFFICES.

Section 10. Article VII, "Registration, Nominations and Elections", Section 714

"Vacancies" of the Town Charter is repealed, re-enacted and amended as follows:

Section 714. Vacancies

A. In the case of a vacancy for any reason in the position of Council Member which occurs ninety (90) days or more prior to the expiration of the term, a special election shall be called within sixty (60) days to fill such vacancy for the unexpired term. ~~[In the case of]~~ FOR any such vacancy ~~[which]~~ THAT occurs less than ninety (90) days prior to the expiration of the term ~~[vacancy for the unexpired term shall be]~~ OFFICE SHALL REMAIN VACANT UNTIL filled at the next general election.

B. In the case of a vacancy in the office of Mayor for any reason, which occurs ninety (90) days or more prior to the expiration of the term, a special election shall be called within sixty (60) days to fill such vacancy for the unexpired term. In the case of any such vacancy which occurs less than ninety (90) days prior to the expiration of ~~[the expiration of]~~ the term, the ~~[vacancy for the unexpired term shall be]~~ OFFICE SHALL REMAIN VACANT UNTIL filled at the next general election~~[-, provided that such term shall not expire on the second Monday after such election].~~

Section 11. BE IT FURTHER RESOLVED that this Charter Resolution was introduced on the ____ day of _____, 2020 and was considered for adoption after a public hearing. It is adopted this ____ day of _____, 2021, after at least 21 days of prior public notice of the public hearing and shall be and become effective upon the fiftieth (50th) day after its passage by the Town unless petitioned to referendum in accordance with §4-304 *et seq.* of the Local Government Article, Annotated Code of Maryland, within forty (40) days following its passage. A complete and exact copy of this Charter Resolution

shall be posted in the Town offices located at 3710 Mitchell Street, Kensington, Maryland 20895 for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the Town not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the Town .

Section 12. **BE IT FURTHER RESOLVED** that after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the Town Manager for the Town of Kensington shall send separately, by certified mail, return receipt requested, to the Department of Legislative Reference, the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the Town of Kensington or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 13. **BE IT FURTHER RESOLVED** that if any provision of this Resolution or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

INTRODUCED by the Mayor and Council of the Town of Kensington, Maryland at a regular meeting on the _____ day of December, 2020.

ADOPTED by the Mayor and Council of the Town of Kensington, Maryland in public meeting assembled on the _____ day of _____, 2021.

EFFECTIVE the _____ day of _____, 2021.

ATTEST:

TOWN OF KENSINGTON

Susan Engels, Town Clerk-Treasurer

By _____
Tracey Furman, Mayor

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

Suellen M. Ferguson, Town Attorney

Ordinance No. O-03-2020
 Introduced: December 14, 2020
 Adopted:

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF KENSINGTON TO AMEND CHAPTER VIII, "HEALTH AND ENVIRONMENTAL REGULATIONS", BY ENACTING ARTICLE 9, "PESTICIDES", TO INCORPORATE CHAPTER 33B, OF THE MONTGOMERY COUNTY CODE ENTITLED "PESTICIDES", WHICH CONTAINS VARIOUS PROVISIONS TO PROTECT THE HEALTH OF THE PUBLIC AND TO MAKE CONFORMING CHANGES.

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VI, "Powers of the Council", Section 601, "General Powers", of the Town Charter authorizes the Mayor and Council to adopt such ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of property, rights, and privileges; for the preservation of peace and good order; for securing person and property from violation, danger, or destruction; and for the protection and promotion of the health, safety, and welfare, of the residents and visitors of the Town; and

WHEREAS, the Mayor and Town Council have determined that it is in the public interest to amend Chapter VIII, "Health and Environmental Regulations", by enacting Article 9, "County Pesticides Law Adopted", and otherwise make conforming changes.

Section 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Kensington, that Chapter VIII, "Health and Environmental Regulations", Article 9, "Pesticides" be enacted to read as follows:

ARTICLE 9 PESTICIDES

SECTION 8-901. COUNTY PESTICIDES LAW ADOPTED

(A) CHAPTER 33 B OF THE MONTGOMERY COUNTY CODE ENTITLED "PESTICIDES", WHICH CONTAINS VARIOUS PROVISIONS TO PROTECT THE HEALTH OF THE PUBLIC, INCLUDING ANY FUTURE AMENDMENTS, REVISIONS, OR CHANGES THERETO, IS HEREBY ADOPTED AND MADE PART OF THE THIS CODE BY REFERENCE, EXCEPT AS OTHERWISE PROVIDED IN THIS CODE.

CAPS

[Brackets]

Asterisks * * *

CAPS

[Brackets]

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

:Indicate matter added in amendment

: Indicate matter deleted in amendment

(B) THIS SECTION IS AN EXCEPTION TO THE GENERAL EXEMPTION ENACTED BY THE TOWN OF KENSINGTON IN SECTION 1-202 OF THIS CODE.

(C) THE TOWN HEREBY REQUESTS AND AUTHORIZES MONTGOMERY COUNTY TO ENFORCE THE PROVISIONS OF THIS SECTION.

