

Mayor Tracey Furman

**Council Member Darin Bartram
Council Member Bridget Hill-Zayat**



**Council Member Conor Crimmins
Council Member Duane Rollins**

Released: May 8, 2020

**Monday, May 11, 2020
Town Council Meeting, 7:00 pm**

The 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 promptly at 7:00 pm and access to the Zoom Video Conferencing is as follows:

<https://us02web.zoom.us/j/82571158268?pwd=NVNjaTIRc1N6ZWNGSVFzTEE1R3ZIUT09>

Meeting ID: 825 7115 8268

Password: 156301

Or you may join the meeting by calling: US: +1 301 715 8592 US (Germantown) +1 312 626 6799 US (Chicago) +1 929 436 2866 US (New York) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) and entering the Meeting ID and Password above.

CALL TO ORDER

MOMENT OF SILENCE

APPROVAL OF MINUTES

Town Meeting Minutes of April 20, 2020

FROM THE MAYOR AND TOWN COUNCIL

1. Announcements – Town Nominations for the June 1, 2020 Town Election.
2. Town Election – Discuss the Election Plan and confirm the voting method for the June 1, 2020 Town Election.
3. Program Open Space Grant – Clum-Kennedy Park brick walkway and grape arbor replacement.
4. Town Events:
 - a. Discuss the status of the 53rd Annual Labor Day Parade and Festival, along with currently scheduled summer and fall events within the Town.

**Town of Kensington 3710 Mitchell Street Kensington, MD 20895
Phone 301.949.2424 Fax 301.949.4925
www.tok.md.gov**

FROM THE TOWN MANAGER AND STAFF

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. **Ordinance No. O-02-2020** – An Ordinance of the Mayor and Town Council for the Fiscal Year 2020-21 (FY21) Budget.
2. **Ordinance No. O-03-2020 (Public Hearing)** – A Public Hearing of an Ordinance of the Mayor and Town Council Amending Chapter II, "Government and Administration", Article 2, "Elections", Section 2-202, "Distribution of Absentee Ballots", Section 2-203, "Procedures of Absentee Ballots", 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.

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, June 8, 2020, 7:00 pm



“Cultivating Naturally Elegant Properties”

10518 Warfield Street, Kensington, MD 20895-2424
PHONE 301-897-3503 - FAX 301-897-2967 - www.JSLI.com

May 3, 2020

To: Matthew Hoffman
MJHoffman@tok.md.gov

Proposal: 106102 ADA Accessible Brick Walkway
Property: Clum-Kennedy Park
Kensington Pkwy and Frederick Ave
Kensington, MD 20895

Customer:
Matthew Hoffman
3710 Mitchell Street
Kensington, MD 20895
MJHoffman@tok.md.gov
Proposal Provided By:
Debbie Schweitzer
(240) 778-3178
Mobile: (240) 778-3178
DebbieS@JSLI.com

Thank you for this opportunity to offer our landscaping services. We take great pride in our award winning work, and outstanding customer service.

This proposal has been broken down into multiple bids.

Please read through our scopes of work, along with the Contract Conditions on the last page of this proposal.

Feel free to contact me if you have any questions. We look forward to working with you!

Bid Number: 106102.01

Clum-Kennedy Park

Hardscaping - Brick Path

BRICK WALK: App. 170 +/- linear feet by 4' wide.

Install new brick walk from triangular area at entrance to existing Pergola to concrete ramp (located across from Millstone). Walkway to follow existing mulch path - grade and direction. New brick to match existing brick as closely as possible.

- Excavate 8" below grade.
- Install 4" of CR6 gravel and tamp.
- Install 1-2" of concrete sand.
- Lay brick in sand (running bond pattern - to match existing brick walk).
- Sweep joints with Polymeric Sand. Polymeric Sand hardens over time.
- Install Edge Pro Ultra Edging for the length of new walkway on both sides.
- Repair any damaged areas with seed or mulch.

