

**JANUARY 2010**



# THE TOWN OF KENSINGTON'S **AROUND TOWN JOURNAL**

3710 Mitchell Street, Kensington, Maryland \* 301-949-2424 \* Fax: 301-949-4925 \* WWW.TOK.MD.GOV

## **UPCOMING EVENTS & MEETINGS**

### **Town Offices Closed**

Mon., Jan. 18th  
Martin Luther King Jr. Day

### **Town Council Meeting**

Mon., Jan. 25th 7pm

### **Town Council Meeting**

Mon., Feb. 8th 7pm

### **3rd Annual Wellness Clinic**

Sat., Feb 13th 9:30 ~ 1pm  
Kensington Town Hall

### **Town Offices Closed**

Mon., Feb 15th  
President's Day

## **PHOTO CONTEST WINNERS ANNOUNCED**

The Town of Kensington and the Montgomery County Department of Planning would like to congratulate the following winners for the A Day in the Life of Kensington Photo Contest:

1st Place—Kurtis Cross "Girl v. Sprinkler"

2nd Place—Katie Rangos "Monarch"

3rd Place—Dorie Silber "Dancing in the Parade"

Youth Winner—Marjorie McCurry "Tire Swing"



*January*

## **Newsletter Delivery Options**

In efforts to save resources and be "green", the Town is encouraging those who have email access to sign up for the electronic version of our monthly newsletter. Those wishing to continue with a hardcopy will still have the option to do so. Please email Matthew Hoffman (Assistant to the Town Manager) only if you wish to receive your newsletter electronically. [mjhoffman@tok.md.gov](mailto:mjhoffman@tok.md.gov).

## A LETTER FROM THE MAYOR



Dear Residents and Business Members,

We have all heard the same depressing stories in the news. Last year was a tough year financially, but Kensington made it through 2009 without many scars. Although there are signs of the economy improving for 2010, many people do not realize that government – State, County, and Town - are the last to feel the pain. This is because our revenues are generated from the prior year's fees and taxes, which were all down in 2009. The State will be making additional cuts; then the County will follow. As a result, this year may be a very tight financial time for Kensington. I have had to make some tough decisions recently in preparation for possible constraints. Employee bonuses were not given out, days off have been reduced, contracts are being renegotiated, and some services may be reduced. Any extra time for the Crew will be used to perform some of our contracted services such as street cleaning, landscape, and other tasks that keep Kensington looking great all year. In addition, I ask for your patience and understanding when the streets are not plowed as soon as we are used to or a park isn't in its usual pristine condition. I am hoping these modifications are temporary. As the year progresses the Council and I will have a better idea of our financial predicament. These decisions have not been easy, but as your Mayor it is my duty to look after Kensington's well being.

Our money concerns are minor compared to some of our community members who cannot provide the basic essentials to survive. Yes, even in Kensington and Montgomery County we have people with hardships. So I'm launching an effort to lend a hand to those in need by urging Kensington Residents to contribute time, clothing/supplies, or money to our local

***Bethesda Cares.***

Bethesda Cares serves the county's homeless and working poor. They provide a wide range of critical services with minimal overhead. Their paid staff of three coordinates more than 450 volunteers, maximizing human resources and energy to meet the needs of the homeless. Since the office space and equipment are donated, your contributions go to work immediately and productively. I have helped with the program on Saturdays at their lunch kitchen for almost 10 years. Please consider helping as well:

7728 Woodmont Avenue Bethesda, MD 20814  
 Tel: 301-907-9244  
<http://www.bethesdacares.com/donate.htm>  
 Email: [info@bethesdacares.com](mailto:info@bethesdacares.com)

Sincerely,

Peter Fosselman

<b>FORM 502</b>		<b>MARYLAND RESIDENT INCOME TAX RETURN</b>	
OR FISCAL YEAR BEGINNING		2009, ENDING	
SOCIAL SECURITY #		SPOUSE'S SOCIAL SECURITY #	
Your First Name	Initial	Last Name	
Spouse's First Name	Initial	Last Name	
PRESENT ADDRESS (No. and street)			
City or Town	State	Zip Code	
Name of county and incorporated city, town or special taxing area in which you were a resident on the last day of the taxable period. (See Instruction 6)		Maryland County	City, town or taxing area

**TAX REMINDER:** Please write "Town of Kensington" in the box marked city, town, or taxing area on the Maryland Tax Return 2009 Form 502/503. This insures a portion of your tax dollars are returned to the Town.

