

Council Summary from the January 14, 2013 Town Meeting:

- Approved Town Meeting Minutes from December 10, 2012.
- Delegate Carr presented Al Lacey an Official Citation of the Maryland General Assembly for a courageous act.
- The Audit Committee Report was accepted for Fiscal Year 2011-12.
- Historic Area Work Permit Application for 3923 Washington Street for an addition was reviewed and supported.
- Historic Area Work Permit Application for 3904 Washington Street for a fence was reviewed and supported.
- Approved Resolution R-01-2013 supporting the subdivision application for the property located at 10514 Metropolitan Avenue as amended with a mountable curb not to exceed three inches, a 5 foot wide concrete sidewalk level with existing asphalt, and grass planted between the mountable curb and concrete sidewalk.
- Approved Resolution R-02-2013 supporting the continued full exemption of the Town from the Requirements of subtitle 8 of the Maryland Public Ethics Law and Comar 19A.04.02.

January 14, 2013

Town Meeting 7:06 p.m.

Mayor Fosselman, Council Members Barch, Furman, McMullen, and Thompson, Town Manager Daily, Clerk-Treasurer Engels, and Assistant Town Manager Hoffman were present. The Pledge of Allegiance was recited and a Moment of Silence observed.

From the Mayor & Town Council – The Mayor reported he met with the Department of Natural Resources to discuss flooding and storm water management issues with Silver Creek, it was a very productive meeting with some viable solutions; the Town is exploring a special quarterly recyclable collection for light bulbs, computers, etc.; had an informal meeting with County Council Member Valerie Ervin; attended the MML Legislative Reception in Annapolis along with the opening of the 2013 General Assembly Session; attended the Annual Legislative Breakfast for the Montgomery County Education Association; reviewed the prototype for new website with staff, the website will be more user friendly and will be completed soon; and attended 3rd Thursday in December, which was well attended, the January and February 3rd Thursday themes will be “Girls Night Out” and “February Fire”.

Council Member McMullen reported he followed up with Brian Lewandowski of M-NCPPC on the process they went through to determine the location of the proposed path at Kensington Cabin Park. He was informed the path had to be located as originally proposed to accommodate ADA requirements and environmental considerations and that the majority of the path will be outside the current grass area and not infringe upon the baseball outfield. The Mayor noted the Town does not own or maintain the park.

Council Member Thompson reported he attended the Committee for Montgomery Breakfast which provided an opportunity to discuss pending Town legislative initiatives for beer and wine tasting and a single voting district with legislators; and went on a tour with Delegate Carr and Pepco representatives to explore the challenges and benefits of undergrounding the feeder line which runs from the substation to Garrett Park.

Council Member Furman reported she attended the Committee for Montgomery Breakfast, noted the importance of the Town being represented; held the second meeting of the Design Guidelines Taskforce and the next meeting will be scheduled in February (February 26th at 7 p.m.) with a representative from M-NCPPC; suggested requesting SHA include improvements to the median and bridge over the railroad tracks with their resurfacing project for Connecticut Avenue; and questioned whether the county's economic development group helps with development in Town; suggested setting up the meet and greet session with property and business owners in April; and suggested the Town pursue a communications intern for the summer.

The Mayor stated there is no additional funding available with the SHA resurfacing project but there may be funding to help with median and bridge area improvements from SHA through the Howard Avenue intersection improvement project scheduled later this year.

Delegate Carr presented Al Lacey an Official Citation of the Maryland General Assembly for his courageous act on November 22, 2012 in which Mr. Lacey intervened during an assault on a CVS employee and was able to contain the situation until police arrived.

From the Town Manager and Staff – Town Manager Daily presented the report from the Audit Committee.

The Historic Area Work Permit for 3923 Washington Street was reviewed. The property owners, Paul and Deborah Eckert, were present and explained their plans for a two-story addition along with the demolition and construction of a new garage. They also presented letters from neighbors in support of the project. There was no public comment. The Council concurred to send a letter in support of the project to the Historic Preservation Commission.

