# **Mayor Tracey Furman**

Council Member Darin Bartram Council Member Nate Engle



**Council Member Conor Crimmins Council Member Bridget Hill-Zayat** 

Released: July 10, 2020

# Monday, July 13, 2020 Town Organizational Meeting, 6:00 pm Town Council Meeting, 7:00 pm

The Organizational and Town 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: <u>www.zoom.us</u>

The Organizational Meeting will begin at 6:00 pm and the Council Meeting will begin at 7:00 pm. Access to both meetings will be through the following Zoom Video Conferencing link:

https://us02web.zoom.us/j/88236102889?pwd=VEFkU3ZrYTZqRUovOHRRcXUxMm9MQT09

## Meeting ID: 882 3610 2889 Password: 633038

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

# Town Organizational Meeting, 6:00 pm

# CALL TO ORDER

### FROM THE MAYOR AND TOWN COUNCIL

- 1. <u>Knowles Avenue (MD 547)</u> Discuss holding a meeting with the State Highway Administration (SHA) and the Montgomery County Department of Transportation (MCDOT) to discuss development, traffic, and pedestrian safety along the 3900 and 4000 block of Knowles Avenue (MD 547).
- 2. <u>Discuss adding the following Committees to the Town:</u>
  - a. Election Committee (sub-committee of the Board of Supervisors of Elections)
  - b. Social Justice Committee
  - c. Pedestrian and Bike Safety Committee (sub-committee of the Traffic Committee)
- 3. <u>Committee Appointments and Liaisons</u> Review and Assign Council Appointments and Liaisons to Town Committees.
- 4. <u>Mayor Pro Tempore</u> Motion to name a Mayor Pro Tem from the Town Council.

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

### **ADJOURNMENT**

# Town Council Meeting, 7:00 pm

### CALL TO ORDER

### **MOMENT OF SILENCE**

### **APPROVAL OF MINUTES**

Town Meeting Minutes of May 11, 2020

### FROM THE MAYOR AND TOWN COUNCIL

- 1. <u>Audit Committee</u> Acknowledge Audit Committee Appointments by Mayor Furman.
- 2. <u>Program Open Space Grant</u> Update on the proposed brick walkway installation and grape arbor replacement project at Clum-Kennedy Park.

### 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)

 Ordinance No. O-03-2020 (Continued) – 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, August 10, 2020, 7:00 pm