Subtotal: \$10,996.85

Total: \$10,996.85

Bid Summary

Number	Description	Amount	Accepted	Customer Signature
106102.01	Clum-Kennedy Park	\$10,996.85	<input type="checkbox"/>	<hr/>

Contract Conditions

JOHN SHORB LANDSCAPING, INC (JSLI) AGREES TO:

1. PERFORM all work to the specifications of the Landscape Contractor's Association.
2. CONTACT Miss Utility prior to digging.
3. CARRY INSURANCE to include liability, property damage and Workman's Compensation in accordance to local law. Certificates of insurance are available upon request.
4. HOLD the FOLLOWING LICENSES: MD Pesticide Operators License #23920, MD Fertilizer Applicators License F-0077, MD Home Improvement Contractors # 51633
5. WARRANTY ALL PLANTS that we have purchased & installed to remain in good health for 12 months from the date of installation, unless otherwise noted. This warranty does NOT cover sod, seasonal flowers, transplanted material, nor plant material which has been damage beyond our control such as: drought, insects, disease, vandalism, extreme weather conditions (ice storms, wind storms, fire, etc.). This guarantee only applies to the plant material included in a job that has been paid in full.
6. MAKE PLANT REPLACEMENTS once, free of charge with the original species and original size of the warranted plant material, when the appropriate season permits.
7. EXTEND our WARRANTY for 4 ADDITIONAL YEARS (for a total of 5 YEARS) provided that we are contracted to perform ongoing, weekly landscape maintenance services. This warranty can be transferred to future owners of this property who continue with our maintenance services without delay.
8. Honor the pricing for 90 days from when this proposal was submitted.

THE CLIENT:

1. Affirms that the work, as described on this proposal, IS ON THE CLIENT'S PROPERTY.
2. ASSUMES MAINTENANCE RESPONSIBILITY for all plant material, unless JSLI is providing ongoing landscape maintenance services. Responsibilities include, proper watering and prevention of disease and insect infestations. Find our Watering Guidelines at: WWW.JSLI.com
3. Will NOT SOLICIT, hire or employ any JSLI employees, nor its subcontractors, nor employees of a JSLI subcontractor.
4. Agrees to INDEMNIFY JSLI and HOLD JSLI HARMLESS for damage to property of others, including private and/ or public underground utilities, pipes, cables, conduits, etc., that have not been identified in advance of the work. The Client shall be liable for the cost of removing any obstructions which impedes our work, including rock, hard pan, compacted sub-soil, or other foreign material that were not made known to JSLI when this proposal was submitted.
5. AGREES TO OUR PAYMENT TERMS: All amounts not paid within 30 days of the bill date are subject to a financial charge of 24% per year (2% per month). The Client agrees to pay all legal fees and / or collection fees associated with collecting past due accounts.

DISPUTES shall be referred to a USA&M in the county or city where the work is being performed, for arbitration in accordance with the applicable United States Arbitration and Mediation Rules of Arbitration. The arbitrator's decision shall be final and legally binding, and judgment may be entered thereon. Each party shall be responsible for its share of the arbitration fees. In the event a party fails to proceed with arbitration, unsuccessfully challenges the arbitrator's award, or fails to comply with the arbitrator's award, the other party is entitled to costs of suit, including all reasonable attorney's fee, for having to compel arbitration or defend or enforce the award. In any dispute, JSLI's liability to Client is limited to actual damages only, not to exceed amounts actually paid by Client to JSLI under this Agreement. In no event will JSLI be liable for any indirect, special, consequential, or punitive damages, or for loss of profits or loss of use, under any theory or liability, whether in contract, tort, strict liability, expressed or implied warranty, or otherwise.

A DEPOSIT OF 1/3 of the total work contract price is required for JSLI to commence work. Progress billings will be submitted on a "percentage of completion" basis and will be due upon receipt.

