



# KENSINGTON AROUND TOWN JOURNAL

Date of Publication: **June 2010**

3710 Mitchell Street Kensington, MD 20895 Office: 301.949.2424 [www.tok.md.gov](http://www.tok.md.gov)

## June 7, 2010 Election Results

The Town held its Elections on Monday June 7, 2010.

| <u>Mayor</u>           |            | <u>Council</u>        |            |
|------------------------|------------|-----------------------|------------|
| <b>Peter Fosselman</b> | <b>265</b> | <b>Sean McMullen</b>  | <b>214</b> |
| Richard Orens          | 97         | <b>Lydia Sullivan</b> | <b>199</b> |
|                        |            | John Thompson         | 160        |
|                        |            | Lorri Simmons         | 107        |

**Referendum to support State Legislation: Yes 242 No 125**

Thank you Election Judges Robin Watson, Spencer Harrill and Jenny Smith.

## **Letter from the Mayor . . .**

Dear Residents,

Thank you for your vote of confidence and another term as your Mayor. I congratulate Council Member Sean McMullen on his re-election and welcome newly elected Lydia Sullivan. I would like to acknowledge the contributions and dedication of Council Member John Thompson who will continue to stay active through meeting and committee participation.

The encouraging words from you while at the Post Office, Safeway, on the streets and via emails are much appreciated. The Council, Staff, and I have worked very hard over the last few years to complete our mission of modernizing Kensington, while respecting our charm and history. In the process, we have performed \$450K in various improvements including roads, sidewalks, street signage, websites, Town Hall renovations, and landscaping; while managing to increase the Town's overall assets.

The Town's Sector Plan has been an important focus and is now in the fine tuning stage as it moves from the Planning Board to the County Council for final approval. There are still many details to work out such as the new CR Zone. This zone will accommodate our wishes to update with new shops, restaurants and galleries while safeguarding our small town feel. During the campaign I received many questions, compliments and concerns about the Sector Plan. It's important to understand that at present, the Town has very little control over redevelopment. This is because the current zoning in the antiquated Sector Plan already allow for

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property owners to proceed. And proceed without much public benefit to Kensington!

The Sector Plan will give us the necessary tools to control the growth and have a say in what we would like for our town. This includes density incentives like new green space, fresh street-scapes, bike & pedestrian walks, public art, fountains, and many more benefits.

The Sector Plan is a work on progress, but a few points of clarification on the contemporary control methods now in place:

- In 2007 a unique state law was passed giving us quasi zoning authority. This legislation allows the Town to object to any proposed project with recourse. If the Planning Board chooses to approve a project despite objection, the law requires the site plan to go before the County Council for a supermajority vote before it may proceed. A first for Kensington with only one other municipality in the State having this power.
- Height has been a concern for some and I have heard you. This aspect is not final and we are reviewing the Sector Plan block by block; some adjustments will be made. The original suggested heights ranged as high as 100'. The 75' heights were placed in the Plan by the Planning Staff as a starting point (The Town has never requested the heights). In addition to the new Maryland Law, we passed a resolution requiring structures above 50' to come before the Town Council for public review.
- The last item in our toolbox will be the Kensington Design Guidelines which are currently being drafted with the Planning Staff. This document will micro focus on details of new development creating the caveats in order to get building approval. Some of these include building materials, setbacks from the street, site distance, compatibility, and other criteria.

Some of my goals over the next two years will be:

- Implementing the Sector Plan
- Improving the appearance of Connecticut Avenue by enacting our new State Law passed in 2009 to govern the commercial signage
- Completing the new parking lot on Metropolitan Avenue using the \$446K grant from the County
- Reorganizing the Town personnel's duties to improve and streamline services

Please read the newsletters, kiosk notices, listserv announcements, and website information to keep on top of things. Also stay in touch by attending Town Meetings, Coffees with the Mayor, calls, and emails. I am looking forward to working with our Council and serving you during my third term.

A handwritten signature in black ink, appearing to read "Peter Fosselman", with a long horizontal line extending to the right.

