MAYOR FOSSELMAN RESPONDS TO THE WASHINGTON POST ARTICLE

You may be aware of a recent Washington Post article regarding Town reimbursement of certain political campaign fundraisers that I attended. During my early years as Mayor I attended various events representing the Town of Kensington. Some of these events were County and State political fundraisers for which I paid personally and was subsequently reimbursed by the Town. At the time, the Town had no formal economic or marketing staff and thus the Mayor served as the public relations ambassador for the Town. As Mayor, I was paid $8,000 a year to serve and was in no position to personally absorb what I thought were legitimate town-focused expenses.

All reimbursement requests were processed through the normal channels including approval by the Town Clerk and a Town Council Member; checks signed by two Town Officials; and full disclosure on my reimbursement forms. Attendance at these events was also noted during Town Council Meetings and thus recorded in the Town Minutes. During audit sessions, Kensington’s accounting firm is presented with access to all Council expense reports.

It was brought to my attention that being reimbursed for attending political events was probably not considered the best practice. I recognized the concern and have since paid for such events with personal funds; and have not been reimbursed by the Town. I met with the Town Attorney and Town Council and offered to re-pay the funds. However, the Town Council also views the fundraisers as marketing and outreach efforts on behalf of Kensington
and declined the repayment. Notwithstanding, I have repaid the Town $1105. I certainly appreciate in retrospect that this practice was not a good use of Town funds. The Washington Post article does not mention this, but I would note that the reimbursements were approved by a total of six Council Members, none of whom recognized an impropriety at the time. For me, this helps to highlight that it was a judgment call that others could unknowingly make.

The Washington Post notes that I pressed the state legislature for liquor law changes in Kensington and that I opened a restaurant (not a “bar”) soon thereafter. But the article fails to mention I was elected by the residents three times based on a revitalization platform with specifics about changes to our alcohol regulations. The critique also falls short of the fact the Town residents passed a referendum on liquor legislation changes and as the Town’s leader, it’s my job to lobby for such State proposals.

The editorial goes on to mention my purchase of commercial real estate in Kensington. This is perfectly legal and was noted in the Town Journal in 2009. I, on my own, requested an opinion from our Town Ethics Commission. This opinion suggested I refrain from participating in discussions on the CR Zone and related amendments until the Town Council had taken a position. I followed that guidance with the utmost care.

I would invite residents to contact us directly when you have concerns about how the Town and its officials conduct Town business. We are all neighbors, each of us working full-time at different jobs and other pressing family obligations. We are going to make mistakes. This Town is full of intelligent and experienced residents, and I hope you won’t hesitate to share your perspective/ideas. If any of you feel that I or the Council may do better, please send us a note.

Peter Fosselman
Mayor
2012 Town Elections

Town Election will be held on Monday, June 4, 2012 from 6:00pm—9:00 pm at Town Hall (3710 Mitchell Street).

The term of Mayor Fosselman and Council Members McMullen and Sullivan are set to expire this June (2012).

Nominations: Interested Candidates may be nominated for elective office in the Town by filing a certificate of nomination at Town Hall by 4:00 pm on or before the second Monday in May—Monday, May 14, 2012

Voter Registration: Registration by a Town resident with the Montgomery County Board of Supervisors of Elections shall be deemed registration for Town elections. Please note: you must be registered by the County with a Town address. Town citizens, who do not register to vote with the County, may register with the Town at Town Hall, Monday through Friday, 8:00 a.m. to 4:00 p.m. The Town office may be contacted during regular office hours for an absentee ballot if you cannot be present at an upcoming Town election.
February 27, 2012 Town Council Summary

- Approved Town Meeting Minutes from February 13, 2012.
- Adopted Resolution R-10-2012 urging MTA not to reduce MARC Train Service at the Kensington Train Station.
- Adopted Resolution R-11-2012 approving certain parking restrictions established by the Mayor pursuant to Section 4-103 (e) of the Town Code.
- Adopted Resolution R-12-2012 expressing support of the proposed addition to the Planning Board Draft Sector Plan with respect to the Konterra Property as amended and read by the Town Attorney.
- Adopted Resolution R-13-2012 supporting exploration of the creation of a Development District.