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

# FY20 Town Council Committee Listing

# Auditing Committee

-		
	or Crimmins	Liaison
	get Hill-Zayat	Liaison
	Capron	
Leslie	e Olson	
Kerry	/ Thompson	
Board of	Election Supervisors	
Bridg	get Hill-Zayat	Liaison
Mart	ha Deale	
Spen	cer Harrill	
Jenny	y Smith	
Ethics Co	mmission	
Darir	n Bartram	Liaison
Dave	Beaudet	
Jack	Gaffey	
Tina	Sherman	
Montgomer	y County Public Schoo	ls
	or Crimmins	Liaison
Cono		LIGISON
Greenscape	<u>Committee</u>	
	e <b>Committee</b> ey Furman	Chair
Trace		Chair
Trace Arler	ey Furman	Chair
Trace Arler Glori	ey Furman ne Antonicelli	Chair
Trace Arler Glori Sabir	ey Furman ne Antonicelli a Capron	Chair
Trace Arler Glori Sabir Yvon	ey Furman ne Antonicelli a Capron na Emerson ne Gurney	Chair
Trace Arler Glori Sabir Yvon Julie	ey Furman ne Antonicelli a Capron na Emerson ne Gurney O'Malley	Chair
Trace Arler Glori Sabir Yvon Julie Aliso	ey Furman ne Antonicelli a Capron na Emerson ne Gurney	Chair
Trace Arler Glori Sabir Yvon Julie Aliso Eliser	ey Furman ne Antonicelli a Capron na Emerson ne Gurney O'Malley n Oppenheim	Chair
Trace Arler Glori Sabir Yvon Julie Aliso Eliser	ey Furman ne Antonicelli a Capron na Emerson ne Gurney O'Malley n Oppenheim nda Sola-Sole	Chair
Trace Arler Glori Sabir Yvon Julie Aliso Eliser Heler	ey Furman ne Antonicelli a Capron na Emerson ne Gurney O'Malley n Oppenheim nda Sola-Sole	Chair
Trace Arler Glori Sabir Yvon Julie Aliso Eliser Heler	ey Furman ne Antonicelli a Capron na Emerson ne Gurney O'Malley n Oppenheim nda Sola-Sole n Wilkes	Chair Chair
Trace Arler Glori Sabir Yvon Julie Aliso Eliser Heler Darir	ey Furman ne Antonicelli a Capron na Emerson ne Gurney O'Malley n Oppenheim nda Sola-Sole n Wilkes <b>ment Review Board</b>	
Trace Arler Glori Sabir Yvon Julie Aliso Eliser Heler Darir Cono	ey Furman ne Antonicelli a Capron na Emerson ne Gurney O'Malley n Oppenheim nda Sola-Sole n Wilkes ment Review Board	Chair
Trace Arler Glori Sabir Yvon Julie Aliso Eliser Heler Darir Cono Mart	ey Furman ne Antonicelli a Capron na Emerson ne Gurney O'Malley n Oppenheim nda Sola-Sole n Wilkes ment Review Board n Bartram or Crimmins	Chair
Trace Arler Glori Sabir Yvon Julie Aliso Eliser Heler Darir Cono Mart Leslie	ey Furman ne Antonicelli a Capron na Emerson ne Gurney O'Malley n Oppenheim nda Sola-Sole n Wilkes <b>ment Review Board</b> n Bartram or Crimmins tha Deale	Chair

TJ Monohan Mark Hudson

## **Traffic Committee**

Darin Bartram Bridget Hill-Zayat John Doherty Daniel Martin Leslie Olson David Romeo Tina Sherman Anne-Marie Turner Chair Chair do.

# Clum Kennedy Park Revision Plan

 Existing brick pathway
Existing concrete sidewalk
Replace mulch pathway with brick pathway
Replace existing pergola
Low area, replace with elevated wood pathway

E E

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Existing sitting area



Larry Hogan, Governor Boyd Rutherford, Lt. Governor Jeannie Haddaway-Riccio, Secretary Charles Glass, Deputy Secretary

June 3, 2020

## Via Electronic Delivery to

jeff.waldstreicher@senate.state.md.us alfred.carr@house.state.md.us emily.shetty@house.state.md.us jared.solomon@house.state.md.us

**Re: Program Open Space Local Project:** (POS #7107-15-715, Clum-Kennedy New Gardens and Brick Pathway, Town of Kensington/Montgomery County)

Dear Honorable Senator(s) and Delegate(s):

It is a pleasure to inform you that the Department of Natural Resources has received a grant request for Program Open Space assistance in the amount of \$43,727 from the Town of Kensington for the Clum-Kennedy New Gardens and Brick Pathway project located in Montgomery County. This project proposes to replace the existing mulched pathway with an ADA accessible brick pathway. In addition, new gardens will be created surrounding the new pathway and the existing pergola will be replaced with a new pergola with built in benches. The total cost of this project is \$58,302.

This project is consistent with Program Open Space objectives and funding approved and appropriated by the General Assembly. However, Board of Public Works approval is necessary prior to the commitment of funds. This project will be submitted to the Board for approval in the very near future and if approved, the local government may begin the project at their earliest opportunity.

Your continued support and interest in improving the quality of our parks and recreation for the citizens of Maryland is greatly appreciated. If you would like to receive confirmation of approval or desire any other information regarding this project, please contact me at (410) 260-8409.