## Town Meeting Minutes

**November 23, 2009**

**Town Meeting, 7:05 p.m.**

Mayor Fosselman, Council Members Barch, Donatelli, and McMullen, Town Manager Sanford Daily, Clerk-Treasurer Susan Engels and Assistant to the Town Manager Matt Hoffman were present. Council Member Thompson was necessarily absent. The Pledge of Allegiance was recited and a Moment of Silence observed.

The Mayor thanked property owners Amy Lindsey and Matt Severns for granting the Town an easement so a missing link of the sidewalk at St. Paul and Plyers Mill could be completed; reported the Montgomery County Police made two arrests in reference to vehicle break-ins; consulted with the Town Attorney on referendums, the Town will have a referendum in June 2010 on whether to allow off-sale liquor; disclosed he purchased, along with three other partners, the property at 10417 Armory Avenue; noted the Town is paying \$5,000 to Chevy Chase View to help offset their legal expenses of over \$30,000 incurred for speed camera negotiations noting their attorney led the way for both Chevy Chase View and Kensington; attended the County Council's State Legislative Session; attended the Montgomery MML meeting, participated in an Impact Now Event, attended, along with Council Member Thompson, the Volunteer Fire Department's debut of their Tower Truck; attended State Highway's Road Show; met with Code Enforcement Officer Hamilton and Residents regarding a zoning violation; met with a restaurant owner regarding directional signage; met with the Town Manager and the Town Attorney to discuss charter amendments and ordinances to be introduced tonight; attended the County Council's Town Hall Meeting; participated in the BRAC subcabinet; attended Montgomery County's annual legislative hearing for new bills and funding requests; attended a fundraiser for County Council Member Marc Elrich; met with Carla Reid, Director of Permitting Services, in reference to code violations

in Town; will be clarifying recycling rules in next newsletter; still working on the speed camera memorandum of understanding; and noted residents can obtain Kensington logo license plates.

Council Member McMullen reported the Historic District Expansion Committee will be holding their next meeting on Dec 9 and noted that speed camera proceeds can be used to offset the \$5,000 in legal fees paid to Chevy Chase View.

Council Member Donatelli noted she is working on completing the Farmers' Market Expansion.

Council Member Barch reported he has been working on the draft urban design guidelines to complement the Sector Plan. He will be meeting with Park and Planning to discuss establishing a design review committee and on whether the design guidelines can become law. He also noted he met with Bethesda Urban Partnership on their trolley system and is investigating a trolley system for the Town. The Mayor commented that the design guidelines are part of the Sector Plan approval.

The Town Manager reported Safeway will be replacing the street light that was knocked down with a street light with LED lighting. He also noted that although income tax revenue was meeting projections and may offset the loss in highway user revenue; the Town still needs to be cautious with the use of surplus.

The Town Manager explained the Charter Amendments and Ordinances were to create the Town Manager position in the Charter, improve purchasing rules and regulations in the Charter, change the competitive buying requirement from \$10,000 to \$30,000, and to add a permitting system to regulate the parks. A Public Hearing will be held on January 11, 2009.

*Continued on page 4 . .*

***Continued from page 3 . . .***

Council Member McMullen suggested giving residents an opportunity to make comments or clarify questions they may have prior to the January 11<sup>th</sup> Hearing. This will be put on the December 14<sup>th</sup> Agenda.

A resident inquired about the Neighborhood Watch Program. Council Members Thompson and McMullen will look into this.