A full copy of the February 27th minutes are available by contacting Town Hall or by listening to the audio of the meeting at: http://www.tok.md.gov/c/412/

March 14, 2012 Town Council Summary

- Approved Town Meeting Minutes from February 27, 2012.
- Wheaton Redevelopment Plan was presented and a letter will be sent requesting the County Council postpone its decision and expressing the Town’s concern over storm water management.
- Approved Resolution R-14-2012 for the Declaration of Covenants for the Konterra Property.

A full copy of the March 14th minutes are available by contacting Town Hall or by listening to the audio of the meeting at: http://www.tok.md.gov/c/412/

March 26, 2012 Town Council Summary

- Jack Gaffey was sworn in to the Ethics Commission.
- Supported the ZTA 12-06 regarding transit proximity.
- Approved Facility User Permits.
- Introduced FY 2013 Budget and set the Public Hearing for April 23, 2012.
- Approved Resolution R-15-2012 confirming appointments to Board of Supervisors of Elections.

March 26, 2012—Mayor Fosselman, Council Members Barch, Sullivan, and Thompson, Town Manager Daily, Clerk-Treasurer Engels, and Assistant Town Manager Hoffman were present. Council Member McMullen was necessarily absent. The Pledge of Allegiance was recited and a Moment of Silence observed.

Council Member Sullivan read a statement announcing she will not be seeking reelection in the upcoming election to refocus on her family; she stated she will continue to work on issues of fairness and accountability at the County wide level especially with development and land use; she is proud of significant changes made to improving the Sector Plan;
she encouraged others to run for Council; and she requested the Town pass the State Ethics Law, disband the Revitalization Committee, and change the Charter to require a two year residency requirement for elected officials.

Council Member Thompson thanked Council Member Sullivan for her service; reported he attended the Sector Plan Hearing, he was happy to see it come to a conclusion so the Town can move forward; and he will be implementing Traffic Committee suggestions and placing cones to discourage cut through traffic at St. Paul, Lexington, and Perry.

The Mayor reported he attended the MML Annual Meeting with the County Council, the restoration of highway user fees was discussed, he encouraged Residents to contact the Delegation to let them know the importance of highway user fees to municipalities; on March 20th the Sector Plan passed 8 to 1, the heights and densities the Town requested were approved, he appreciates all the efforts from Residents, Council, Staff, and Park and Planning, and looks forward to potential development; and had “Coffee with The Mayor”, topics discussed were the Sector Plan, the new parking lot, the lights on Howard Avenue, the poor condition of our Post Office, expanding the Farmers Market, closing Howard Avenue to expand the Farmers Market, and banners on Howard Avenue.

The Mayor swore in Jack Gaffey to the Ethics Commission.

The Zoning Text Amendment (ZTA) No. 12-06, which amends the CR Zones for transit proximity to exclude a site that is within one mile of a MARC station and that is more than one mile from any other transit station serving a dedicated fixed path transit facility, was discussed.

Jeff Zyontz, from Montgomery County, and Fred Boyd, from Park and Planning were present. Mr. Zyontz explained the purpose of the amendment is to remove the reduction in public benefits required for being close to a MARC station and change parking requirements. He provided a handout with tables of the reductions; the public hearing will be on April 10th.

The Mayor stated Council Member McMullen, who was not present, does not support the ZTA but would support a compromise between the existing language and the ZTA.

Council Member Barch stated he did not support the ZTA because it will make development less likely and more expensive in Town.

Council Member Sullivan stated she supported the ZTA, MARC is not Metro, adjustments are needed for the parking requirements, the PHED Committee originally supported this, it will provide more public benefits, and it will not make it more expensive to develop.

Residents, Barry Peoples, Stowe Teti, Steve Cohen, Jack Gaffey, and Barbara Scharman spoke in support of the ZTA.

Council Member Thompson stated that he supports the ZTA amendment and agrees with Mr. Teti on the importance of preserving amenities and quality of development.

Duane Rollins questioned whether a developer could provide additional parking on the north side of Howard Avenue along the tracks as an amenity. Town Manager Daily explained it may not be feasible due to removal of the wall and limited space.

Town Manager Daily presented a parking study to the Council which shows there are vacant spaces throughout Town and the spaces restricted to four hours are not being used.
In Public Appearances, Martha Deale questioned the reason for the change in polling places; Jack Gaffey spoke on the importance of retaining businesses and attracting a better mix of businesses; TJ O’Malley, in reference to the comment from the Mayor he cited at the last Town Meeting, played an audio from the July 2009 Town Meeting in which the Mayor stated four stories was high enough, Mr. O’Malley stated a month after the statement the Town passed a resolution that height should not exceed six stories; and Duane Rollins reported a streetlight out on Dupont Avenue.