(D) A COPY OF CHAPTER 33B OF THE MONTGOMERY COUNTY CODE SHALL BE KEPT IN THE TOWN OFFICE AND SHALL BE MADE AVAILABLE DURING NORMAL BUSINESS HOURS.

Section 2.

BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance shall become effective on _____ provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;

CAPS

[Brackets]

Asterisks * * *

CAPS

[Brackets]

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

:Indicate matter added in amendment

: Indicate matter deleted in amendment

b. Posted on the official town website;

c. Sent to those persons listed on the official town email list /mail subscription service;

and

d. Published once in the town newsletter.

If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof.

INTRODUCED by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the ____ day of December, 2020.

ADOPTED by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the ____ day of February, 2021.

EFFECTIVE the ____ day of March, 2021.

ATTEST:

TOWN OF KENSINGTON

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

APPROVED AS TO FORM:

Suellen M. Ferguson, Town Attorney

CAPS

[Brackets]

Asterisks * * *

CAPS

[Brackets]

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

: Indicate matter added in amendment

: Indicate matter deleted in amendment

Ordinance No. O-01-2021
Introduced: January 11, 2021
Adopted:

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING CHAPTER 2, "GOVERNMENT AND ADMINISTRATION", ARTICLE 2, "ELECTIONS", SECTION 2-201. "GENERAL VOTER REGISTRATION", SECTION 2-202, "DISTRIBUTION OF ABSENTEE BALLOTS", SECTION 2-203, "PROCEDURES OF ABSENTEE VOTING", AND SECTION 2-204, "CANVASSING OF ABSENTEE BALLOTS" OF THE TOWN OF KENSINGTON CODE TO DELETE ANY REQUIREMENT THAT A VOTER PROVIDE A REASON FOR VOTING BY ABSENTEE BALLOT AND TO DELETE AN INVALID PROVISION WITH RESPECT TO ELIMINATING VOTERS FROM THE SUPPLEMENTAL LIST.

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Kensington (hereinafter, the "Town") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, Chapter 2, "Government and Administration", Article 2, "Elections", Section 2-202, "Distribution of Absentee Ballots", Section 2-203, "Procedures of Absentee Voting", and Section 2-204, "Canvassing of Absentee Ballots" were adopted by the Mayor and Council to provide for voting by absentee ballot in Town elections; and

WHEREAS, pursuant to §4-108 of the Local Government Article, Annotated Code of Maryland, the Town is prohibited from requiring an individual to provide a reason that the individual will be unable to vote in person on election day in order to vote by absentee ballot; and

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance.
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

WHEREAS, Maryland law prohibits removing a registered voter from the vote list merely for the failure to vote; and

WHEREAS, the Mayor and Council have determined that it is in the public interest and required by State law to delete the provisions in Sections 2-202, 2-203 and 2-204 that reference any requirement that a voter provide a reason for voting by absentee ballot and to delete the provision in Section 2-102 allowing removal of persons from the voter list if that person has not voted in the past five years.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Kensington, Maryland that Chapter 2, "Government and Administration", Article 2, "Elections", Section 2-201, "General Voter Registration," of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-201. General Voter Registration

(a) – (e) * * * * *

(f) The Board of Supervisors of Elections shall review the books of registration prior to the second Monday in May preceding the next Town election for removal of any person who has died, who has moved out of Town, ~~[who has not voted in at least one Town election within the five preceding calendar years,]~~ or who is otherwise legally disqualified. The Board of Supervisors of Elections shall report, in writing to the Town Council the names of all persons whose registrations are withdrawn and the reasons therefor. All questions arising in connection with the registration or withdrawal of registration of any person shall be determined and decided as provided in Section 707 of the Town Charter.

(g) – (h) * * * * *

Section 2. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Kensington, Maryland that Chapter 2, "Government and Administration", Article 2,

Commented [A1]: The Town will generally be relying on the County's system for maintaining the voter rolls.

"Elections", Section 2-202, "Distribution of Absentee Ballots," of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-202 Distribution of Absentee Ballots

(a) Any qualified and registered voter may apply in writing or in person to the Clerk-Treasurer or Board of Supervisors of Elections for an absentee ballot ~~[if he or she can not be present at any upcoming Town election].~~

(b) If an applicant appears to be eligible to vote as an absentee voter, the Clerk- Treasurer shall, as soon as practicable, deliver to him or her at the place so designated by the applicant, an absentee ballot and envelopes therefor, as hereinafter described in Subsection (f) below. If it appears that the applicant is not eligible to vote as an absentee voter, the Clerk-Treasurer shall, as soon as practicable, so notify the applicant.

(c) The Clerk-Treasurer shall deliver with each ballot and envelope instructions clearly explaining the manner in which the recipient may vote as an absentee voter under the provisions of this Article.

(d) The Clerk-Treasurer shall keep a record of applications for absentee ballots as they are received, showing the date received, the names and residences of the applicants, and places where such ballots were delivered, and, if any such applicants were rejected, the reasons for such rejections. Such applications and records shall be available for public examination for a period of six months after the election. The individual record of each voter to whom an absentee ballot was delivered shall be marked to indicate the fact that an absentee ballot was delivered to the applicant and the date of such delivery. Only those voters to whom absentee ballots have been delivered shall be permitted to use such ballots. No voter to whom an absentee ballot has been delivered shall be allowed to vote in person at the polls at the election, except as provided in Section 2-203 (c) of this Article.

