

Mayor Tracey Furman

**Council Member Darin Bartram
Council Member Nate Engle**



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

Released: November 5, 2021

**Monday, November 8, 2021
Town Council Meeting, 7:00 pm**

The 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: www.zoom.us

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

<https://us02web.zoom.us/j/87638692962?pwd=U2dsMWd3M1ZuR3ZoNWIPNmxLcVd5dz09>

Meeting ID: 876 3869 2962

Password: 019484

Or you may join the meeting by calling: +1 301 715 8592 US (Washington D.C) and entering the Meeting ID and Password above.

CALL TO ORDER

MOMENT OF SILENCE

APPROVAL OF MINUTES

Town Council Meeting Minutes of October 18, 2021
Closed Session Minutes of October 21, 2021

THE MAYOR AND TOWN COUNCIL

1. Closed Session of October 21, 2021:

- a. Acknowledge that the Mayor and Council met in Closed Session on October 21, 2021, in accordance with Section 3-305(b)(7) of the General Provisions Article to consult with counsel to obtain legal advice.

2. Audit Committee Report:

- a. Acknowledge receipt of the Audit Committee's Report for the Fiscal Year Ending June 30, 2021 (FY21).

3. County Redistricting Commission:

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

- a. Update on the recommended Redistricting Map, which will be reviewed by the County Council.
- 4. University Boulevard (MD 193) Bike Lane Pilot:**
 - a. Discuss sending a letter in support of extending the State Highway Administration's (SHA) bike lane pilot program along University Blvd. (MD 193) indefinitely, and to consider extending the program westward to Farragut Avenue.
- 5. Connecticut Avenue Speed Limit Reduction:**
 - a. Discuss working with the State Highway Administration (SHA) to reduce the speed limit along Connecticut Avenue, specifically within the pedestrian corridor, to improve safety.
- 6. Town Survey Update:**
 - a. Discuss and review the responses from the Town's Election Survey Questions, which asked the following question of residents:
 - i. *Should the Council and Mayor propose an amendment to the Town Charter and Code to permit 16- and 17-year-old residents to vote in Town elections?*
 - ii. *Should the Council and Mayor propose an amendment to the Town Charter and Code to permit legal Town residents to vote in Town elections without requiring them to be US citizens?*

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. **Resolution No. R-18-2021** – A Resolution of the Mayor and Council of the Town of Kensington Authorizing and Ratifying Compensation of GreeneHurlocker, PLC, Attorneys, and Authorizing continued Legal Services as necessary.
 - a. *Will require approval by an extra-majority vote of the Town Council (waiving bid procedure).*
2. **Resolution No. R-19-2021** – A Resolution of the Mayor and Town Council of Kensington Authorizing the extension of the existing refuse and recycling contract with Ecology Services Refuse & Recycling, LLC, for the term of one year.
3. **Resolution No. R-20-2021** – A Resolution of the Mayor and Council of the Town of Kensington Proclaiming November to be Municipal Government Works Month in Kensington, Maryland.

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, December 13, 2021, 7:00 pm

Town of Kensington 3710 Mitchell Street Kensington, MD 20895

Phone 301.949.2424 Fax 301.949.4925

www.tok.md.gov

REPORT OF THE AUDIT COMMITTEE – TOWN OF KENSINGTON

Audited Financial Statements for the Year Ended June 30, 2021

The primary role of the Audit Committee is to assist the Mayor and the Council in the oversight of the Town of Kensington's accounting and financial reporting process and to interact directly with, and evaluate, the performance of the Town's independent auditors.

The Audit Committee has reviewed the Town's audited financial statements for the year ended June 30, 2021 ("AFS"). As part of the review process, the Audit Committee had a Zoom meeting on October 25, 2021 with Town Manager, Matt Hoffman, Clerk/Treasurer, Susan Engels, and two representatives of the Town's independent auditors (Linton Shafer, Warfield & Garrett, PA), Eva Webb and Debbie Free.

