



KENSINGTON AROUND TOWN

SEPTEMBER 2011

CALENDAR

Town Council Meeting

Mon., Oct. 10th
7:00pm

County Council Public Hearing— Sector Plan

Tues., Oct 11th
7:30pm

County Council
Office Building
100 Maryland Avenue
Rockville

Third Thursdays

Shop late - Town shops
will be open 'til 8pm.
Thursday, Oct 20th
(see back page details)

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

www.tok.md.gov

Town Leafing Information

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MAYOR FOSSELMAN'S NOTES

- **Kensington** was dubbed, by CNBC, one of the Country's **perfect suburbs**.
- Congratulations to our **Farmers' Market** Vendors for making **#4 on best markets of Maryland**. Thanks to those who voted, Town Staffer Shirley Watson, former  Council Member Mary Donatelli, and the public relations firm Maier Warner.
- Hats off to the runners and volunteers of the annual **Kensington 8K Race**; special thank you to **Jenny Smith** for her leadership.
- Thank you to the **Ditto Group** for co-sponsoring, along with the Town, the **National Capital Trackers** model train event. This year's proceeds were donated to the **Kensington Historical Society** and the **Noyes Children's Library Foundation**. This will become an annual event and Parkwood Elementary School has been invited to participate next year.
- **New Town Directory** —*Last month, inserted within the Journal, you received a letter and form to help us update the Town's Directory. Thus far, the response has been positive; however, we are still missing the forms from many residents. If your copy of the Journal has a yellow insert, it means we have yet to receive your updated contact information. In addition, we understand that some of the information (cell phone, email) that we have requested is sensitive, but we ask that you at least fill out the form with your name, address, and home phone number so that we can adequately update the directory. If you have any questions, please feel free to contact Matt Hoffman at 301-949-2424 or mjhoffman@tok.md.gov.*
- The Town appreciates all of the beautiful works of art in the Council Chambers and Conference rooms provided to us by the **Montgomery Art Association**. The volunteers have been rotating the pieces quarterly and all are for sale. Please visit their website www.montgomeryart.org.
- As the County Council nears the end of the Commercial Residential Zone (CR) amendments this month, they will (cont' p.2)

- (cont' from p.1) take up the final revisions to our **2011 Sector Plan** in October. The public hearing is **Tuesday, October 11th at 7:30pm** at the Council's offices in Rockville. Folks may testify or send emails to the County Council: county.council@montgomerycountymd.gov. The Coalition of Kensington Communities, the Kensington Revitalization Committee, the Town Council, and the Montgomery County Planning Board have all endorsed the Sector Plan. The latest version may be viewed at www.tok.md.gov.
- The first **Mayor's Counsel** gathering was held on the 14th. All of the members are representatives of different streets within the Town. Topics included pedestrian safety, snow removal policy for streets and sidewalks, Silver Creek flooding, traffic signal timing, parking, Konterra property, new public parking lot on Metropolitan Avenue, revitalization, and voter redistricting.
- Please see page 9 for 2011 **leaf collection information**.
- **Jason Swain** will be joining the **Town Crew** this month. Many know Jason from his local landscape business. He brings added proficiency to the Crew that will benefit Town service. The Crew will now consist of Jaime, Rick, James and Jason.
- **Third Thursdays** have begun on Antique Row in efforts to bring more business to Kensington. See the back page for more details. Hopes are to have all small businesses **stay open later** and allow for more night life into Town. Special thanks the **Kensington Row Bookshop** for initiating the effort.
- Did you know you may purchase an **ad in the Town Journal**? Costs run between \$25 and \$50 an issue. Please contact Matt Hoffman for more information.
- Please remember to keep your **dogs on a leash and clean up their waste**. This is a Town regulation in accordance with Section 7-502 of the Code. Several residents have complained about dog waste in their yards or sidewalk areas.
- Town Resident **Noah Meyers** is seeking donations of school supplies for the **Hope House** in Washington D.C. Hope House is a program that helps families and children be able to see their imprisoned fathers. Supplies in need are composition books, dictionaries, highlighters, binders, calculators, spiral notebooks, tabbed dividers, markers, erasers, pocket folders, pencil sharpeners, index cards, crayons, glue sticks, pencil boxes/pouches, hand sanitizers, notebook paper, and rulers. A box for donations is in the Town Hall second floor lobby.
- **Yard Sale signs** are only permitted on independent poles/wood sticks. They are not permitted on street signs, utility poles or public property. All signs that violate the regulations are removed the same day they are posted by Town Staff or Council Members.