**Council Actions**

Council Member Donatelli moved to approve the minutes from November 9, 2009. The motion passed unanimously.

Council Member Donatelli moved to introduce a Charter Resolution Amending Article IV "The Council", Section 410 "File of Ordinances" and Section 411, "Referendum", Article V "The Mayor", Section 505, "Powers and Duties", Article VIII, Section 802 "Proposed Budget" and Section 808 "Checks", Amending Article IX "Administration", by deleting "Section 906 "Appointed Officials", Section 907 "Clerk-Treasurer" and Section 909 "Building Inspector", Renumbering Section 908 "Town Attorney", and adding Section 907 "Town Manager" and Amending Article XI "Special Assessments" Section 1102 "Procedure" and Article XIII "General Provisions", Section 1301 "Oath of Office" and Section 1302 "Official Surety Bonds", all of the Town Charter, to establish the position of Town Manager, to provide for the duties and terms of employment for the position, to make certain changes to the procedure for issuance of checks, and to make conforming changes. The motion passed unanimously.

Council Member Barch moved to introduce a Charter Resolution amending Article VIII "Finance", Section 816, "Purchasing and Contracts" to delete certain requirements. The motion passed unanimously.

Council Member McMullen moved to introduce an ordinance to amend Chapter II, "Government and Administration", by adding Article 4 "Purchasing and Contracts", Sections 2-401, "Purpose, Scope", Section 2-402, "Bidding Requirements", Section 2-403 "Exceptions", Section 2-404, "Awarding of Bids" and Section 2-405 "Professional Service Contracts" to prescribe a procedure for purchasing of goods and services for the Town. The motion passed unanimously.

Council Member Donatelli moved to introduce an ordinance to amend Chapter VII, "Public Health, Safety and Conduct", By Adding Article 1 "General Provisions", Section 7-105, "Regulation of Parks", to Provide for Regulation of Town Parks and to Institute a Permit System. The motion passed unanimously.

Council Member Barch moved to adjourn the meeting at 7:43 p.m. The motion passed unanimously.

**December 14, 2009****Town Meeting, 7:15 p.m.**

Mayor Fosselman, Council Members Barch, McMullen, and Thompson, Town Manager Sanford Daily, Clerk-Treasurer Susan Engels and Assistant to the Town Manager Matt Hoffman were present. Council Member Donatelli was necessarily absent. The Pledge of Allegiance was recited and a Moment of Silence observed

The Mayor thanked Shirley Watson, Matt Hoffman, Kensington Arts Theatre, Margaret Goldsborough, Dennis McCurdy, and the businesses on Antique Row for their help and participation in the Tree/Menorah Lighting Event; thanked the sponsors and participants of the photo contest; thanked the Council Members for attending the Annual MML Legislative Dinner and the Committee for Montgomery Breakfast; met with Park and Planning to discuss the design

guidelines Council Member Barch has been working on; attended Bethesda Chevy Chase Chamber's Annual Legislative Breakfast; attended the County Council's election for officers, Kensington's Valerie Ervin was elected Vice President of the County Council; attended a fundraiser for Council Member George Leventhal; attended the County Executive's Annual Arts Ball; held a marketing meeting; participated in the MNCPP's process forum; met with the Audit Committee and will be meeting with staff regarding long term financial planning.

Council Member McMullen reported the Historic District Expansion Committee met to discuss goals; the next meeting will be to discuss the historic district expansion with Fred Boyd which is tentatively scheduled for January 13<sup>th</sup>; and the Committee may look into hiring a consultant to review areas for historic district expansion.

Council Member Barch reported he attended a meeting with Park and Planning on the Urban Design Guidelines. Park and Planning has tentatively agreed that new development would not be approved until complying with the design guidelines, this would ensure the existing charm of the Town would be carried over in any new development.