Peter Fosselman

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**April 10, 2010 Meeting Summary:**

- Approved the minutes of April 26, 2010 and May 3, 2010.
- Montgomery County Police gave a Crime and Safety Review and noted crime was down.
- Adopted Resolution No. R-15-2010 supporting amendments to the Zoning Text Amendment for Costco.
- Held a Public Hearing on the Fiscal Year 2010-2011 Budget. No action was taken; the record was held open until May 24.
- The Town will be meeting with Park and Planning to customize the CR Zone for the Town.

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**April 10, 2010 Minutes 7:05 p.m.**

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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 for two teachers at Walter Johnson High School, Karl Savage and Carolyn Ott who recently passed away.

Sergeant Davidov from Montgomery County Police gave a crime and safety review and answered questions from residents. He noted the crime statistics for the first part of the year were low and the main problem is with larceny from vehicles which is county wide. He encouraged residents to lock vehicles and remove valuables from them – still an ongoing problem that encourages theft.

Resolution No. R-15-2010, supporting a Zoning Text Amendment for Costco that would provide protections similar to the current special exception process such as ample public hearings and citizen input, was discussed. Jim Agliata, from Westfield, answered questions regarding the proposed Costco store and gas station.

A Public Hearing was held on the Fiscal Year 2010-2011 Budget. The Mayor noted the County Council has not made a decision on proposed cuts to the municipal tax duplication and on the amount of the speed camera revenue the Town will receive. The Town Manager noted the Hearing was advertised as required; the proposed budget establishes a non-lapsing capital reserve fund; and alternatives were given to the Council with slightly lower tax rates and different scenarios on the amount of speed camera revenue and municipal tax duplication to be received. Council Member Barch noted a comparison should be done on outsourcing trash to determine if there would be savings. He also expressed concern over raising taxes on businesses when the Town is trying to revitalize and without providing any basic services to businesses such as trash removal. Council Member McMullen questioned whether residents want taxes raised for a capital reserve fund. Council Member Thompson suggested building the capital reserve fund at a slower rate with a smaller tax increase.

Residents expressed the following comments: spoke in favor of the capital reserve fund; spoke both for and against trash service once a week; spoke in favor of a tax increase to establish a capital reserve fund; supported the town crew collecting trash; suggested revitalization should be done only in connection with the sector plan; questioned the number of administrative staff and their responsibilities; supported increasing the Town crew; questioned whether the building was being fully rented and suggested composting.

A representative for KBDA noted businesses were paying more than half of the taxes and the long term future of the Town depends on supporting the businesses in Town.

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The Mayor noted employee job descriptions are available and the majority of residents want to see revitalization. The Town Manager noted he was using part time help rather than hiring additional crew due to the cost of benefits, especially the retirement plan, which needs revising; noted he was hired to replace the Director of Public Works who was making a similar salary and only overseeing one aspect of the Town; and noted rental of the building provides for half of its operating costs.

Action on the budget was delayed until May 24<sup>th</sup>.

The Mayor reported the Town Plate prototype came in, applications from the State will be hand delivered to those who applied, and plates can still be ordered; testified at the County's PHED committee for the Sector Plan, the Committee recommended to keep the CR Zone but with an overlay version customized for Kensington; testified at County's Health and Human Services Committee to support Noyes Library, the committee recommended to fund it until the end of the year giving the Noyes Library Foundation and the Friends of the Library time to fundraise.

Council Member McMullen noted he is working on a date in the first two weeks of June for the Historic District Expansion Committee Meeting.

Council Member Thompson noted a resident reported the sidewalks and crosswalks are misaligned at the intersection of Kent Street and Kensington Parkway and he will make as recommendation to the Traffic Committee regarding this.

Council Member Barch attended the PHED Committee meeting on the CR vs. MXTC zones for the Sector Plan, he noted they were very supportive of the Town's wishes and the Town will be meeting with Park

and Planning to customize the zone for Kensington which would waive parking requirements and simplify the Building Lot Termination Program.

Candidates for Mayor and Council were announced.

Council Member Thompson noted in response to a resident's question Council Member Donatelli's fundraiser event was not Town sponsored.

The referendum for off-sale alcohol was reviewed. It will be on the June ballot.