- TOWN PERMITS**
- 10009 Frederick Ave.—Demolition
 - Kensington Cabin Park—MNCPPC
 - 3720 Farragut Ave.—Telecommunications
 - 3716 Washington St.—Deck
 - St. Paul St.—Pepco
 - 3508 Farragut Ave.—Deck
 - 3603 Dupont Ave.—Driveway
 - 3921 Plyers Mill Rd.—Sign
 - 10405 Fawcett St.—Washington Gas

At the September 12th Council Meeting, the Town Council passed **Resolution No. R-11-2011**; which is a Resolution of the Town Council of Kensington expressing continued support of the Montgomery County Planning Board’s proposed **amendments to the CR Zone** and objecting to the PHED Committee’s suggested changes.

The Town Council adopted this Resolution after receiving comments from the Revitalization Committee and determining that the Planning Board’s ZTA proposal is the byproduct of over a year of work with multiple communities, public meetings, hearings, committee meetings and stakeholder buy-in, provides more affordable public options and is easier to understand and implement.

The Town Council also introduced and tabled Resolution **No. R-12-2011**; which is a Resolution of the Town Council of Kensington expressing support of the Montgomery County Planning Board and staff proposed design guidelines.

A motion was passed to table this Resolution for a future Council Agenda.

A full copy of both Resolutions are available at Town Hall.

MAYOR

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July 25, 2011 Council Summary

- A Closed Session was held to discuss a personnel matter and consult with counsel to obtain legal advice.
- Park and Planning presented draft Design Guidelines, answered questions, and took comments.
- Approved Minutes from June 11, 2011 from the Organizational and Town Meetings.
- Approved Resolution No. R-09-2011 amending the Town Personnel Manual.
- Ordinance No. O-04-2011 amending the Ethics section of Town Code was put on hold indefinitely.

July 25, 2011— Mayor Fosselman, Council Members Barch, McMullen, Sullivan, and Thompson, Town Attorney Suellen Ferguson, Town Manager Daily, Clerk Treasurer Engels and Assistant to the Town Manager Hoffman were present.

A Closed Session was held. Present were Mayor Fosselman, Council Members Barch, McMullen, Sullivan, and Thompson, Town Attorney Ferguson, and Town Manager Daily. No actions were taken.

The Town Meeting resumed at 7:58 p.m.

The Pledge of Allegiance was recited and a Moment of Silence observed for Rhonda Cohen who passed away.

Fred Boyd and Michael Brown from MNCPPC were present and gave a slide show presentation on the draft Design Guidelines for the Sector Plan.

The Mayor noted members of the Revitalization Committee were present including Darin Bartram, Diane Burka, Martha Deale, Sabina Emerson, Tracey Furman and Dennis McCurdy; and stated some comments from the Work Session the Town held in November 2010 were used for the Design Guidelines.

Residents commented on the Design Guidelines as follows: suggested more green space or distance between streets and sidewalks, raised brick crosswalks on Connecticut Avenue, an activity line along train tracks, a clock tower on Connecticut Avenue, a pedestrian friendly crossing of railroad tracks by the train station, public benefits within the Town, public use in front of Baker's Union and Prevention of Blindness, minimizing light pollution from street lights; questioned properties with potential for redevelopment and questioned regulatory requirements for redevelopment of the building at Detrick and Knowles.

Diane Burka suggested reconsideration be given to

EIFS (exterior insulation finish system) as an acceptable material which could also apply to wholesale redevelopment; and stated the Burka's are not redevelopers and her family has owned the shopping center since 1967.

Council Member Sullivan stated she felt the ideas in the Design Guidelines are good but have limitations, they are not specific, not legally enforceable, and will not apply to smaller properties. She suggested the Town write a letter to the PHED Committee requesting step downs adjacent to residential properties be included in the CR Zones and site specific information be included in the Sector Plan.