The Mayor explained the change in polling location was due to congressional and county elections and there was no change in polling location for Town elections; in reference to Mr. O’Malley’s comment, he stated he does not have a vote and did not vote on the height in the Sector Plan, the Council at the time voted and approved the height; he also stated the height of a story can be 10 to 18 feet depending on whether the property is used for residential, office, or retail and if you calculate it, the number of stories he stated equals the height supported by the Sector Plan.

Town Manager Daily presented the Facility Use Agreements, per Resolution R-07-2012, for the Washington Bridge League, the British Players, Kensington Arts Theater, and the Kensington Historical Society for Council approval. See Council Actions.

The Fiscal Year 2013 Budget was introduced. A Public Hearing will be held on April 23rd.

The Mayor appointed Spencer Harrill, Jenny Smith, and Robin Watson to the Board of Supervisors of Elections.

Council Actions:
Council Member Barch moved to approve the minutes from the March 14, 2012 Town Meeting. The motion failed.

Council Member Thompson moved to support the ZTA Amendment 12-06 proposed by the County. The motion passed 2 to 1. Council Member Barch opposed the motion.

Council Member Thompson moved to approve the Facility Use Permits for the Washington Bridge League, the British Players, Kensington Arts Theater, and the Kensington Historical Society. The motion passed unanimously.

Council Member Barch moved to introduce Ordinance No. O-02-2012 to adopt the Town Operating and Capital Budget for Fiscal Year 2013, levying a tax on all assessable property, and to set the Public Hearing date for April 23, 2012. The motion passed unanimously.

Council Member Sullivan moved to approve Resolution R-15-2012 to confirm the Mayor’s appointments of Spencer Harrill, Jenny Smith, and Robin Watson to the Board of Supervisors of Elections. The motion passed unanimously.

Council Member Barch moved to adjourn the meeting at 8:25 p.m. The motion passed unanimously.

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**April 9, 2012 Town Council Summary**

- Approved Town Meeting Minutes from March 14 and March 26, 2012.
- Reconsidered ZTA 12-06 and requested the Planning and County Staff provide values and rationale for a level 3 for MARC.
- Approved Resolution R-16-2012 transferring funds within the Fiscal Year 2012 Budget.
April 9, 2012—Mayor Fosselman, Council Members Barch, McMullen, Sullivan, 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 for Mary Jane Zusy.

Council Member Barch corrected a statement from a prior meeting in which he stated Fred Boyd had reached a conclusion on the Mayor’s properties when in fact Fred Boyd had not reached a conclusion.

Council Member McMullen reminded Residents the Budget Public Hearing will be on April 23rd.

Council Member Sullivan stated she testified at the Planning Board in support of two ZTA’s to the CR Zones, 12-06 and 12-05; there is a pilot study to allow minor amendments to sector plans which she will be watching to make sure they are only minor amendments and a process is followed; and Rock Creek Hills Park was chosen by the Board of Education as the middle school site which she opposes.

The Mayor reported he attended a reception at the Kensington Park Facility retirement community; Sean Gaiser will be opening a new facility, Foundation Gallery and Live Room, on Howard Avenue which will have entertainment and recitals; and he just got back from a trip to eastern Europe, he was chosen to speak on behalf of Maryland and Maryland municipalities on economic development and consensus building which was funded by a grant from entities associated with the State Department, he thanked U.S. Ambassador Foley of Croatia and U.S. Ambassador Brown of Montenegro for hosting his trip.

The Council discussed reconsideration of support for Zoning Text Amendment 12-06 which amends the CR Zones for transit proximity to exclude a site that is within one mile of a MARC station and more than one mile from any other transit station serving a dedicated fixed path transit facility. The Mayor clarified ZTA 12-06 does not give or take away density or height which is already set in the mapping of the Sector Plan.

Council Member Thompson stated he requested reconsideration of the Town’s support for ZTA 12-06 made at the prior meeting because Council Member McMullen was not present and the ZTA 12-06 as written is flawed because it perceives no value for the MARC station.