O Enclosed is my check # _____ in the amount of \$ _____

O My check # _____ will be submitted via BILL PAY in the amount of \$ _____

O Charge my deposit to my VISA/ MC / AMEX (Limit \$1000 on credit card charges) \$ _____

_____ CVC Code _____ Exp Date _____

Name on the card _____ Signature _____

Interpretation and enforcement of this agreement will be governed by Maryland law. Price assumes there are no fees, dues, subscriptions, participation schemes etc. that contractor shall bear in order to receive payment other than standard credit card processing and de minimus bank transfer fees.

Client's Authorizing Signature & Date

**CLUM-KENNEDY PARK
KENSINGTON, MARYLAND**



- PULL OFF EXISTING GRAPE VINE AND LAY ON GROUND AWAY FROM CONSTRUCTION.
- REMOVE OLD PERGOLA AND DISPOSE OF.
- CONSTRUCT NEW PERGOLA 8'-9' WIDE +/- (OVER BRICK WALK) X 18'-20' LONG.
- INSTALL (2) 3' BENCHES ACROSS FROM EACH OTHER IN MIDDLE OF PERGOLA AT APP. 10'
- RE ATTACH VINE TO PERGOLA.

WALPOLE

DRAFT Budget Ordinance No. O-02-2020**Introduced: March 9, 2020****Adopted:**

SUBJECT: AN ORDINANCE TO APPROPRIATE AND ADOPT THE FISCAL YEAR 2020 – 2021 (FY21) BUDGET AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF §6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

WHEREAS, §5-205 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Mayor and Town Council to provide for the control and management of its finances and expend money for any public purpose and for the safety, health, and general welfare of the Town and its occupants; and

WHEREAS, §6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation; and

WHEREAS, Article VIII, “Finance”, Section 801, “Fiscal Year”, of the Town Charter states that the Fiscal Year of the Town shall begin on July 1, 2020 and end on June 30, 2021; and

WHEREAS, Section 802, “Proposed Budget”, of the Town Charter states that the Town Manager shall submit to the Council prior to the third Monday in April, a Budget of anticipated revenues, proposed operating expenditures, and proposed capital project expenditures, along with a written financial plan for the succeeding fiscal year; and

WHEREAS, Section 803, “Adoption”, of the Town Charter states that prior to adopting the Budget, the Council shall hold a public hearing following due notice and a favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

NOW THEREFORE, the Mayor and Town Council of Kensington does hereby adopt the following Budget Ordinance:

AN ORDINANCE TO APPROPRIATE AND ADOPT THE FISCAL YEAR 2020 – 2021 (FY21) BUDGET AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF §6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

ANTICIPATED REVENUE			
	General Property Taxes	\$	1,345,661
	Other Taxes	\$	669,075
	Licenses & Permits	\$	54,558
	Intergovernmental Revenues	\$	285,508
	Fines & Fees	\$	4,000
	Miscellaneous Revenue	\$	81,400
	Grants - County & State	\$	-
TOTAL ANTICIPATED REVENUE			\$ 2,440,202
	Re-Appropriation	\$	662,726
TOTAL ANTICIPATED FUNDS AVAILABLE			\$ 3,102,928
PROPOSED EXPENDITURES			
	General Government	\$	1,083,410
	Public Works	\$	887,791
	Public Safety	\$	260,434
	Parks & Recreation	\$	101,250
	Non-Departmental	\$	10,000
			\$ 2,342,885
	Capital Improvement Budget	\$	760,043
TOTAL PROPOSED EXPENDITURES			\$ 3,102,928

SECTION 1:

BE IT ORDAINED AND ORDERED this _ day of May, 2020, by the Kensington Town Council, acting under and by virtue of the authority granted to it by §5-205 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VIII of the Kensington Town Charter, that the budget for Fiscal Year July 1, 2020 through June 30, 2021, attached hereto and incorporated herein by reference, be and the same hereby is appropriated and adopted.

SECTION 2:

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2020, by the Kensington Town Council, acting under the virtue of the authority granted to it by §6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of One thousand, three hundred

twelve ten-thousandths cents (**\$0.1312**) per One Hundred Dollars of full value assessment on all taxable real property located within the corporate limits of the Town of Kensington.