Council Member Thompson questioned whether Council Member Sullivan wanted every property to be subject to the Design Guidelines and stated he felt it would be contrary to County practices for small properties. Council Member Sullivan stated she felt any property confronting or abutting residential no matter what size should be subject to regulatory review.

Fred Boyd explained the tentative schedule for the Sector Plan, he anticipates approval by the end of the year; discussed properties identified for redevelopment; stated Sector Plans, Design Guidelines and applicable zones should be used together to produce desirable projects; and redevelopment of the building at Detrick and Knowles would not require regulatory review if replaced with a new building unless it was greater than 40,000 square feet or mixed used development of more than 10 dwellings.

Council Member Barch noted he is very concerned with the PHED Committee's suggestion of eliminating affordable public amenities; development is already limited by height and FAR; the purpose of Design Guidelines and CR Zones is to create an environment that encourages revitalization; and noted the importance of the Town reaching out to the business

community to encourage them to come to Town along with hiring a firm to further develop the Design Guidelines.

Ordinance No-O-04-2011 was discussed regarding state mandated ethics revision. Town Attorney Ferguson explained some minor changes made to the ordinance including renumbering because the State Ethics Commission did not allow the Town's existing section 2-306 to be kept. She also explained she learned last week that the Town is exempt from adopting the ordinance at this time; she felt the State Ethics Commission will be reviewing the exemption list which may require the Town to adopt it at a later date. She also noted that the ordinance would provide a procedure for ethics complaints and identify the powers of the Town's Ethics Commission; and she explained current requirements for committee members would not change.

Council Member Sullivan stated she felt there was no reason to delay adopting this since it seems likely the Town is not going to be exempt in the future and felt the Town should have a uniform ethics code with every other municipality in Maryland.

Council Member McMullen expressed concern that there may be more comments from Residents since it was originally brought forward as state mandated and suggested more time for review and comments.

The ordinance was put on hold and the Council concurred to add domestic partners to the appropriate places and change Town Manager to Town Manager or designee when it is taken up again. See Council Actions.

Resolution R-09-2011 to amend the Personnel Manual was discussed. Town Manager Daily explained amendments which include changing the paid lunch period from 1 hour to a half hour; increasing the probationary period from 6 to 12 months; including language on recently adopted retirement changes; moving drug policy testing appendix into the body of the text; adding the Town Manager where appropriate, removing use of sick leave when worker's compensation is utilized; requiring direct deposit; adding driving requirements similar to the State; and some changes to conform with Federal and State requirements. The Mayor requested the title of the holiday for the day after Thanksgiving be changed in the

Manual to conform to the resolution passed last year naming it American Indian Heritage Day. Duane Rollins questioned how driver's licenses are monitored; the Town is subscribed to the License Monitor System with the MVA in Maryland; the Mayor suggested a service for out of state monitoring which is available at a nominal cost.

Sabina Emerson expressed concern over the Town crew using weed wackers on bushes in Clum Kennedy; questioned when paving would begin on Kent Street; and noted poor maintenance at the post office. Town Manager Daily explained the crew's duties and paving will begin as soon as new house construction is completed on Kent; the Mayor stated the landlord of the post office has been contacted and will be fined if they do not comply.

Duane Rollins suggested adding recycling containers to the pedestrian section of Howard Avenue and in the parks; noted less police presence in the morning on Lexington Street; noted a gaseous odor coming from the street vent behind Safeway on Armory Avenue; and questioned whether occupants of Town property have written lease agreements and insurance.

The Mayor reported he attended the PHED Committee Work Session; some code violations in Town include illegal signs, especially on weekends, at the Mobil Station and high grass and a broken dumpster enclosure at the Econoway Station; volunteers are still needed for the Mayor's Counsel; a letter was received thanking the Town for recent sponsorship for the MMI golf tournament which benefits their education fund; residents complained about signs being carried on Connecticut Avenue, SHIA has been contacted and is looking into the issue, there may be a new law that would help October 1st; encouraged residents to vote on Farmland.org for the Town's Farmers Market; and after checking with Delegate Carr he is going to remain the representative on Montgomery Municipal Cable, Council Member Thompson will serve as alternate.