The Audit Committee and the others present discussed the overall plans for, and scope of, the audit, the results of the audit examination, the auditor's evaluation of the Town's internal controls, and the overall quality of the Town's financial reporting.

Based on these reviews and discussions, the Audit Committee recommends to the Mayor and Council that the audited financial statements of the Town for the year ended June 30, 2021 be accepted as submitted.

By the Audit Committee:

Jeffery P. Capron
Leslie Olson
Kerry Thompson

Submitted: October 26, 2021

DRAFT

Dear Secretary Slater/Administrator Smith,

We have been following closely the pilot MDOT SHA has been conducting along MD-193/University Boulevard with the placement of protected bike lanes. We applaud this innovative project and have heard from residents in Kensington how the bike lanes have slowed car traffic without any noticeable traffic congestion. Most importantly, we see evidence of how much safer the road is now for people biking, walking, using wheelchairs, and strollers. Those using the narrow sidewalk are currently several feet away from cars on University Boulevard and can safely and comfortably use that segment of the road to get to transit, walk or bike to all the amenities in downtown Wheaton, including jobs, shopping, the Wheaton Metro stop, restaurants, doctor's offices, as well as having safer access to Northwood High School.

Since this pilot has been such an overwhelming success, we strongly urge MDOT SHA to continue the pilot lanes beyond November 14 indefinitely; and, while still installed, develop a plan to put in place more permanent infrastructure. For a permanent implementation, we also urge you to extend the bike lanes further east, at least to Dearborn Avenue and the entrance to Eastern Middle School.

We would also like to take this time to thank MDOT SHA for their ongoing work to conduct a "road diet" analysis along University Boulevard in Kensington. We've discussed with your staff the idea of potentially extending these protected bike lanes westward to downtown Kensington, and we are eager to receive the results of that study so that we can proceed with the associated road diet and bicycling and pedestrian safety and access improvements that are sorely needed along this stretch.

We applaud MDOT SHA's willingness to think outside the box and to study and evaluate road treatments on State Highways that are inclusive of and make it safer for non-automobile users.

We look forward to hearing back from you on this matter.

Signed,

**Resolution No. R-18-2021
Adopted:**

A Resolution of the Mayor and Council of the Town of Kensington Authorizing and Ratifying Compensation of GreeneHurlocker, PLC, Attorneys, and Authorizing continued Legal Services as necessary.

Whereas, it is in the public interest for the Mayor and Council to ensure that street lighting in the Town is adequate and efficient, and that the charges for electric service are reasonable and that any plan for replacement of the lights will provide service that is at least equivalent to current service in terms of price appearance, output, glare shielding, color temperature, and distribution; and

Whereas, the Potomac Electric Power Company (“PEPCO”) filed a multi-year rate case in Case No. 9655 before the Maryland Public Service Commission, proposing to replace existing service with LED replacement lights; and

Whereas, the Mayor and Council determined to become a party in the said Pepco’s rate case to protect the interest of the Town and its residents; and

Whereas, the Mayor and Council authorized a contract for the retention of the law firm of GreeneHurlocker (“Attorneys”) to represent the Town in the rate case; and

Whereas, the Attorneys worked diligently on behalf of the Town and were able to obtain a result that enables the Town to seek more options in choosing the terms under which LED lights will be installed on the streetlights in the Town; and

Whereas, the deeply discounted fee from the Attorneys for services rendered to date is \$37,000.00, and

Whereas, Case No. 9655 and negotiations with PEPCO are continuing; and

Whereas, the Mayor and Council have determined that it is in the public interest to pay the Attorneys’ fee of \$37,000.00, and to retain the services of the Attorneys for up to \$8,000.00 in additional fees if determined to be necessary by the Mayor for representation of the Town’s interests with regard to Case No. 9655 and negotiations with PEPCO.