Council Member Barch stated he does not support the ZTA 12-06; development needs to be economically feasible; and suggested a compromise to allow some credit for MARC.

Council Member Sullivan stated she supports ZTA 12-06 because MARC should not be given credit when it has a fraction of transit use of Metro, she stated if MARC is given credit it takes away public benefits to the community and allows developers to more easily meet the maximum density under the zone; she also stated she does not support municipal shared parking until it is defined; and submitted her testimony to the County Council in support of ZTA 12-06 for the record.

Council Member McMullen stated MARC should not have the full benefit of Metro, but should be given some benefit because it fits within the definition of transit proximity.

Jack Gaffey, Julie O’Malley, Gail Dalferes (not a Town Resident), Stowe Teti, Eleanor Duckett (not a Town Resident), Barry Peoples, Lorri Simmons, Barbara Scharman, Dave Conaway (not a Town Resident) and Lara Akinbami (not a Town Resident) spoke in support of the ZTA 12-06.

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Duane Rollins and Darin Bartram spoke in opposition to ZTA 12-06. Bill Kominers, representing the property owners of Antique Village, spoke in opposition to ZTA 12-06 and Raquel Montenegro, representing property owners on Metropolitan Avenue, spoke in opposition to ZTA 12-06.

Claudia Kaplan expressed concern over the Council reconsidering a previous position.

Tracey Furman noted municipal shared parking is already occurring in Town.

Barbara Scharman stated it was important to have proper signs to indicate public parking to help businesses.

The Council discussed that if ZTA 12-06 is approved MARC will have no value and if not approved it would revert back to ZTA 11-01 in which MARC would be treated the same as Metro. Council Members Thompson, McMullen, and Barch agreed MARC should not be equal to Metro but should have some benefit and suggested obtaining professional guidance from the County and Planning Staff Members to determine the criteria for an additional level 3 for MARC. See Council Actions.

In Public Appearances: Lorri Simmons requested the status of needed repairs to the Frederick Avenue Bridge; Julie O’Malley requested a report from the Tree Committee, how much was spent on tree planting, and stated there were areas trees needed to be planted; Duane Rollins requested increased police enforcement in the mornings for violations of the time restrictions on St. Paul and Lexington; Alice Kessler requested the four hour spaces at Howard and Fawcett Street be enforced and requested banners to draw attention to Howard Avenue businesses; and John Morris requested additional signage for the four hour spaces.

The Mayor stated the Tree Committee was disbanded because of the new State law, there is a list of trees permitted by the State which Residents may pick their choice of tree, and suggested Ms. O’Malley make a list for the Town of specific areas that she feels trees are needed; and Town Manager Daily suggested cameras could be looked into to enforce time restrictions.

Town Manager Daily reviewed parking space allocation and permit parking policy in the Town lots; presented a parking survey which shows approximately 44 to 48% spaces vacant; and suggested issuing annual permits for a fee for some of the four hour spaces.

Town Manager Daily discussed Resolution R-16-2012 to transfer $20,000 within the Fiscal Year 2012 Budget due to cost overruns on the parking lot and increased legal fees.

Council Actions:
Council Member Thompson moved to approve the minutes from the March 14, 2012 Town Meeting. Council Member Sullivan requested the language, “The Mayor had to interrupt Mr. O’Malley and ask him to cease yelling at the Council Members.” in the March 14, 2012 minutes be removed because it was inflammatory and petty. Council Member Thompson stated it reflects the actual events at the meeting. The minutes were approved without removing the language. The motion passed 3 to 1. Council Member Sullivan opposed the motion.

Council Member Barch moved to approve the minutes from the March 26, 2012 Town Meeting. The motion passed 3 to 0. Council Member McMullen abstained because he was not present.

Council Member Thompson moved to reconsider the Town’s position from March 26th Town Meeting to support the ZTA 12-06. The motion passed 3 to 1.

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Council Member Sullivan opposed the motion.

Council Member McMullen moved to direct the Mayor to write a letter to both the Park and Planning and County Council Staffs advising them the Town has reconsidered support of ZTA 12-06, asking for their opinion as to appropriate values for a level three transit proximity value for MARC, and requesting they provide the Town with rationale of how they reached the values for the Town’s further consideration. The motion passed 3 to 1. Council Member Sullivan opposed the motion.