Council Member Thompson invited the Mayor, Council and residents at the meeting outside the Armory to view the new aerial ladder truck the Kensington Volunteer Fire Dept acquired with a grant. Council Member Thompson noted he informed Maier Warner about misinformation regarding the Town and the Brookewood School broadcast on a local radio station; attended the Historical Society Party; and reported a request has been made to move the traffic light in front of the fire house back from the intersection to avoid traffic being trapped in front of the fire house and to reduce preempting of the traffic light.

A discussion was held on the Charter and Ordinance amendments introduced on November 23, 2009 which would create

the Town Manager position in the Charter, improve purchasing rules and regulations, change the competitive buying requirement from \$10,000 to \$30,000 and add a permitting system to regulate the parks. A Public Hearing will be held on January 11, 2010. The Council discussed the purpose of the extra majority provision; Residents requested clarification of park permitting and fees for certain types of use, requested more information on the town manager amendment and suggested the Town look into a policy for awarding contracts. The Mayor noted summaries of the amendments are available on the website, copies are available at Town Hall and copies will be made available electronically.

The Town Manager reported renovations have begun for the downstairs bathrooms.

A Public Hearing was held to annex approximately 2.10865 acres of land, known as the Kaiser Property at 10810 Connecticut Avenue. The Town Manager explained the process and requirements which were followed. Town Manager noted a written response and/or consent agreement was not received from Kaiser but was also not required. He reported that he verbally spoke with a representative from Kaiser who noted they were happy to be part of the Town. Additional taxes will be received by the Town of approximately \$11,000. No public comments were received.

Council Member Barch suggested a survey be done of Residents to find out whether it would be useful to have a shuttle from Grosvenor to Forest Glen Metro and also check with nearby municipalities to see if they would be interested.

### **Council Actions**

Council Member Barch moved to approve the minutes from November 23, 2009. The motion passed 3 to 0. Council Member Donatelli was not present.

*Continued on page 6. . .*

**Continued from page 5 . . .**

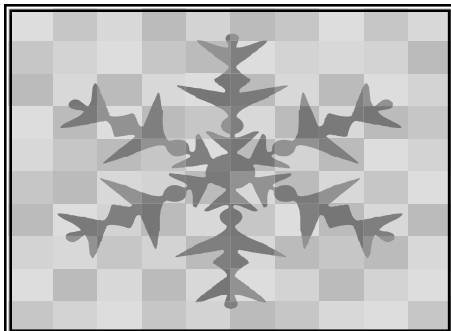
Council Member McMullen moved to adopt Resolution No.A-2009-01 enlarging the corporate boundaries of the Town of Kensington by annexing land contiguous to and adjoining the existing corporate area, being approximately 2.10865 acres of land, known as the Kaiser Property, located on the northwest corner of the intersection of Perry and Connecticut Avenues at 10810 Connecticut Avenue. The motion passed 3 to 0. Council Member Donatelli was not present.

Council Member Barch moved to adjourn the meeting at 8:35 p.m. The motion passed 3 to 0. Council Member Donatelli was not present.

**IF IT SNOWS . . .**

Kensington requires residents and business Owners to clear a path on the sidewalk in front of their properties within 24 hours of each snow fall. If a path has not been cleared during this time period, a notice reminder will be hand delivered. If compliance is still not met, a citation will be issued—\$65 for residential and \$195 for commercial.

Exceptions due to safety: residential sidewalks located on Connecticut, Summit and Knowles Avenues will be cleared by the Town. If you are traveling during the winter months, please make arrangements before leaving to have someone clear your sidewalk.



**PERMITS**

10208 Frederick Avenue

Alteration Repair

3506 Kent St.

Addition

**VALENTINE WELLNESS CLINIC**

The Third Annual Valentine Wellness Clinic will return to Kensington this coming February 13th from 9:30 am to 1pm at Town Hall.

Dr. Cindy Tracy (Director, Cardiac Services, George Washington University Hospital and Town Resident) and her staff of professionals will be available to answer your questions.