Council Member Sullivan reported she attended the Revitalization Committee Meeting on Design Guidelines; will be attending the Planning Board on Thursday for Warner Circle and Design Guidelines; suggested adding Council reports to the Town Newsletter; and suggested forming a technology committee, requests for interest will be sent out on the list serve.

Council Member McMullen reported he will be attending the feasibility study of the proposed middle school in Rock Creek Hills and will report back.

Council Member Thompson reported he attended the Stancill's open house; suggested more consideration be given to the Chevy Chase Lake area for the middle school; and stated Town Meetings allow more opportunities for public input over work sessions.

Council Member Barch reported he has seen police presence at Kent and Frederick in the afternoon; and he is concerned with PHED Committee suggestions of taking away economical options for public benefits.

August meetings will be scheduled for August 8 and 22nd and can be cancelled if there are no agenda items.

Future items for agendas were discussed. The Mayor stated Town personnel issues will be discussed at an upcoming agenda.

Julie O'Malley informed Residents of the upcoming model train event at Town Hall September 10 and 11 to benefit KHS and Noyes Library.

Council Actions:

Council Member McMullen moved to close the meeting at 7:03 p.m. to discuss a personnel matter and to consult with counsel to obtain advice on a legal matter. The motion passed unanimously.

Council Member Thompson moved to adopt Resolution R-09-2011 to amend the Town personnel manual. The motion passed unanimously.

Council Member McMullen moved to table indefinitely adoption of Ordinance No. 04-2011 for revisions to the ethics section of the Town Code until further word is received from the State. The motion passed 3 to 1. Council Member Sullivan voted against the motion.

Council Member Sullivan moved to approve minutes from the July 11, 2011 Organizational Meeting. The motion passed unanimously.

Council Member McMullen moved to approve minutes from the July 11, 2011 Town Meeting. The mo-

August 22, 2011 Council Summary

- A Closed Session was held.
- Approved Town Meeting Minutes from July 25, 2011.
- Approved Closed Session Confidential Minutes from July 25, 2011.
- Approved a New Supervisory Position in Public Works.
- Approved Resolution R-10-2011 for a Public Relations Contract with Maier Warner.

August 22, 2011— A Closed Session was held on August 1, 2011. See Closed Meeting Form.

A Closed Session was held on August 22, 2011. See Closed Meeting Form.

Mayor Fosselman, Council Members Barch, McMullen, Sullivan, and Thompson, Town Attorney Suelen Ferguson, Town Manager Daily, Clerk Treasurer Engels and Assistant to the Town Manager Hoffman were present.

The Pledge of Allegiance was recited and a Moment of Silence observed for James Komaromy, a former Council Member, who passed away.

Town Manager Daily explained the need for an additional supervisory position in Public Works. Funds would come from the Public Works area of the budget. Areas that would be reduced to fund the position would include sidewalk replacement, temporary services, vehicle maintenance, landscaping, leaf collection assistance, and one less street sweeping. Town Manager Daily noted the reduction in sidewalk maintenance could be made up with funds remaining in an existing contract; and the person hired would provide landscaping services to offset the reduction in landscaping contracted out.

The Mayor confirmed with the Town Manager the person hired would be in charge of the crew and would take disciplinary actions if needed.

Council Member Barch stated he was generally supportive of this initial step for improvement in Public Works, but felt a comprehensive plan for Public Works still needs to be addressed. The Mayor and Council suggested quarterly reviews of Public Works. See Council Actions.

Resolution R-09-2011 was discussed to approve a new contract with Maier Warner Public Relations and Marketing. The Town Manager explained there was a current contract from 2009 which had been extended and this Resolution is to approve a new contract with reduced monthly charges and a new scope of work to include social media. He stated the current budget is \$34,000 and in the prior year the cost was over the budgeted amount due to additional work being added.

Council Member Sullivan stated she was opposed to having a public relations firm and felt the work including social media could be performed by a committee in Town at no cost; she felt some of the public relations firm's work was political and one sided, their invoices were not detailed, and suggested they provide quarterly reports. The Mayor explained the Town staff will also be participating in some of the work on Facebook and stated the firm's work was not political but part of their role is to correct false information. Council Member McMullen felt a volunteer group to handle public relations was not an alternative at this time and suggested if a committee was interested they should submit a proposal. Council Member Thompson felt if public relations work was done by a volunteer group they would not be able to provide continuity or the professional quality.