(e) No more than one absentee ballot shall be delivered to any one applicant unless the Clerk-Treasurer has reasonable grounds to believe that the absentee ballot previously delivered has been lost, destroyed or spoiled.

(f) The form of ballots and envelopes for absentee voters shall be as follows:

(1) The ballots shall contain the words "absentee ballot" in large letters in a clear space at the top of each ballot and the signature of the Clerk-Treasurer.

(2) The following shall be delivered to the absentee voter:

(i) An envelope marked "Ballot Envelope" of sufficient size to contain the absentee ballot

(ii) Another envelope, hereinafter referred to as the "Outer Envelope", of sufficient size to contain the Ballot Envelope. ~~;~~ and (iii) Oath of absentee voter as follows:

~~"I, _____, do hereby swear (or affirm) under penalty of perjury that I am legally qualified to vote in the Town of Kensington's election to be held on _____; that I will be unable to vote in person on the day of such election because _____ as stated in my application for the enclosed ballot; that the enclosed ballot was marked secretly, folded and enclosed and sealed in the enclosed Ballot Envelope and in this envelope; and that I am now disqualified from voting in person in the Town election."~~

~~_____~~
~~(Signature of absentee voter)]~~

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that Chapter 2, "Government and Administration", Article 2, "Elections", Section 2-203, " Procedures of Absentee Voting " of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-203. Procedures of Absentee Voting

(a) The procedure for absentee voting is as follows: The absentee voter shall mark the absentee ballot, insert it in the Ballot Envelope and then seal this envelope. The voter shall then insert this envelope~~[, together with a completed and signed oath]~~ into the outer envelope, and then seal this envelope. The voter shall then deliver the foregoing to the Clerk-Treasurer or the Board of Supervisors of Elections on or before the close of the polls on Election Day.

(b) No absentee ballots actually received by the Clerk-Treasurer or the Board of Supervisors of Elections after the close of the polls shall be valid.

(c) Any person to whom an absentee ballot has been delivered who has not returned said ballot as provided in Subsection (a) above and who ~~[finds that he or she is able]~~ DECIDES to vote in person at the polls on Election Day, may vote in such election if ~~[he or she delivers their]~~ THEIR unmarked absentee ballot, together with both the Ballot Envelope and the Outer Envelope, IS RETURNED to

the Board of Supervisors of Elections prior to the close of the polls. The Board of Supervisors of Elections shall clearly mark each of such materials “void” and shall enter in the appropriate register the fact that such materials have been returned but not used.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that Chapter 2, “Government and Administration”, Article 2, “Elections, Section 2-204, “Canvassing of Absentee Ballots”, of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-204 Canvassing of Absentee Ballots

The procedure for the canvassing of ballots shall be as follows:

(a) The Clerk-Treasurer shall deliver all sealed Outer Envelopes received to the Board of Supervisors of Elections. No sealed Outer Envelopes shall be opened at any time prior to the canvassing of the absentee ballots.

(b) When an Outer Envelope is opened, the Board of Supervisors of Elections shall conclusively determine whether or not the person who has submitted the absentee ballot is a qualified, registered voter in the Town to whom an absentee ballot was delivered under this Article ~~[, has properly completed the oath specified in Section 2-202 (f) (2) (iii) above,]~~ and has not voted in person at the election. The Board of Supervisors of Elections shall then enter in the appropriate register the fact that the voter ~~[whose name appears on the oath]~~ has voted by absentee ballot. They shall thereafter separately open the Ballot Envelopes in such a manner that they are unable to match the name of the absentee voters with the particular absentee ballots that have been submitted. The Board of Supervisors of Elections shall then proceed to count and certify the absentee ballots.

(c) The Ballot Envelopes found to be invalid by the Board of Supervisors of Elections shall not be opened. The Board of Supervisors of Elections shall keep a record of all absentee ballots which have been rejected and the reason for each such rejection. Such record, and envelopes ~~[and oaths]~~ described in Section 2-202 of this Article, shall be available for public inspection at the Town office for a period of six months after the election.

(d) Whenever the Board of Supervisors of Elections shall determine from proof or investigation that any person who has marked and delivered to the Clerk-Treasurer or Board of Supervisors of Elections an absentee ballot has died before Election Day, said Board of Supervisors of Elections shall not count the ballot of the deceased voter. If at or prior to the time of such

counting and canvassing the Board of Supervisors of Elections shall not have determined that the absentee resident who marked a ballot had died before Election Day, said ballot shall be counted. The fact that said absentee resident may later be shown to have been actually dead on Election Day shall not invalidate said ballot or said election.

(e) For the purpose hereof the term “deliver” shall mean delivery by mail or by any other means.

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance shall become effective on _____ provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;

b. Posted on the official town website;

c. Sent to those persons listed on the official town email list /mail subscription service;
and

d. Published once in the town newsletter.