In addition, all are invited to get their blood cholesterol and other lipids tested, have an electrocardiogram (EKG), check your blood



pressure, have your BMI calculated and complete a cardiac risk assessment. For best results come fasting!

**BRUSH, RECYCLING & TRASH**

Monday—Yard Waste & Brush

Tuesday—Trash and Special Collection Items

Wednesday—Recycling

Friday—Trash.

Refer to page 7 for more information.

## NEW TRASH COLLECTION GUIDE

- ◆ Please place curbside by 7 am every Tuesday and Friday.
- ◆ Use metal or plastic trash receptacles. These should be kept in good condition and all lids should fit properly to secure that refuse does not fall out and to keep animals from removing trash from the containers.
- ◆ Place trash in plastic bags and not directly into the trash can.
- ◆ Broken glass should be placed in a marked container or wrapped in newspaper.
- ◆ Receptacles must not exceed fifty (50) pounds.
- ◆ All homeowner project materials and debris should be flattened and be free of any nails or sharp objects.
- ◆ Bulky items such as: furniture, carpets, doors and mattresses with regular trash collection.
- ◆ **Special collection items consist of any and all major appliances. They will be picked up on Tuesday's only following the regular trash route.**

### **THE FOLLOWING ITEMS WILL NOT BE COLLECTED:**

- ◆ Poisons, acids, caustics, explosives, toxic materials, bricks, concrete; automotive fluids such as motor oil, gasoline, and anti-freeze, tires, and batteries will not be accepted. Empty or dried-out paint cans are collected.
- ◆ Tires should be taken to the Montgomery County Transfer Station at Shady Grove. They will accept as many as four (4) tires at a time. They are located at: 16101 Frederick Road, Derwood, Maryland 20855.
- ◆ Any waste material resulting from the repair or alterations of any building or other structure done by a commercial contractor will not be collected. Homeowners must have their contractor's remove all debris associated with the project.

## NEW YARD WASTE & BRUSH GUIDE

- ◆ Please place curbside by 7 am on the designated days.
- ◆ **Yard waste will be picked up on Mondays and Fridays during the busy months: April, May and June. And only on Mondays during other months.**
- ◆ Grass and plant clipping must be placed in a container or yard waste paper bag. Do not use plastic bags! Yard waste bags should not exceed twenty-five (25) pounds.
- ◆ Brush and branches should be tied securely in bundles and not exceed four (4) feet in length and three (3) inches in diameter. Bundles should not exceed twenty-five (25) pounds.
- ◆ **Yard waste generated by commercial landscapers should be removed by the landscaper.**

**If you have any questions, please feel free to contact the Town of Kensington at 301.949.2424.**

# Want K-Town License Plates?

The Town of Kensington is in the process of applying to the State's Motor Vehicle Administration for organizational license plates. The Town needs a minimum of 25 applicants before submitting the application. The cost is \$25 per applicant.

If you're interested in representing the Town with our very own vanity plates, please send us a check for \$25 addressed to the MVA. Any questions can be directed to Matthew Hoffman, Assistant to the Town Manager, at 301.949.2424 or email [mjhoffman@tok.md.gov](mailto:mjhoffman@tok.md.gov).

What a great way to show pride in our beautiful and historic town!



***THE TOWN OF KENSINGTON'S***  
***AROUND TOWN JOURNAL***  
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3710 MITCHELL STREET, KENSINGTON, MARYLAND  
301-949-2424 FAX: 301-949-4925 [WWW.TOK.MD.GOV](http://WWW.TOK.MD.GOV)

*To Our Kensington Neighbors*



## ADOPTED CHARTER RESOLUTION

**Charter Amendment Resolution CR-01-2010** of the Council of the Town of Kensington, was adopted by unanimous vote on January 11, 2010, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland. The adopted Charter Resolution Amends the following:

Article IV, Section 410 and Section 411; Article V, Section 505; Article VIII, Section 802 and Section 808; Article IX by deleting Section 906, Section 907 and Section 909, as well as Re-numbering Section 908 to "Town Attorney" and adding Section 907 "Town Manager"; Amending Article XI, Section 1102; Article XIII, Section 1301 and Section 1302.