Residents commented in favor of the contract with the public relations firm, they stated there was a need to attract a greater diversity of businesses to the community; suggested more coordination in listing events between the different web sites was needed; explained the benefits of having an outside professional company over doing it in house; suggested using the public relations firm along with a committee; noted the Revitalization Committee already exists and suggested more frequent meetings with the public relations firm; and thanked Maier Warner for all their work including the Farmers' Market.

Town Attorney Ferguson stated the language in the contract needs to be changed to correct the wording in the indemnification clause; an extra majority vote is required to approve the new contract to override the bid process; and the existing contract could still be extended through June 2012, but would have a different scope of work and higher cost; this could be changed if it was amenable to Maier Warner.

The Council discussed amending the existing public

relations contract with lower costs and a new scope of work was basically the same as approving the new contract. The initial voted failed due to lack of supermajority vote (Council Members Sullivan opposed). The Mayor and Town Attorney explained the failed vote to the Council. Council Member Sullivan did not understand the new contract was a larger scope with less cost. A revote was taken. See Council Actions.

In Public Appearances, Sabina Emerson reported graffiti on Town signs; Andie Murtha thanked Town Manager Daily for all his help on environment issues she has contacted him about; Tracey Furman, Facility Manager of St. Paul's United Methodist Church, expressed concern over the Bridge Club holding their events at the Armory before noon on Sundays, she thought this had already been resolved earlier in the year; Duane Rollins requested an update on requiring a lease agreement for use of the Armory, questioned if there was a provision to require yard sale signs to be removed and whether anything could be done about signs carried by people.

The Mayor stated a letter will be written to the Bridge Club requiring a later start time on Sundays; the Armory use permit is being reviewed by the Town Attorney; permissible yard sale signs on their own poles are required to be taken down within 24 hours; signs taped or nailed to street signs and utility poles are illegal and are removed by staff immediately; and the State Highway Administration is investigating whether they can regulate the signs carried by people along Connecticut Avenue

The Mayor introduced Jamie Fitzpatrick, from Boy Scout Troop 8, who is working on becoming an Eagle Scout; informed Residents of upcoming events including the Annual Paint the Town Arts Exhibit on Labor Day weekend; National Capital Trackers Model Train Event on September 10 and 11 and the first Mayor's Council Meeting will be on September 14.

Council Member Thompson reported he is working with the Town on having new handicap accessible curb cuts at Plyers Mill and Metropolitan and Kent Street at Kensington Parkway and was a guest at the Kensington Rotary Club Lunch.

Council Member Barch questioned the current use of the Victorian room and suggested a better use of the

space would be for exhibits of local artists; he will be working with the Town Manager to develop an RFP for a design firm.

Future agenda items include taking action on the Design Guidelines, discussion of the Victorian Room use, discussion on traffic camera revenue, and planning a future Trash and Treasure Day.

Council Actions:

Council Member Sullivan moved to approve the minutes from the July 25, 2011 Town Meeting. The motion passed unanimously.

Council Member Barch moved to approve the confidential minutes from the July 25, 2011 Closed Session. The motion passed unanimously.

Council Member Thompson moved to approve the Town Manager's request for a new position in Public Works and approve shifting funds in public works line items to provide adequate funding. The motion was amended to add a report due within three months providing a comprehensive overview of Public Works. The motion passed unanimously.

Council Member Thompson moved to approve Resolution No. R-10-2011 to approve a contract with Maier Warner to serve as marketing and public relations representatives for the Town with amendments to the contract to include reports, invoices, coordination and attendance with the Revitalization Committee, and changes to the indemnification language so common law rights or statutory caps are not waived. The vote was 3 to 1. Council Member Sullivan opposed the motion. The motion did not pass because a supermajority vote was required.

Council Member Sullivan moved to reconsider Resolution No. R-10-2011. The motion passed unanimously.

Council Member Barch moved to approve Resolution No. R-10-2011 to approve a contract with Maier Warner to serve as marketing and public relations representatives for the Town with amendments to the contract to include reports, invoices, coordination and attendance with the Revitalization Committee, and changes to the indemnification language so common law rights or statutory caps are not waived. The motion passed unanimously.