INTRODUCED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the ____ day of _____ 2021.

ADOPTED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the ____ day of _____ 2021.

EFFECTIVE the ____ day of _____, 2021.

ATTEST:

TOWN OF KENSINGTON

By: _____

Susan Engels, Clerk-Treasurer

By: _____

Tracey Furman, Mayor

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

Suellen M. Ferguson, Town Attorney

Resolution No. R-01-2021
Adopted:

A Resolution of the Mayor and Council of the Town of Kensington to Authorize the Town Manager to extend the auditing contract with Linton Shafer Warfield & Garrett, P.A., Certified Public Accountants, to perform the Annual Audit for Fiscal Years 2020-2021, 2021-2022, and 2022-2023.

WHEREAS, an Annual Audit and Uniform Financial Report on the Town's finances are required by the State of Maryland; and

WHEREAS, in 2017, the Town entered into a contract for auditing services with Linton, Shafer, Warfield & Garrett, P.A. ("Auditors") to prepare these documents on behalf of the Town for fiscal years 2018, 2019 and 2020; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to extend the contract to include fiscal year 2021, with options for fiscal years 2022 and 2023; and

WHEREAS, pursuant to Section 2-405, "Professional Services Contracts", of the Town Code, the Mayor and Town Council may, by an extra-majority vote, authorize the Town Manager to enter into a negotiated procurement for professional services rather than advertise; and

WHEREAS, the Mayor and Council have determined, based on their review of the Auditor's proposal, along with past service to the Town, to extend the contract without advertising for an amount not to exceed \$13,000 for fiscal year 2021, and for the option fiscal years 2022 and 2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Kensington, in a public meeting assembled, that the Town Manager is hereby authorized to extend the auditing contract with Linton, Shafer, Warfield and Garrett, P.A. to perform the annual Audit and prepare the Uniform financial Report for Fiscal Year 2020-2021, with the option to include Fiscal Years 2021-2022, and 2022-2023, with appropriate amendments to the contract, subject to review and approval of the Town Attorney.

Adopted by the Town Council this 8th day of February, 2021.

Effective this 8th day of February, 2021.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

Town of Kensington, Maryland

**Proposal for Audit Services
For the Fiscal Year Ended
June 30. 2021 and
Option Years 2022 and 2023**

LSWG

**CERTIFIED PUBLIC ACCOUNTANTS
& BUSINESS ADVISORS**



February 1, 2021

Mr. Matt Hoffman, Town Manager
Town of Kensington, Maryland
3710 Mitchell Street
Kensington, MD 20895

Dear Mr. Hoffman:

Thank you for this opportunity to submit this proposal to provide audit services to the Town of Kensington, Maryland for the year ended June 30, 2021, with the option to continue these services for fiscal years ended June 30, 2022 and 2023.

Understanding of the Work:

We will audit the financial statements of The Town of Kensington, Maryland as of and for the year ended June 30, 2021, with an option by either party to continue our audit services for fiscal years ended June 30, 2022 and 2023. Our audits will be performed in accordance with generally accepted auditing standards set forth for State and local government financial statements in the Governmental Accounting Standards Board, and Audit Guidelines of the State of Maryland, and will include our examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. Our objective will be the completion of the foregoing audit and, upon completion and subject to its findings, the rendering of our report. If any irregularities, reportable conditions, or illegal acts come to our attention, we will immediately make a written report to the Audit Committee and the Mayor and Council as deemed appropriate. If considered appropriate, we will also provide a letter to management evaluating your operations, accounting procedures, and internal control system.

Firm Qualifications and Experience:

Linton Shafer Warfield & Garrett, P.A. is a regional accounting firm operating in the Washington metropolitan area. (Fed. TIN: 52-1273734, MD #00641333) The firm currently has approximately fifty employees in two offices: Frederick and Rockville, Maryland. We have been providing audit, review, accounting, tax, and management advisory services for over forty years to a wide range of organizations including local governments, corporations, partnerships, and non-profit organizations. With almost one-half of the firm's audit service fees earned from our service to local governments and non-profit organizations, we consider those organizations to be one of the firm's specialty areas. We currently provide audit services to approximately forty non-profit

organizations and nine Maryland municipal governments. For the fiscal year ended June 30, 2020 we provided audit services to the following Maryland City and Town governments:

Town of Chevy Chase	Town of Colmar Manor
City of District Heights	Town of Brookeville
Village of Martin's Additions	Oakmont Taxing District
Town of Morningside	Village of Drummond
Corporation of Woodsboro	Town of Glen Echo
Town of Bladensburg	

As one of the region's oldest and most respected accounting firms, our success is attributed to understanding our clients and their needs and providing timely and expert work. Our staff is well qualified to perform your audit. We strive to blend aggressive and timely service with friendly personal relationships. The work performed in connection with this proposed engagement will be performed by our Rockville, Maryland office. This office services all of our clients in the Washington, D.C. area, and performs all of the firm's audits of local governments and approximately 60% of the audits of non-profit organizations. The firm also performs Single Audits in accordance with the U.S. Office of Management and Budget the old OMB Circular A-133, now replaced by the Uniform Guidance.