SECTION 3:

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2020, by the Kensington Town Council, acting under the virtue of the authority granted to it by §6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of eighty cents (**\$0.80**) per One Hundred Dollars of full value assessment on all taxable personal property located within the corporate limits of the Town of Kensington.

SECTION 4:

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2020, by the Kensington Town Council, acting under the virtue of the authority granted to it by §8-101 of the Tax-Property Article of the Annotated Code of Maryland (as amended), and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of five dollars (**\$5.00**) per One Hundred Dollars of full value assessment on all taxable personal property set forth by §8-101 of the Tax-Property Article, of the Annotated Code of Maryland (as amended):

1. Operating personal property of a railroad;
2. Operating personal property of a public utility that is machinery or equipment used to generate electricity or steam for sale;
3. All other operating personal property of a public utility; and
4. Machinery and equipment, other than operating personal property of a public utility, that is used to generate electricity or steam for sale or hot or chilled water for sale that is used to heat or cool a building.

SECTION 5:

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2020, by the Kensington Town Council, hereby adopts the imposition of a full-year, one-half year, three-quarter year, and one-quarter year tax levies, authorized pursuant to §10-102, 10-103, 10-104, and 10-105 of the Tax-Property Article of the 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.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of May, 2020, by the Kensington Town Council, acting under and by virtue of the authority granted to it by §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 that:

(1) 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; and

(2) This ordinance shall take effect on the ____ day of May, 2020, provided the following:

(a) Posted at Town Hall by the next business day following introduction; and

(b) Posted on the official Town website; and

(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.

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

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

EFFECTIVE the ____ day of July, 2020.

ATTEST:

TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

APPROVED AS TO FORM:

Suellen M. Ferguson, Town Attorney

**TOWN OF KENSINGTON
BUDGET DETAILS FY21**

Proposed Budget 2020- 21	Adopted Budget 2019-20	Projected 6/30/2020
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REVENUE FUND

GENERAL PROPERTY TAXES

	Rates			
Real Property Tax	0.1312	792,594	\$763,592	\$763,592
Personal Property Tax - Utilities	5.0000	432,983	\$432,983	\$432,983
Personal Property Tax - Business	0.8000	120,084	\$93,580	\$120,307
SUBTOTAL		\$1,345,661	\$1,290,155	\$1,316,882

OTHER TAXES

Income Taxes		668,825	618,345	784,428
Admissions and Amusements Tax		250	250	250
SUBTOTAL		\$669,075	\$618,595	\$784,678

LICENSES & PERMITS

Town Building and Sign Permits		12,000	5,000	12,000
Parking Permits		6,000	5,270	8,000
Cable Franchise Fees		27,558	29,008	29,474
Traders' Licenses		9,000	9,000	9,000
SUBTOTAL		\$54,558	\$48,278	\$58,474

INTERGOVERNMENTAL REVENUE

County Tax Duplication		176,213	156,806	156,809
Highway User Funds		105,069	102,453	103,029
Bank Shares		4,226	4,226	4,226
SUBTOTAL		\$285,508	\$263,485	\$264,064

FINES AND FEES

SafeSpeed Camera Program		3,000	18,327	3,554
Parking & Municipal Infractions		1,000	1,000	1,328
SUBTOTAL		\$4,000	\$19,327	\$4,882

OTHER

Town Hall Rentals		30,000	30,000	30,000
Park Rentals		2,500	500	2,180
Municipal Events		13,500	13,500	14,525

Interest	30,000	30,000	40,000
Miscellaneous	5,400	7,900	8,431
SUBTOTAL	\$81,400	\$81,900	\$95,136

GRANTS

	\$0	\$0	\$0
TOTAL REVENUE	\$2,440,202	\$2,321,740	\$2,524,115
UNAPPROPRIATED SURPLUS	662,726	\$765,666	
TOTAL REVENUE INCLUDING UNAPPROPRIATED SURPLU	\$3,102,928	\$3,087,406	\$2,524,115