A resident thanked the Town for help on Day of the Book, noted the light being out on the flag and the flags were not displayed properly.

A resident noted some trees were fallen on the slope next to Silver Creek; Park and Planning will be notified.

A resident from Kensington Heights spoke against the Costco Gas Station and the Zoning Text Amendment.

A resident questioned whether the Town had a record retention policy and suggested developing a policy that included electronic communication. The Town Manager noted the Town has a retention policy and will research whether it is approved by the State and one needs to be developed for electronic communication.

In response to a question, a resident stated he received notice from the Town on his trailer which is now parked in his driveway.

### **Council Actions**

Council Member Barch moved to approve the minutes from April 26, 2010. The motion passed unanimously.

Council Member Barch moved to approve the minutes from the Special Meeting on May 3, 2010.

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The motion passed unanimously.

Council Member Barch moved to approve Resolution No. R-15-2010 supporting the location of Costco in the Westfield Shopping Center, expressing the Town's reiteration of the storm water issues previously expressed and supporting a zoning text amendment with amendments to utilize a process similar to the special exception process. The motion passed unanimously.

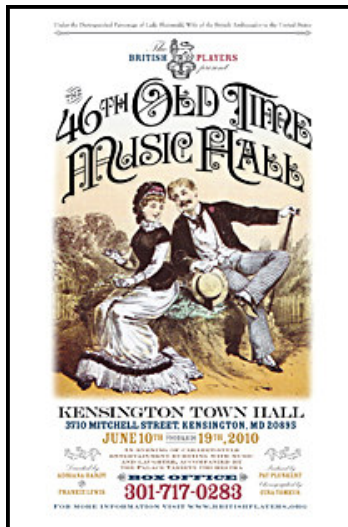
Council Member McMullen moved to keep the record open on the Fiscal Year 2010-2011 Budget Hearing until May 24<sup>th</sup>. The motion passed unanimously.

Council Member Thompson moved to adjourn the meeting at 8:50 p.m. The motion passed unanimously.

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## TOWN REMINDERS

- **Brush Pickup** will resume back to once a week beginning Monday, June 28. **There will no longer be Friday brush pickup** until the fall season.
- The Town Crew has asked that residents periodically **clean out their trash and brush cans** to reduce the amount of insects during the summer months.
- The Town would also like to remind residents to please curb your dog. There are numerous locations around Town with doggy bags and receptacles specifically for pet waste. Please use these receptacles and not another residents.



The **BRITISH PLAYER'S** annual production of "Music Hall" transports you back in time to an era when theater ruled as the entertainment choice of the working class and middle class man and woman in Britain. Each year our show features a selection of

the most popular songs that defined the era, together with soloists and comedy acts that bring back to life the humor that inspired a nation, and kept morale alive through two world wars. Every Music Hall cast comprises featured soloists, the "Edwardians" (chorus), and the "Bow Bells" (dancers), all kept in line by "Mr Chairman".

Please visit: <http://www.britishplayers.org/> for show schedule and ticket information.

**Box Office: 301.717.0283**



Solar energy is Maryland's largest energy resource. It is a critical piece of the solution to Maryland's energy supply puzzle - it is available everywhere in the state, can be readily deployed, and can be easily added to our existing energy system without the need for expensive transmission lines or lengthy environmental impact hearings. We can place solar energy where it is needed most - on stressed or over-loaded zones of our electric grid.

Solar energy is one of the oldest and most reliable natural resources we have. Capturing the sun's energy allows us to heat water or air for various applications and convert solar energy into electricity.