Your audit engagement will be supervised by Ms. C. Eva Webb, CPA, a Principal of the firm with over twenty years experience with the firm in audits of local governments. She will be assisted by Mrs. Debbie Free, CPA audit manager, who has over twenty-five years experience with the firm with a specialty in audit and tax services to local governments and non-profit organizations. Either of these two individuals can be rotated as the individual in charge of the planning and performance of your engagement as you consider appropriate. All of us have experience with all of our Rockville office local governments in the performance of their annual audits and preparation of the related Uniform Financial Reports throughout our careers. We strive to maintain this continuity of personnel on our audit engagements to avoid the potential inefficiencies of introducing new personnel on a frequent basis, but also understand the benefits a new experienced audit manager may provide to existing client engagements.

Our staff comply with the Continuing Education Requirements of both the American Institute of Certified Public Accountants (AICPA), the Maryland State Board of Accountancy, and those of the U.S. Government Accounting Office (GAO).

Basic Audit Approach:

Our basic approach to performing an audit is to cause as little disruption to our clients' normal operations as possible. Our advanced planning and commitment to assigning the same staff to each engagement from year-to-year helps to eliminate unnecessary or repetitive questions. Our advanced planning includes the performance of preliminary analytical procedures to identify the key audit areas so that most of our fieldwork focuses on those areas, and not on areas that are deemed insignificant to your overall operations. We would also like to have a planning meeting at the start of each engagement to define each party's responsibilities in completing the engagement in the most efficient manner possible. All work in your office will be supervised by the individuals named above of your choice. We have generally performed the audit fieldwork in your office over a three-to-four day period in August.

At the start of each audit we will develop a time schedule and procedures to be observed during the audit and will provide your staff with a detailed listing of the items we anticipate that we will need to properly complete the audit. The schedules and procedures to complete the audit will be developed in conjunction with the Town and shall be subject to approval by the Town. That listing may be revised as the engagement proceeds. Introductory fieldwork procedures are performed concurrently with the planning process to obtain an understanding of your accounting system to include a review of internal controls. In addition, we will hold preliminary discussions with key accounting and management personnel to review your compliance with laws and regulations that have a direct material effect on your financial statements. We will also contact the audit committee during planning to determine if they have any specific issues or concerns that we should address during the audit.

Once the planning and preliminary review are complete, we will perform testing on key accounts, contracts and grants (if applicable), applying sampling and analytical review procedures as deemed appropriate. Our audit programs are developed by a national organization specifically developed for audits of local governments. When our fieldwork is complete, we will review any proposed audit adjustments with you to obtain your approval before financial statements are prepared. We will also meet with you to discuss any management letter issues or audit findings before any final reports are issued. After the audit we will also meet with the finance committee to discuss the results and findings in connection with the audit.

We will be available to the Town for normal and usual consultations and advice throughout the entire period of the engagement. Fees for major or extraordinary issues will be negotiated.

Output of Audit:

The audit and all associated reports and certifications will be completed by October 31st following the end of each fiscal year. Should we find that the Town has not met its responsibilities necessary for our firm to meet this reporting deadline, we will notify you of those conditions and negotiate a new completion date based on your ability to provide us with the information necessary to start and complete the audit. The documents and reports to be issued in connection with the audit shall include, but not necessarily be limited to the following:



1. Twenty copies (5) of the Audited Financial Statements and one copy of the State of Maryland Uniform Financial Report. The Audited Financial Statements will include Government-Wide Financial Statements, Fund Financial Statements for Governmental Fund and Fiduciary Fund, Notes to the financial statements, and required supplemental information to include budgetary comparison schedule.
2. All certifications and audit reports that may be required by the Federal government for which the Town may receive from the Federal government in accordance with the requirements of the U.S. Office of Management and Budget (OMB) Uniform Guidance, if any.
3. All certifications and audit reports required by the State of Maryland for monies the Town may receive from the State.
4. All certifications and audit reports required by the State for compliance with State law in regard to the financial reporting of municipalities to the State. Those requirements currently consist of filing the Uniform Financial Report and a copy of the audited financial statements.
5. Report on our audit opinion on the financial statements and a management letter addressed to the Town Mayor and Town Council, and a report to the Audit Committee in accordance with Statement of Audit Standards No. 114, and report on internal control in accordance with Statement of Audit Standards No. 115 as deemed necessary.

Audit Conference:

We will have a conference at the end of each audit with the Town Manager and Clerk-Treasurer for the purpose of reviewing our audit findings and our recommendations prior to the issuance of any management letters, certifications, or other audit reports. We will also meet with the Town's Audit Committee upon completion of the audit. As discussed above, we will also be available to meet with the Audit Committee prior to the start of each audit for their review and approval of our audit plan if the Committee so desires.

