

May 11, 2020 Town Council Meeting (held by Zoom Video Conferencing)

- Approved the Town Meeting Minutes of April 20, 2020.
- Announced the Candidates for the June 1, 2020 Town Election:
 - **Mayor**
 - Tracey Furman (Incumbent)
 - Pete Fosselman
 - **Town Council**
 - Bridget Hill-Zayat (Incumbent)
 - Nate Engle
 - Jon A. Gerson
- Discussed applying for an Open Space Grant to install a brick pathway and replace the grape arbor at Clum-Kennedy Park.
- Concurred to cancel all Town events through the 53rd Annual Labor Day Parade and Festival, along with the 4th of July Bike Parade.
- Adopted Ordinance No. O-02-2020 – An Ordinance to appropriate and adopt the Fiscal Year 2020-2021 (FY21) Budget and to levy a tax on certain real and personal property.
- Held a Public Hearing on Ordinance No. O-03-2020 - An Ordinance to amend 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. The Public Record will continue for discussion at the June Town Council Meeting.

Town Meeting May 11, 2020, 7:00 pm, by Zoom Video Conferencing

Mayor Furman, Council Members Bartram, Crimmins, Hill-Zayat, and Rollins; Town Attorney Ferguson; Town Manager Hoffman; and Clerk-Treasurer Engels were present by Zoom Video Conferencing. A moment of silence was observed in honor of Harley Higgins following his passing.

The Town Meeting Minutes from April 20, 2020 were reviewed and approved. Council Member Bartram’s two corrections were added prior to the presented Minutes at the meeting. Council Member Rollins requested that his statement referring to the location of two speed humps on the same block of Farragut Avenue be amended to include that he supported the installation of a second speed hump. See Council Actions.

From the Mayor and Council

Town Election

Council Members Bartram and Crimmins presented the proposed Emergency Election Plan for a vote-by-mail election, which would include an option to drop off ballots through a secure ballot box at Town Hall until 9:00 pm on June 1, 2020.

Town Attorney Ferguson explained that the Town's Charter required that a polling place be provided for a Town Election and that the secure ballot box at Town Hall met this requirement.

Council Member Bartram noted the importance of mailing the ballots to allow candidates ample time to campaign and residents the opportunity to evaluate the candidates.

The Council concurred to secure a post office box for residents to return their ballots by mail.

Town Attorney Ferguson stated that with the proposed outer envelopes containing control numbers, the Board of Supervisors of Elections could begin processing ballots as they are returned.

Nate Engle reiterated his suggestion of delaying the mailing of ballots to allow candidates the opportunity to campaign and confirmed asked if the ballots needed to be returned by June 1 and not just postmarked due to the requirements within the Charter.

Joe Campbell questioned whether the Board of Supervisors of Elections has been involved with the Emergency Election plan and stated that it would be reassuring to hear from them at this meeting; and also suggested that the May 18 Candidate Forum was too soon and should be postponed to a later date.

Mayor Furman stated that the Board of Supervisors of Elections was contacted regarding changes to the election. Mayor Furman also noted that Council Members Bartram and Crimmins were asked to develop an election plan, along with the Town Attorney, at the April Town Council Meeting to present to the Board of Supervisors of Elections, as they will oversee the Town Election.

The Candidates for the June 1, 2020 Town Election were announced:

Mayor

Tracey Furman (Incumbent)

Pete Fosselman

Town Council

Bridget Hill-Zayat (Incumbent)

Nate Engle

Jon A. Gerson

Mayor Furman stated that the Candidate Forum was planned for May 18 at Town Hall with a live stream from Montgomery Municipal Cable (MMC); and stated that all candidates would have the opportunity to place a summary within the May Around Town Journal.

Pete Fosselman stated that he was not aware of the forum until now and with the importance of social distancing, he would not attend the forum in person.

Nate Engle stated that he was not aware of the forum either and had concerns about meeting in person, which sends the wrong message to the community.

The candidates will discuss an alternative format and date that will allow MMC to host.

Program Open Space

Mayor Furman stated that the Greenscape Committee has been working on a plan to improve accessibility and enhance the gardens at Clum-Kennedy Park, and that Program Open Space funding is available to offset 75 percent of the costs for replacing the mulched walkways with brick pavers and to replace the existing grape arbor. The Town's contribution to the proposed project would require 25 percent funding, or approximately \$14,000, which would come from the Town's Park CIP.

Joe Campbell questioned the amount the Town would be funding for the park improvements and suggested deferring the expenditure until the financial impact of COVID-19 is known.

Pete Fosselman also suggested deferring the expense until the financial impact of COVID-19 was known.

Council Member Crimmins stated the importance of moving the application forward in order to meet the filing deadline for FY20 and noted that moving the application forward did not commit the Town to performing or completing the project.

Town Events

The Council concurred to cancel the 4th of July Bike Parade and the 53rd Annual Labor Day Parade and Festival due to the effects of COVID-19.

Council Member Rollins will consult with the Kensington Business District Association (KBDA) with regards to canceling Food Truck Night through the summer.

Joe Campbell supported postponing the events.

Council Member Crimmins stated that there will be a virtual community meeting May 12, 7:00 pm, with the developer for the proposed multi-family and commercial mixed-use project located at 10509 Summit Avenue.

Council Member Crimmins thanked Photography by Simo and Bruce Pike, Pike Productions, for helping with illuminating Town Hall blue in support of 'Healthcare Heroes', and Montgomery Municipal Cable (MMC) for creating a time-lapse of the illumination.

Public Appearances

There were no public comments.

Ordinances, Resolutions, Regulations

Ordinance No. O-02-2020– An Ordinance to appropriate and adopt the Fiscal Year 2020-21 (FY21) Budget and to levy a tax on certain real and personal property was presented for adoption. Town Manager Hoffman stated that there were no additional comments since the Public Hearing on April 20. See Council Actions.

Ordinance No. O-03-2020 – A Public Hearing was held on Ordinance No. O-03-2020 to amend 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. The Public Record will remain open until Friday, June 5, 2020 at 4 pm. See Council Actions.

Town Manager Hoffman stated the State Legislature passed a regulation in 2018 that prevented Maryland localities from requiring a stated reason prior to obtaining an absentee ballot.

Councilmember Bartram noted that the State law supersedes the Town’s requirement and would prefer to delay taking action for further review; and also noted the importance of keeping certain aspects of the ‘Oath’ statement as affirmation that the individual is a qualified voter to ensure the integrity of Town elections.

Councilmember Hill-Zayat questioned the purpose of the Oath statement and the legal repercussions and enforceability of the Oath statement.

Council Actions

Councilmember Bartram moved to approve the Town Meeting Minutes from April 20, 2020, as amended. The motion passed unanimously.

Councilmember Crimmins moved to adopt Ordinance No. O-02-2020 - an Ordinance to appropriate and adopt the Fiscal Year 2020-21 (FY21) Budget and to levy a tax on certain real and personal property. The motion passed unanimously.

Council Member Bartram moved to continue consideration of Ordinance No. O-03-2020 - An Ordinance to amend 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 and leave the record open until June 5 at 4 pm. The motion passed 3 to 1. Council Member Hill-Zayat opposed the motion.

Council Member Bartram moved to adjourn the meeting at 8:47 pm. The motion passed unanimously.