Council Member Thompson moved to adjourn the meeting at 8:40 p.m. The motion passed unanimously.

Labor Day

Monday, when we marched in Kensington,
 There is a continuing celebration,
 Not just of the homogenous people
 Of our uniting community but also;
 And most importantly we come together with
 thanksgiving for those who labor
 In the cause of building our nation again
 Into a powerhouse and beacon of hope
 To all the world. Let us then join our spirits
 Together for one promise, one goal,
 One hope for our entire country to once again rise
 above the tyranny of second class
 Thinking. . . To everything our country stands for
 and CAN BECOME ONCE MORE!

~Richard H. Rice
 Poet Laureate

Paint the Town

All the glory of our home town
 Captured in multi colored splendor
 From shops, homes, neatly tended flowers
 Quaint stone bridges, even our train station;
 Spread out in Town Hall like a smorgasbord . . .
 A portrait of a young boy beckons to all precocious
 though I may be, please take me home.
 The flavor of home town America calls out
 I am here; alive and well, come explore
 Simple things of life at a slower pace
 Long to be discovered and cultivated in your
 spirit;
 Antiques, restaurants, book shops
 Our heritage of days gone by captured . . .
 Flash frozen in time for a glimpse of who we are.
 Welcome to our home apart from the din
 Sit back, enjoy a meal, listen to music
 This then is my town; captured for all to see!

~Richard H. Rice





Vendor Spotlight: All Things Olive

All Things Olive is a farmers' market-based retailer

of olive oils and wine vinegars. We first opened at the Kensington Market in 2004, and have expanded each year since.

The passion that my wife Lynn and I have for real olive oil led us to open All Things Olive, and soon after, it led us to focus exclusively on olive oil produced by California producers. California is unique in that it has a certification system in place to test and evaluate olive oil. Each year, those California oils that meet the criteria for extra virgin olive oil, earn the California Olive Oil Council's seal. In a product category known for its lack of standards, or even definitions, this third-party endorsement is crucial for consumers. With it, you can be assured that the oil you are buying is indeed extra virgin, and as a result it offers you all the flavor and healthful benefits you'd expect from real, extra virgin olive oil.

The oils and vinegars we sell are produced by small farms in northern and central California—Santa Barbara to Oroville. At each of our markets, you can sample over two dozen extra virgin olive oils and barrel-aged vinegars. And each can add—as our loyal customers know firsthand—a remarkable flavor to almost any dish you are inspired to create.

We really appreciate all of our loyal customers in Kensington, and we hope to make you one too! Drop by for a taste.

See you soon!
Lynn and Keith Voight
www.AllThingsOlive.com

Leafing Schedule

Area 1: will begin Monday, October 24th, on the north side of Town – north of the railroad tracks and east of Connecticut Avenue.

Area 2: will begin on the south side on Monday, October 31st, consisting of residents south of the railroad tracks and east of Connecticut Avenue.

Area 3: will begin on the west side on Monday, November 7th, consisting of residences west of Connecticut Avenue.

The Town will repeat the collection in the same order on the weeks of November 14th, 21st, and 28th.

How it works. . . Please rake your leaves to the curb, but not into the street. We ask that you have all the leaves you want collected to the curb by the beginning of your designated week; however, the Town Crew will be picking up leaves in each area during the entire week and will be visiting each street more than once.

If you decide to collect your leaves for regular brush pickup on Tuesdays, please remember to use yard bags and/or containers specifically marked for brush. If you have any questions about leaf collection, please feel free to contact the Town staff.

Mark
Hudson
301.641.6266



THANK YOU FOR YOUR
SPONSORSHIP

Third Thursdays!

Visit Old Town Kensington every Third Thursday of the month from 5-8pm and enjoy music, art, food, shopping, book events, and more! Special deals and offerings at a number of shops and restaurants. Next Third Thursday - October 20! Special events: Heart Beat Drum Circle at the Red Studio and chess playing with International Chess Master and chess book author Allan Savage at Kensington Row Bookshop. 301-949-9416 for more information.



KENSINGTON AROUND TOWN

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To Kensington Residents