Proposed Fees:

Based upon anticipated cooperation from your staff in locating documents and accounting records, and on the assumption that unexpected or unusual circumstances will not be encountered during the engagement, we provide the following fee estimate:

\$13,000 for the FY 2020-2021 audit

\$13,000 for the FY 2021-2022 audit

\$13,000 for the FY 2022-2023 audit

This fee estimate includes preparation of the Town's financial statements from information provided by you, and preparation of the Uniform Financial Report due to the State of Maryland, Department of Fiscal Services. Should we encounter unusual or extraordinary issues that may cause this fee estimate to significantly increase, we will notify you of those situations that might



CERTIFIED PUBLIC ACCOUNTANTS & BUSINESS ADVISORS

cause our fee estimate to increase, and will provide you with a new fee estimate before we begin work on those unusual situations.

Our hourly rates for any additional work requested will be billed as follows:

Principal	\$270 per hour
Manager	225 per hour
Senior	145 per hour
Staff accountant	85- 115 per hour

Your Responsibilities:

In order for us to perform the audit in the most cost effective and efficient manner we will require your assistance in providing our staff with the information and documents necessary to perform the audit. We will provide you with a preliminary listing of our needs prior to the start of the audit. As discussed above, most of our requests are simply copies of routine work-papers or schedules prepared by your staff in the normal course of performing their duties. It will also be your responsibility to prepare the management discussion and analysis as required by GASB No.34 for inclusion in the financial statements.

References of Other Local Government Audits:

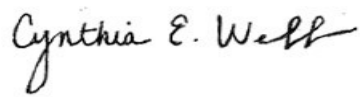
Mr. Dan Baden, Clerk/Treasurer
City of District Heights
2000 Marbury Drive
District Heights, MD 20747
301-336-1402

Mr. Todd Hoffman, Town Manager
Town of Chevy Chase
4301 Willow Lane
Chevy Chase, MD 20815
301-654-7144

Mrs. Elizabeth Boa, Town Clerk-Treasurer
Town of Glen Echo
PO Box 598
6106 Harvard Avenue
Glen Echo, MD 20812
301-320-4041

We appreciate the opportunity to propose these services to you and believe this letter accurately summarizes the significant terms of our proposed engagement. If you have any questions, please feel free to contact me. I would be pleased to meet with you to discuss any facet of this proposal. If you agree to accept our proposal, we will forward an engagement contract for your review and signature.

Sincerely,

A handwritten signature in black ink that reads "Cynthia E. Webb". The signature is written in a cursive style with a large, stylized 'C' and 'W'.

C. Eva Webb, CPA

Principal

FREDERICK • ROCKVILLE

www.lswgcpa.com

ENGAGEMENT AGREEMENT FOR AUDITING SERVICES

THIS AGREEMENT is entered into this _____ day of August, 2016, by the TOWN OF KENSINGTON (“Town”), a municipal corporation of the State of Maryland, and LINTON, SHAFER WARFIELD & GARRETT, P.A.(“Auditors”), with offices located at 932 Hungerford Drive, Suite 29B, Rockville, MD 20850.

In consideration of the mutual covenants and obligations contained herein, the sufficiency of which is hereby acknowledged, the Town and the Auditors hereby agree as follows:

1. Services Provided: The Auditors shall provide the following services for the Town (“the Services”) as an independent contractor:

A. Conduct the annual audit for the fiscal year ending June 30, 2017 in accordance with generally accepted auditing standards, as prescribed by the American Institute of Certified Public Accountants and *Audit Guidelines* of the State of Maryland, plus any amendments or revisions thereto. At the option of the Town, the Town may extend this Agreement for up to a total of three additional one year terms, to perform the required audits for fiscal years 2018, 2019 and 2020. Each audit will include such tests of the accounting records and any other procedures that are required by law or considered necessary in the circumstances and shall be provided to the Mayor and Council of the Town. Auditor will assist in the preparation of the Uniform Financial Report (“UFR”) and attest to certain matters pertaining to the UFR. Services include reporting for the Town adopted retirement or pension system in the Town’s basic financial statements.

B. Reports to be issued by the Auditors to the Mayor and Council of the Town:

1. The Auditors shall issue all reports required by generally accepted auditing standards, as prescribed by the American Institute of Certified Public Accountants, and *Audit Guidelines* of the State of Maryland, plus any amendments or revisions thereto.

2. The Auditors shall be required to make an immediate, written report of all irregularities and illegal acts, or indications of illegal acts, unless clearly inconsequential, of which they become aware to the following parties:

- a. Mayor and Council, Town of Kensington
- b. Town Manager
- c. Town Clerk-Treasurer

3. The Auditors shall communicate to the Mayor, Council Members, Town Manager and Town Clerk-Treasurer each of the following:

- a. The Auditors' responsibility under general accepted auditing standards
- b. Significant accounting policies
- c. Management judgments and accounting estimates
- d. Significant audit adjustments
- e. Other information in documents containing audited financial statements
- f. Disagreements with management
- g. Management consultation with other accountants
- h. Major issues discussed with management prior to retention
- i. Difficulties encountered in performing the audit

C. Working paper retention and access to working papers:

1. All working papers and reports must be retained, at the Auditors' expense, for a minimum of five (5) years after the date of the auditor's report, unless the firm is notified in writing by the Town of the need to extend the retention period. The Auditors will be required to make working papers available, upon request, to the following parties or their designees:

- a. Mayor and Town Council of Kensington
- b. U. S. General Accounting Office ("GAO")
- c. Parties designated by the federal, state or county governments or by the Town as part of an audit quality review process

d. Auditors of entities of which the Town is a sub-recipient of grant funds

2. In addition, the Auditors shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance, in accordance with professional standards.