EXPENDITURES

GENERAL GOVERNMENT

PERSONNEL SERVICES

Salaries & Wages	501,132	481,734	463,392
Social Security, Medicare, Unemployment Taxes	37,498	36,980	35,856
Workers Compensation Insurance	4,934	9,292	9,292
Health, Life, and Employee Benefits	61,201	43,991	42,554
Retirement - 401 (A) Money Purchase Plan	40,911	40,273	42,457
SUBTOTAL	\$645,675	\$612,270	\$593,551

OPERATING EXPENSES

ELECTED OFFICIALS

Mayor and Council Compensation	24,000	24,000	24,000
Mayor and Council Legislative, Education, Travel	15,200	13,680	13,680
SUBTOTAL	\$39,200	\$37,680	\$37,680

PROFESSIONAL SERVICES

Town Attorney	50,000	40,000	50,000
Audit	10,700	10,700	10,700
Other Professional Services	53,800	40,865	30,865
SUBTOTAL	\$114,500	\$91,565	\$91,565

TOWN GOVERNMENT OPERATIONS

Town Hall Maintenance	45,700	42,615	42,615
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Town Hall Utilities	41,000	49,387	32,265
Town Hall Equipment	6,000	8,000	8,000
Economic Development & Commercial Revitalization	120,000	95,075	95,075
Office Expenses	28,350	27,874	31,660
Office Equipment/Furniture	2,000	500	0
Insurance	21,000	21,000	15,409
Municipal Dues, Memberships and Fees	10,485	9,797	9,722
Conferences, Training, & Travel	6,500	7,850	500
Miscellaneous	3,000	3,000	1,000
	SUBTOTAL	\$284,035	\$265,098
		\$236,246	

TOTAL GENERAL GOVERNMENT EXPENSES \$1,083,410 \$1,006,613 \$959,042

EXPENDITURES

PUBLIC WORKS

PERSONNEL SERVICES

Salaries & Wages	341,878	320,770	251,931
Social Security, Medicare, Unemployment Taxes	25,290	24,406	19,373
Workers Compensation Insurance	16,972	23,256	23,526
Health, Life, and Employee Benefits	68,989	70,292	65,424
Retirement - 401 (A) Money Purchase Plan	27,743	24,490	24,629
	SUBTOTAL	\$480,871	\$463,214
		\$384,883	

OPERATING EXPENSES

OPERATING SUPPLIES

Conferences, Training, and Travel	500	500	0
Drug Testing	1,000	1,000	250
Uniforms, Gloves, Vests, Boots, and Shirts	3,000	2,000	2,000
Small Equipment Purchases	12,000	7,500	7,500
Vehicle Fuel Expenses	8,000	9,000	7,265
Small Equipment Maintenance and Repairs	3,500	5,000	5,000
Vehicle Repairs	20,000	20,000	20,000
Shop Supplies and Tools	3,000	3,000	3,000
Miscellaneous	1,000	500	509
	SUBTOTAL	\$52,000	\$48,500
		\$45,524	

TRASH, BRUSH, RECYCLING, AND LEAF COLLECTION

Trash, Brush, and Recycling Collection	164,720	167,401	154,708
Leaf Collection and Other Disposal Fees	18,000	15,500	15,500
SUBTOTAL	\$182,720	\$182,901	\$170,208

INFRASTRUCTURE

Street Sweeping	8,000	8,000	4,000
Street Maintenance	24,000	24,000	24,000
Snow Removal	8,500	8,500	8,500
Sidewalk Repair	12,000	20,000	20,000
Storm Drain Maintenance	6,000	20,000	20,000
Landscaping Vegetation Management	25,000	40,000	50,000
Landscaping Street Trees Maintenance and Planting	75,000	40,000	50,000
Garage Maintenance, Miscellaneous & Utilities	13,700	8,422	8,422
SUBTOTAL	\$172,200	\$168,922	\$184,922

TOTAL PUBLIC WORKS EXPENSES	\$887,791	\$863,537	\$785,537
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PUBLIC SAFETY