By amending the these Articles within the Town Charter, the Town established the position of Town Manager as Chief Administrative Officer and provides for the duties and terms of employment for the position, along with changing the procedure for issuing checks, and eliminating from the Charter the reference to the Offices of the Clerk-Treasurer and to make conforming changes.

Charter Amendment Resolution CR-01-2010 will be effective as of March 2, 2010, unless petitioned to referendum in accordance with Article 23A, Section 13 of the Annotated Code of Maryland within forty (40) days following passage

**Charter Amendment Resolution CR-02-2010** of the Council of the Town of Kensington, was adopted by unanimous vote of January 11, 2010, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland. The adopted Charter Resolution amends the following:

Article VIII, Section 816.

By amending this Article, certain requirements are to be deleted as to require that the Council provide, by Ordinance, rules and regulations regarding the use of competitive bidding and contracts for Town purchases and contracts. This Charter Resolution was adopted in concert with Ordinance No. O-01-2010, which sets the rules and regulations for competitive bidding and contracts.

Charter Amendment Resolution CR-02-2010 will be effective as of March 2, 2010, unless petitioned to referendum in accordance with Article 23A, Section 13 of the Annotated Code of Maryland within forty (40) days following passage.

### Questions?

A complete text of each adopted Charter Amendment is available at Town Hall. If you would like to receive an electronic copy, please email Matthew Hoffman, Assistant to the Town Manager, at [mjhoffman@tok.md.gov](mailto:mjhoffman@tok.md.gov).

If you have any concerns regarding the implications or wording of the adopted Charter Amendments, please contact the Town. **301.949.2424**

## ADOPTED ORDINANCES

**Ordinance Amendment No. O-01-2010** of the Town of Kensington, was adopted by unanimous vote on January 11, 2010. The adopted Ordinance amends the Kensington Town Code as follows:

Chapter II, by adding Article 4, Sections 2-401, 2-402, 2-403, 2-404 and 2-405.

By amending Chapter II and adding Article 4, This revises the Town's procedures for purchasing goods and services. The Ordinance raises the competitive bid requirement from \$10,000 to \$30,000 which requires legal advertisement. The Ordinance will still require all contracts greater than \$10,000 be approved by the Council. It allows the Town to make purchases based upon a bid and award by any Federal, State, county or local government bid process, so long as the bid process is comparable to the Town. It also allows the Council to override the bid procedure by an extra-majority vote and provides a procedure for obtaining professional services.

Ordinance Amendment No. O-01-2010 will be effective as of March 2, 2010.

**Ordinance Amendment No. O-02-2010** of the Town of Kensington, was adopted by unanimous vote on January 11, 2010. The adopted Ordinance amends the Kensington Town Code as follows:

Chapter VII, Article 1 by adding Section 7-105.

This amendment will allow the Town to regulate the use of Town Parks by instituting a permit system that will allow for a penalty, if a permit is not issued. The Ordinance provides that the Parks are generally for the use of the public and allows for the permitting of Parks, on certain conditions, and sets forth the permitting procedure while retaining the right to limit the use of the Parks and to revoke a permit at any time. The Ordinance also requires that a use schedule be adopted, this will prohibit routine or recurring use of parks as part of a for-profit or not-for-profit business, educational or other activity that is being offered for a tuition or fee, without a permit. The Ordinance places additional restrictions and provides detail for enforcement and penalties.

Ordinance Amendment No. O-02-2010 will be effective as of January 31, 2010.

### Questions?

A complete text of each adopted Ordinance is available at Town Hall. If you would like to receive an electronic copy, please email Matthew Hoffman, Assistant to the Town Manager, at [mjhoffman@tok.md.gov](mailto:mjhoffman@tok.md.gov).

If you have any concern regarding the implications or wording of the adopted Ordinance Amendments, please contact the Town. **301.949.2424**