The Historic Area Work Permit for 3904 Washington Street was reviewed. The Property owner, Delegate Al Carr, was present and explained the need for a fence due to the recent extension of the Connecticut Avenue sidewalk which exposed their side lot to a substantial grade variance. There was no public comment and no opposition received from neighbors. The Council concurred to send a letter in support of the project to the Historical Preservation Commission.

Public Appearances – Yvonne Gurney requested support and help from the Town for a volunteer clean up day for Silver Creek on Saturday January 19th - the Town will provide and pick up trash bags; Barry Peoples suggested the Armory be equipped for use as an emergency center during power outages, he suggested replacing vegetation and trees along Silver Creek to contain water runoff and protect the stream, suggested working with the county's tree farm to replant trees closer to the stream, questioned whether the small dirt strip between the sidewalk and curb on Kensington Parkway could be filled in because it presents a hazard in areas where the dirt is missing and it also requires additional maintenance, stated the asphalt on Kensington Parkway is peeling and in need of repair, and suggested M-NCPPC install a fence at Kensington Cabin Park to protect players from dangerous surface changes in the outfield if the proposed path is located in part of the outfield; and Diane St. Clair stated sections of Fawcett Street sidewalk present safety hazards are in need of repair.

The Mayor stated the Town doesn't own the land around Silver Creek but can suggest to the county that they replace the vegetation and trees; the Town continues to work on using the Armory for an emergency center but there are a few hurdles including no shower facilities and funding for a commercial generator. The Town Manager will investigate the cost of replacing the strip of dirt along Kensington Parkway sidewalk and will check the status of repair for Fawcett Avenue sidewalk.

Ordinances, Resolutions, and Regulations –

Resolution No. R-01-2013 supporting the subdivision application for the property located at 10514 Metropolitan Avenue was discussed. The Mayor stated the Council had previously supported the expansion and the issue tonight is support for the subdivision application. Bill Ayoub, property owner of Ayoub Carpet, was present and explained M-NCPPC was requiring a curb, gutter, sidewalk, and ADA ramps as part of the subdivision process. He explained that installing a curb and sidewalk would allow water to flow into his building because of the grade of the site. The Council discussed the option of a sidewalk to be installed level with the asphalt with a mountable curb to allow for water to flow away from the building. The Mayor requested green space between the mountable curb and sidewalk. See Council Actions. Jack Gaffey commented on the importance of green space.

Resolution No. R-02-2013 was discussed to support the continued full exemption of the Town from the requirements of the Maryland State Ethics Law. Council Member Barch stated the law is too ambiguous and there should be levels of application based on a municipality's population; in addition, the legislation would become a huge deterrent for those wanting to run for office. Council Members Barch and McMullen agreed that State financial disclosure forms are far reaching and neither one of them would be willing to comply with the State form if the exemption was not granted. Council Member Furman stated the small pool of candidates, along with the amount of compensation received, makes it essentially a volunteer position and thus would be a burden among all future candidates.

Town Manager Daily also listed a number of similar sized municipalities that have been granted a continued full exemption. See Council Actions.

Jack Gaffey, a member of the Town's Ethics Commission, stated his personal opinion was that the Town's current financial disclosure form was adequate for the Town.

Council Actions:

Council Member Thompson moved to approve Resolution No. R-01-2013 to support the subdivision application of the property located at 10514 Metropolitan Avenue. Council Member Thompson accepted the Mayor's amendment to reiterate the property owner only install ADA ramps immediately adjacent to his property on Metropolitan Avenue and across the street to the southeast corner of the intersection, the 5 foot wide sidewalk be concrete with a 3 inch mountable curb, and grass planted between the sidewalk and curb. The motion passed unanimously. Mr. Ayoub requested the 3 inch mountable curb be changed to state a maximum of 3 inches in case it needs to be less due to the grade at the site. Council Member Thompson

accepted the amendment to Resolution No. R-01-2013 to allow flexibility with 3 inch mountable curb based on topography and site issues. The motion passed unanimously.

Council Member McMullen moved to approve Resolution No. R-02-2013 supporting the continued full exemption of the Town from the requirements of subtitle 8 of the Maryland Public Ethics Law and Comar 19A.04.02. The motion passed unanimously.

Council Member Thompson moved to adjourn the meeting at 8:32 p.m. The motion passed unanimously.