Sincerely,

Carrie R. Lhotsky Grants and Stewardship Manager <u>carrie.lhotsky@maryland.gov</u>

cc: Susan Engels, Clerk-Treasurer <u>Susan.engels@tok.md.gov</u> Margaret Lashar, Program Administrator <u>margaret.lashar@maryland.gov</u>



### "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	Customer: Matthew Hoffman 3710 Mitchell Street Kensington, MD 20895 MJHoffman@tok.md.gov
Proposal: Property:	106102 ADA Accessible Brick Walkway Clum-Kennedy Park Kensington Pkwy and Frederick Ave Kensington, MD 20895	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: 106102.01Clum-Kennedy ParkHardscaping - Brick Path

BRICK WALK: App. 576 +/- linear feet by 4' wide. ADA accessible from existing concrete walk.

Install new brick walk from triangular area at entrance to existing Pergola to concrete ramp (located across from Millstone) and throughout park. Walkway to be marked out prior to excavation. Existing grades to be followed as long as it is ADA accessible and change to accommodate ADA guidelines where necessary. New brick to match existing brick as closely as possible.

- Remove 17' section of existing concrete sidewalk at entrance to park.

- 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:	\$34,600.22
Total:	\$34,600.22

# Bid Number: 106102.03 Clum-Kennedy Park Landscape Enhancements

LANDSCAPE ENHANCEMENTS: Planting and transplanting throughout park.

- Create new planting beds surrounding new walk and throughout park.
- Amend existing soil as necessary as prep for planting and transplanting.
- Plant Removal.
- Transplanting Locations to be determined on site.
- Clean up Pruning, Weeding, Edging.
- Mulch Re mulch entire park with 2-3" of shredded hardwood mulch.

Subtotal:	\$7,610.70
Total:	\$7,610.70

# Bid Number: 106102.04Clum-Kennedy ParkPergola

PERGOLA: To replace existing pergola in current location.

- Pull off existing Grape Vine and lay on ground away from construction.
- Remove old pergola and dispose of.

- Construct new pergola from pressure treated lumber 8' wide x 24' long x 8' high +/- (centered over brick walk in same location).

- Install (2) 3' benches constructed from pressure treated lumber. Each bench will be secured into ground with 6x6 posts in concrete and will be in center of brick pad. Both benches will be located across from each other in middle of pergola at 10'.

- Create new mulch beds from brick walkway to back of posts and length of pergola on both sides.

- Re attach vine to pergola.

Total:	\$8,673.30
Subtotal:	\$8,673.30

<b>Bid Number:</b>	106102.05	<b>Clum-Kennedy Park</b>

Elevated Wood Walkway

BOARDWALK - Elevated wood board walk through wet area per plan and discussions on site. (To be marked prior to construction).

- 24' long x 4' wide.
- Pressure treated lumber.
- Secured with 6x6 posts in concrete below grade.
- ADA accessible ramps on both ends.

Total:	\$3,566.15
Subtotal:	\$3,566.15

# **Bid Summary**

Number	Description	Amount	Accepted	Customer Signature
106102.01	Clum-Kennedy Park	\$34,600.22		
106102.03	Clum-Kennedy Park	\$7,610.70		
106102.04	Clum-Kennedy Park	\$8,673.30		
106102.05	Clum-Kennedy Park	\$3,566.15		

# **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: <u>WWW.JSLI.com</u>
- 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 punative 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 cr	edit 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

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 REOUIREMENT 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

- : Indicate matter deleted from law.
- : Indicate matter remaining unchanged in existing law but not set forth in Ordinance.
- :Indicate matter added in amendment

<sup>:</sup> Indicate matter added to existing law.

<sup>:</sup> 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<del>[, has properly completed the oath specified in Section 2-202 (f) (2) (iii) above,</del>] 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

Bv:			
<i>z</i>			

By: \_\_\_\_\_

Susan Engels, Clerk-Treasurer

Tracey Furman, Mayor

# **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

Suellen M. Ferguson, Town Attorney