D. The Auditors shall render a report (management letter), if required by applicable auditing standards, to the Mayor and Town Council which will include any recommendations for improving the accounting operations of the Town.

2. Contract Documents: The Services are additionally subject to the contract documents listed below:

a. Certificates of Insurance

b. Affidavits

c. Proposal from Linton, Shafer, Warfield & Garrett, P.A. dated January 4, 2017.

It is understood by the parties hereto that time is of the essence in the completion of this contract. The annual audit for each fiscal year covered by this Agreement shall commence on or before September 30, 2017 and be completed with all required reports issued by October 31, 2017. Auditors hereby agrees to furnish any and all personnel and equipment needed to perform the Services. In the event of any conflict between the referenced Contract Documents and this Agreement, the terms of this Agreement shall prevail.

3. Additional Services: Additional services may only be initiated by the Town Manager in writing in advance. Fees for additional services shall be charged as follows:

Principal \$275.00 per hour

Manager \$195.00 per hour

Staff Accountant \$115.00 per hour

4. Fees: The Town hereby agrees to pay the Auditors a set fee for Services called for under this Agreement as follows:

Audit for fiscal year 2017 only	\$10,700.00
Audits for the fiscal year 2017 and 2018	\$10,800.00 per each
Audits for fiscal years 2017, 2018 and 2019	\$10,900.00 per each
Audits for fiscal years 2017, 2018, 2019 and 2020	\$10,700.00 per each

Invoices for fees will be rendered no more frequently than monthly.

5. Binding Effect of Agreement: This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

6. Other Payments, Taxes, Expenses: Except as may be specifically agreed upon by the parties in writing, the Auditors shall be entitled to no fee, bonuses, contingent payments, or any other amount in connection with the Services to be rendered hereunder. The parties hereto further agree that the Town shall have no obligation to reimburse, pay directly or otherwise satisfy any expenses of the Auditors in connection with the performance of its obligations under this Agreement, including, but not limited to, the cost of any insurance or license fees.

It is expressly understood and acknowledged by the parties hereto that the fees payable hereunder shall be paid in gross amount, without reduction for any Federal or State withholding or other payroll taxes, or any other governmental taxes or charges. The parties hereto further recognize that the Auditors are independent contractors of the Town and are therefore responsible for directly assuming and remitting any applicable Federal or State withholding taxes, estimated tax payments, or any other fees, taxes or expenses whatsoever. In the event that the Auditors are deemed not to be an independent contractor by any local, state or federal agency, the Auditor

agrees to indemnify and hold harmless the Town for any and all fees, costs and expenses, including but not limited to, reasonable attorneys' fees, incurred hereby.

7. Insurance:

A. Workers' Compensation. Auditors shall comply with the requirements and benefits established by the State of Maryland for the provision of workers compensation insurance. Auditors hereby certify that they are in compliance with applicable requirements.

B. Liability. During the entire term of this Agreement, Auditors shall maintain the following insurance coverage: comprehensive general liability insurance and professional errors and omissions insurance with limits of not less than those set forth below. By submission of a Proposal, Auditors hereby certify that they are in compliance with applicable requirements. On each policy, with the exception of the workers compensation coverage and professional liability (errors and omissions) coverage, Auditor will name the Town as an additional insured with an additional insured endorsement.

1. Comprehensive General Liability Insurance

(a) Personal injury liability insurance with a limit of \$1,000,000 each occurrence/aggregate; and

(b) Property damage liability insurance with limits of \$500,000 each occurrence/aggregate

All insurance shall include completed operations and contractual liability coverage.

2. Professional Liability (Errors and Omissions) Insurance. Auditors shall maintain a policy with limits of not less than \$1,000,000 each occurrence/aggregate.

3. Workers' Compensation Insurance. Auditor shall comply with the requirements and benefits established by the State of Maryland for the provision of Workers' Compensation insurance. Auditor shall provide workers' compensation insurance meeting the statutory limits for Maryland Employers' Liability.

Auditor covenants to maintain insurance, in these amounts, which will insure all activities undertaken by Auditor on behalf of the Town under this Agreement. Copies of the required certificates of insurance and additional insured endorsement shall be furnished to the Town prior to beginning work. Provision of any insurance required herein does not relieve the Auditors of any of the responsibilities or obligations assumed by the Auditors in this Agreement, or for which Auditors may be liable by law or otherwise. Provision of such insurance is not intended in any way to waive the Town's immunities or any damage limits applicable to municipal government as provided by law.

C. Auditors agree to provide the Town with at least thirty (30) days prior written notice of the cancellation of, intention not to renew, or material change in, the coverage.