PERSONNEL SERVICES

Salaries & Wages	152,307	143,290	101,819
Social Security, Medicare, Unemployment Taxes	11,429	11,013	7,912
Workers Compensation Insurance	9,347	10,389	10,389
Health, Life, and Employee Benefits	10,053	11,216	9,134
Retirement - 401 (A) Money Purchase Plan	5,298	5,263	4,978
SUBTOTAL	\$188,434	\$181,171	\$134,232

OPERATING SUPPLIES & SERVICES

PUBLIC UTILITIES AND PROFESSIONAL SERVICES

Building Inspector (Moved to Prof Serv)		\$4,200	\$4,000
Parking Lot Lighting (Metropolitan)	2,000	\$2,000	\$2,000
Public Street Lighting	56,000	\$56,142	\$50,929
Traffic Enforcement MCP Contract (Deleted)		\$0	\$8,538
Traffic Control & Engineering	12,000	\$12,000	\$12,000
Miscellaneous	2,000	\$500	\$500
SUBTOTAL	\$72,000	\$74,842	\$77,967

TOTAL PUBLIC SAFETY EXPENSES	\$260,434	\$256,013	\$212,199
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PARKS & RECREATION

FACILITIES AND PUBLIC UTILITIES

Park Utilities	1,750	1,803	1,803
SUBTOTAL	\$1,750	\$1,803	\$1,803

OPERATING SUPPLIES AND PROFESSIONAL SERVICES

Small Equipment Maintenance and Repairs	5,000	15,000	15,000
Equipment Purchases	10,000	4,000	4,000
Landscape Architecture Services	3,000	0	750
Miscellaneous	1,000	750	0
SUBTOTAL	\$19,000	\$19,750	\$19,750

LANDSCAPING

Landscaping and Vegetation Management	5,000	0	0
Parks and Town Hall Landscaping	25,000	30,000	30,000
SUBTOTAL	\$30,000	\$30,000	\$30,000

TOWN MUNICIPAL EVENTS

Municipal Events - Labor Day Parade and Festival	29,500	\$22,740	\$20,870
Municipal Events - Other Municipal Events	21,000	16,290	16,290
SUBTOTAL	\$50,500	\$39,030	\$37,160

TOTAL PARKS RECREATION EXPENSES	\$101,250	\$90,583	\$88,713
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NON DEPARTMENTAL

Contingency	10,000	10,000	0
TOTAL NON DEPARTMENTAL EXPENSES	\$10,000	\$10,000	\$0

TOTAL OPERATING BUDGET	\$2,342,885	\$2,226,746	\$2,045,491
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CAPITAL IMPROVEMENTS PROGRAM	\$760,043	\$860,659	\$860,659
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TOTAL CIP BUDGET APPROPRIATIONS	\$760,043	\$860,659	\$860,659
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TOTAL OPERATING & CIP EXPENDITURES	\$3,102,928	\$3,087,405	\$2,906,150
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Total Fund Balance 6/30/19	3,062,693
Reserved for Prepaid Expenses 6/30/19	(26,823)
Non Lapsing Assigned & Committed Fund Balance for CIP 6/30/19	(1,607,478)
Use of Fund Balance for FY2020 Budget including addition to CIP	<u>(765,666)</u>
Projected Unassigned Fund Balance 6/30/20	662,726

DRAFT Ordinance No. O-03-2020

Introduced: 04-17-2020

Adopted:

SUBJECT: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING 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” OF THE TOWN OF KENSINGTON CODE TO DELETE ANY REQUIREMENT THAT A VOTER PROVIDE A REASON FOR VOTING BY ABSENTEE BALLOT.

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, 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.

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 2-202, “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 2. 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 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that, Chapter 6, “Signs and Commercial Regulations” Article 1 “Signs and Solicitors”, 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 4. 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 _____ 2020.

ADOPTED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the ____ day of _____ 2020.

EFFECTIVE the ____ day of _____, 2020.

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