Council Member Barch moved to approve Resolution R-16-2012 authorizing the Town Manager to transfer funds of $20,000 within the Fiscal Year 2011-12 Budget. The motion passed unanimously.

Council Member Barch moved to adjourn the meeting at 9:30 p.m. The motion passed unanimously.

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Spring has sprung and the Explore Kensington campaign continues to grow rapidly. Currently we have more than 180 fans on Facebook, 600 video views on YouTube and an average of 1,400 weekly visits to the website.

We continue to update Explore Kensington’s website and Facebook page to introduce new merchants, promotions and events. If it’s happening in Kensington, you will find it on the website or Facebook page, which is updated 4-5 times every week.

Our series of eblasts continues to promote town businesses by featuring different Kensington merchants. Last month we interviewed Jenny Smith, owner of Kensington’s newest bakery, JennyCakes. Jenny offered a very generous deal to Explore Kensington subscribers – 50 percent off all baked goods during the first two weeks in April. The eblast was very successful, drawing crowds of hungry customers who saw the grand opening deal in our eblast. We also featured the Kensington Book Festival, Noyes Library and book shops in a separate eblast to generate attention to those literary pursuits.

The newest Explore Kensington video, “Kensington Art,” focused on 11 different artists and studios in town. We sat down with many of the artists, interviewed them about their work and put together a photo album on the Explore Kensington Facebook and Flickr pages with specific information about the artists and their studios.

In May, Explore Kensington will feature the Walking Tour of Kensington with a dedicated eBlast, video and online photo album showing the historic landmarks in the town.

Kensington also drew state-wide recognition in April, as Maier & Warner PR worked with Chesapeake Home + Living magazine. The article favorably reviewed the Town of Kensington as one of Maryland’s best places to live.
Grandma Vera’s Bakery is a dream in the making for baker Nathaniel Port. From an early age, he spent many summers helping and learning from his grandmother in her bakery. She inspired him to become very passionate about food and especially artisanal baking.

Today, Nathaniel helps to keep his grandmother’s legacy alive by serving delicious baked goods which include many from his grandmother’s original recipes. These can be found at the Kensington Farmers’ Market. Grandma Vera’s is very well known for their extraordinary and delicious scones which are made with organic flour and loaded with fruit. Also very popular are the croissants and pastries, which include cinnamon twists, apple turnovers, and fruit filled pastry squares.

If you are looking for something unique, try the savory Brazilian cheese breads (pao de queijo) which happen to be made with gluten free ingredients. Another treat that is made with gluten free ingredients is an almond horn, which tastes similar to marzipan but is crunchy on the outside and soft on the inside. Vera’s Portuguese sweet bread is great for sandwiches and makes the best French toast ever!

You can accompany these tasty delights with a nice cold cup of freshly squeezed orange juice – made for you right on the spot.

Check out Vera’s Bakery on Facebook or at GrandmaVerasBakery.com.
Lamp Lesson

In the years immediately following World War II, Kensington Estates was built on the Peters’ Family Farm; every morning before daybreak, Mr. Peters would take his kerosene lamp to feed and milk his dairy cattle in what is now my back yard; being very cautious and judicious of his surrounding and the animals in his care. Nothing was taken for granted as he went about his early morning and evening routines.

Gathering fresh hay from his fields and bringing in the herd from pasture land; tending to the needs of all his animals and those in his family.

As they sat around table by lamp light they gave thanks to God, their Creator and sustainer for all which they had been given in trust to them.

Life was difficult in those early years but by the lamp of Faith and trust in their creator they thrived for many years.

As I drive by their farm house on Summit, I wonder and marvel at the works of these early Kensington Pioneers.

Richard H. Rice
Poet Laureate

Rooms: a rock romance begins in late 1970’s Glasgow where Monica, an ambitious singer/songwriter meets Ian, a reclusive rocker. The two quickly become entangled creatively and romantically. Their music takes them first to London and ultimately to New York City, where they discover the vibrant new music scene and create an intimate partnership, their love deepening while their personalities drive them apart. A five-piece rock band accompanies these two characters as they search for the balance between ambition and happiness.

Performance Dates: May 4, 5, 11, 12, 18, 19, 25, 26

Please contact KAT at 206.888.6642 or e-mail us at katonline.email@gmail.com for more info.
Kensington
Around Town

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To Kensington Residents