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**ORDINANCE NO. O-03-2010**

**ORDINANCE ADOPTING THE TOWN BUDGET FOR THE FISCAL YEAR JULY 1, 2010, THROUGH JUNE 30, 2011, AND LEVYING AN AD VALOREM TAX ON ALL ASSESSABLE PROPERTY WITHIN THE TOWN OF KENSINGTON, MARYLAND**

**WHEREAS**, the proposed budget for the 2010-11 Fiscal Year must be submitted to the Town Council on or before the third Monday in April;

**WHEREAS**, the proposed budget ordinance was introduced at the April 12, 2010, meeting of the Mayor and Town Council as required by the Town Charter, as amended; and

**WHEREAS**, the 2010-11 Proposed Budget provides a complete financial plan, including anticipated revenues and proposed expenditures, for the fiscal year:

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Kensington, in public meeting assembled, that the budget for the Town of Kensington for the Fiscal Year July 1, 2010, through June 30, 2011, be and it is hereby adopted as follows:

|  |                                 |
|--|---------------------------------|
| <b>ANTICIPATED REVENUE</b>               |                                 |
| Local Taxes                              | \$729,941                       |
| Shared Revenues                          | 554,489                         |
| Licenses & Permits                       | 36,000                          |
| Intergovernmental Revenue                | 272,286                         |
| Miscellaneous Revenue                    | 51,000                          |
|  | <hr/>                           |
| ANTICIPATED OPERATING REVENUE            | \$1,643,716                     |
| Grants - County & State                  | 11,000                          |
| TOTAL ANTICIPATED REVENUE                | <hr/> <u>1,654,716</u>          |
| Re-appropriation                         | 228,871                         |
| <b>TOTAL ANTICIPATED FUNDS AVAILABLE</b> | <hr/> <b><u>\$1,883,587</u></b> |
| <br>                                     |                                 |
| <b>PROPOSED EXPENDITURES</b>             |                                 |
| General Government                       | \$699,466                       |
| Public Works                             | 681,548                         |
| Public Safety                            | 35,000                          |
| Parks                                    | 45,000                          |
| Non-Departmental                         | 10,000                          |
|  | <hr/>                           |
| OPERATING TOTAL                          | \$1,471,014                     |
| Capital Improvements Budget              | 412,573                         |
| <b>TOTAL PROPOSED EXPENDITURES</b>       | <hr/> <b><u>\$1,883,587</u></b> |

**AND BE IT FURTHER ORDAINED** that all of the sums set forth herein under the heading “PROPOSED EXPENDITURES” be and hereby are appropriated.

**AND BE IT FURTHER ORDAINED** that there is hereby levied on all of the assessable real property within the Town an ad valorem tax at the rate of ***\$0.136 on each One Hundred Dollars (\$100) of assessed value of said property***, and there is hereby levied an ad valorem tax on the tangible personal property subject to taxation by the Town, at the rate of ***\$0.55 on each One Hundred Dollars (\$100) of assessed value of such tangible personal property***.

**AND BE IT FURTHER ORDAINED** that the Town hereby adopts the imposition of a full year, one-half year, three-quarter year and one-quarter year tax levies authorized pursuant to Title 10, Sections 10-102, 10-103, 10-104 and 10-105, Tax Property Article, Annotated Code of Maryland, as amended, and authorizes and empowers Montgomery County, Maryland, to collect and remit the same to the Town of Kensington, consistent with the imposition and collection of such levies on real property by Montgomery County.

**ADOPTED** by the Town Council this **24<sup>th</sup>** day of **May**, 2010.

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**PETER C. FOSSELMAN, MAYOR and  
President of the Council**

**THIS IS TO CERTIFY** that the foregoing Resolution was adopted by the Town Council in public meeting assembled on the **24<sup>th</sup>** day of **May**, 2010.

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Susan Engels, Clerk- Treasurer

### CALENDAR

**Town Council Meeting**  
Mon., June 14th 7:00pm

**Bike Parade**  
Mon., July 5th  
**\*Volunteers needed\***

**Town Council Meeting**  
Mon., July 12th 7:00pm

**Town Council Meeting**  
Mon., June 28th  
(Canceled for MML Conference)

**Town Offices Closed**  
Mon., July 5th

Please check the Town’s website throughout the month for up-to-date information  
[www.tok.md.gov](http://www.tok.md.gov)

### TOWN PERMITS

3811 Calvert Place — Addition  
3421 Plyers Mill Road — Deck  
10632 Connecticut Avenue — Sign  
10225 Frederick Avenue — Verizon



Please join us every Saturday morning 8 am—12 noon at the MARC Train Station for the **Kensington** Farmers' Market.



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**To Our Kensington Neighbors**