8. Relief: In the event of a breach by the Auditors of any provision of the Agreement, the Auditors recognizes the substantial and immediate harm that a breach will impose upon the Town, and further recognizes that, in such event, monetary damages will be insufficient to protect the Town. Accordingly, in the event of a breach of this Agreement, the Auditors consent to the Town's entitlement to apply for such ex parte, preliminary, interlocutory, temporary or permanent injunctive relief for such breach as may be necessary to prevent the Auditors from further breaching any of its obligations set forth herein. Nothing herein shall be construed as prohibiting the Town from pursuing any other remedies available to the Town at law or in equity for such breach, including the recovery of damages from the Auditors.

9. Compliance with Laws: The Auditors shall, without any additional expense to the Town, be responsible for complying with any and all applicable laws, codes and regulations in connection with the Services provided by the Auditors including, but not limited to, obtaining any licenses required by the Auditors to perform the Services herein contracted for.

10. Indemnification: The Auditors shall indemnify, defend and hold the Town harmless from and against any claims, suits or actions for loss, personal injury and/or damage that may be suffered as a result of the Auditors' negligent or intentional acts in any way related to the Auditors' performance of the Services herein contracted for or for any failure by the Auditors to perform the obligations of this Agreement, including without limitation, any costs incurred by the Town in defending any such claim and attorneys fees.

11. Ownership of Records: In the event of termination of this Agreement for any reason, Auditors agrees to immediately return to the Town all original records and information or other written materials and the like which the Town may have furnished to it in connection with those activities hereunder or which the Auditors may have obtained in the performance of this Agreement so that none of the foregoing items shall remain in the Auditors' possession. In addition, any other property of the Town shall similarly be returned to the Town at the time of said termination, it being understood by the parties to this Agreement that all records and materials supplied to the Auditors by the Town or obtained by the Auditors in the performance of this Agreement are to remain at all times the sole property of the Town.

12. Confidentiality: The Auditors will not at any time during or after its relationship with the Town directly or indirectly disclose to others any confidential information of the Town. While engaged as the independent Auditor of the Town, the Auditors may only use any confidential information for a purpose which is necessary to the carrying out of the Auditors' duties as

independent Auditors of the Town and, unless required by law, the Auditors may not make use of any such information after they are no longer independent Auditors of the Town.

13. Not Assignable: The Auditors shall not assign or transfer any interest or claim under this Agreement except as may be agreed upon and authorized in writing by the Town and no contract shall be made by the Auditors with any other party for furnishing any of the Services herein contracted for without the prior written approval of the Town.

14. Auditors' Records: Daily records of Auditors' direct personnel, consultant and expenses pertaining to the project shall be kept on a generally recognized accounting basis and shall be available to Town or its authorized representative upon request for five (5) years from the date of issuance of the Auditor's Reports.

15. Town's Right to Terminate: The Services or the additional services herein contracted for may be terminated immediately, in whole or in part, by the Town upon written notice, when the Town, in its sole and absolute discretion, determines such action to be in its best interest. Upon such termination, the Town shall be liable to the Auditors only for payment for Services actually provided in conformance with the contract prior to the effective date of the termination.

16. Entire Understanding: This Agreement contains the entire understanding between the parties, and any additions or modifications hereto may only be made in writing, executed by both parties.

17. Applicable Law: This Agreement shall be interpreted in accordance with the laws of the State of Maryland, without regard to its conflict of laws provisions, as if this Agreement were fully made and performed in the state.

18. Conflict of Interest: The person executing this Agreement on behalf of the Auditors certifies understanding of the provisions of the Town Charter and Code, dealing with conflicts of interest and the prohibition of the solicitation or acceptance of gifts.

19. Set-Off: In the event that the Auditors shall owe an obligation of any type whatsoever to the Town at any time during the term hereof, or after the termination of the relationship created hereunder, the Town shall have the right to offset any amount so owed the Auditors against any compensation due to Auditors for the provision of the Services.

20. Severability: If any term or provision of this Agreement shall be held invalid or unenforceable to any extent, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be enforced to the fullest extent permitted by law.

21. Notice: All notices shall be sufficient if delivered in person or sent by certified mail to the parties at the following addresses:

For the Town:

Sanford W. Daily
Town Manager
Town of Kensington
3710 Mitchell Street
Kensington, MD 20895
Telephone: 301-949-2424
FAX: 301-949-4925
E-mail: SWDaily@tok.md.gov

For the Auditors:

Name: Joseph M. McCathran
Firm: LINTON, SHAFER WARFIELD &
GARRETT, P.A.
Address: 932 Hungerford Drive
Suite 29B
Rockville, MD 20850

Telephone: 240-314-7075
FAX: 240-314-7079
E-mail Address: *****

IN WITNESS WHEREOF, on the date hereinabove set forth, the parties hereto have executed this Agreement in two duplicate originals, either of which shall be adequate proof of this Agreement without locating or accounting for the other.

Witness: TOWN OF KENSINGTON

Tracey Furman, Mayor

Witness: LINTON, SHAFER WARFIELD & GARRETT,
P.A.

By: _____
Name: Joseph M. McCathran
Title: Principal
Federal No. TIN 52-1273734

Approved as to Form and Legal Sufficiency:

Suellen M. Ferguson
Town Attorney