Now Therefore Be It Resolved by the Mayor and Council of Town of Kensington that payment of legal fees of \$37,000.00 to GreeneHurlocker is hereby approved and ratified, and that the Mayor be and is hereby authorized to pay up to \$8,000.00 in additional legal fees if determined to be necessary by the Mayor for representation of the Town’s interests with regard to Case No. 9655 and negotiations with PEPCO.

Adopted by an extra-majority of the Town Council at a public meeting this 8th day of November, 2021.

Effective this 8th day of November, 2021.

ATTEST:

TOWN OF KENSINGTON

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the Town Council in public meeting assembled on the 8th day of November, 2021.

By: _____
Susan C. Engels, Clerk – Treasurer

**Resolution No. R-19-2021
Adopted:**

A Resolution of the Mayor and Town Council of Kensington Authorizing the extension of the existing refuse and recycling contract with Ecology Services Refuse & Recycling, LLC, for the term of one year and increasing the number of units served with a per unit price increase.

Whereas, Article VI, "Powers of the Council", Section 601, "General Powers", of the Town Charter authorizes the Mayor and Council to take action as it may deem necessary for the good government of the Town; for the protection and preservation of property, rights, and privileges; for the preservation of peace and good order; for securing person and property from violation, danger, or destruction; and for the protection and promotion of the health, safety, and welfare, of the residents and visitors of the Town; and

Whereas, Article VI, "Powers of the Council", Section 602, "Specific Powers", Subsection 19, "Garbage", of the Town Charter authorizes the Mayor and Council to require waste and hazardous waste materials to be removed to designated points through an organized manner; and

Whereas, the Mayor and Council in accordance with Section 2-404, "Awarding of Bids", awarded a contract to Ecology Services Refuse & Recycling, LLC, ("Contract") in Resolution R-17-2018, for refuse and recycling services within the Town; and

Whereas, Section II, "Contract Term" of the Contract, authorizes the Town to renew the terms of the Contract for up to an additional three (3) consecutive one-year terms; and

Whereas, due to annexation and other changes, the number of units to be serviced has increased; and

Whereas, the Mayor and Town Council have determined that it is in the public interest to authorize the Town Manager to renew the Contract for a one-year term on the same terms and conditions with the exception of including the additional units with a per unit price increase, pending final approval by the Town Attorney.

Now Therefore Be It Resolved by the Mayor and Council of the Town of Kensington that the Town Manager be and is hereby authorized to renew and extend the Contract with Ecology Services Refuse & Recycling, LLC, on the same terms and conditions with the exception of increasing the units to be served on a per unit price increase as follows subject to the review by the Town Attorney:

Trash: 595 units, which includes Town Hall and 26 street receptacles.

Recycling: 569 units, to include the Post Office
Yard Waste: 568 units
Bulk: 568 units

Adopted by the Town Council this 8th day of November, 2021.

Effective this 8th day of November, 2021.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the Town Council in public meeting assembled on the 8th day of November, 2021.

By: _____
Susan C. Engels, Clerk – Treasurer

Resolution No. R-20-2021
Adopted:

A Resolution of the Mayor and Town Council of Kensington Proclaiming November to be Municipal Government Works Month in Kensington, Maryland.

WHEREAS, the Town of Kensington was incorporated following an Act of the Maryland General Assembly on April 6, 1894; and

WHEREAS, the State of Maryland is home to 157 Municipalities, along with two Special Taxing Districts, represented by the Maryland Municipal League (MML); and

WHEREAS, municipal government represents the most responsive level of government, allowing citizens to have direct access to elected officials and input on community decisions; and

WHEREAS, in order to help inform the Kensington community about municipal government and the importance of their participation, the Town of Kensington is proud to promote municipal government awareness; and

WHEREAS, the Town of Kensington has enhanced the quality of life of our respective residents by providing necessary services for the community and creating a wonderful place to live, work, play, and explore.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and Council of the Town of Kensington, Maryland, do hereby join with the Maryland Municipal League in declaring November to be Municipal Government Works Month in Kensington, Maryland.

Adopted by the Town Council this 8th day of November, 2021.

Effective this 8th day of November, 2021.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor