

December 13, 2023, Town Council Meeting Summary

(held by Zoom Video Conferencing)

- Held a Closed Session meeting pursuant to State Government Article §3-305(b)(3) and §3-305(b)(7), “Closed Session”, to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and to consult with counsel to obtain legal advice.
- Approved Resolution No. R-23-2023 – A Resolution approving a Variance at 3419 Dupont Avenue to allow a six-foot (6’) entry gate within the front plane of the southwest corner of the property line in accordance with Section 5-109, “Fences, Walls, and Retaining Walls” of the Town Code.
- Approved Resolution No. R-24-2023 – Authorizing a Contract with Bartlett Tree Experts for Soil Care Fertilization and Tree Pest Management for certain trees within Town Parks and the Public Right-of-Way.

Town Council Meeting December 13, 2023, 7:42 pm, held by Zoom Video Conferencing

Mayor Furman; Council Members Bartram, Crimmins, Engle, and Lichter; Town Manager Hoffman; Assistant Town Manager Marini; and Clerk-Treasurer Engels were present. A moment of silence was observed for Will Veerhoff, who passed away.

The Town Meeting Minutes from November 8, 2023, and November 20, 2023, will be reviewed at the January 10, 2023, Town Meeting.

From the Mayor and Town Council

A Closed Session was held at 6:00 pm pursuant to State Government Article §3-305(b)(3) and §3-305(b)(7), “Closed Session”, to consider the acquisition of real property for a public purpose and matters directly related to the acquisition and to consult with counsel to obtain legal advice with regards to the lease agreement with 10509 Summit Avenue Ventures, LLC, Pepco Streetlights, and land acquisition for 10528 St. Paul Street, 10800 St. Paul Street, and 10415 Montgomery Avenue. No Actions were taken. See Attached form – “Statement for Closing a Meeting”.

Montgomery County Expedited Bill 38-23

Council Member Crimmins acknowledged that the Town sent a letter in support of Montgomery County Expedited Bill 38-23, which would amend certain language pertaining to Tenant Displacement - Right of First Refusal, to acquire rental housing within the County Code.

Council Member Crimmins stated the background of County Bill 38-23, which intends to close the loophole for religious institutions that the County encountered when they were interested in acquiring the former Brookside apartments for affordable housing. The Bill would allow the County the first right of refusal in acquiring a property by eliminating the religious institution exemption.

Joe Campbell questioned whether the County administration was really interested in the project.

The Mayor and Council stated the County was interested and met with the Town on site, but once they received the opinion from the County attorney regarding the exemption in the law, the County did not pursue the acquisition further.

Mayor and Council Reports

Council Member Engle stated that he, Mayor Furman, Council Member Crimmins, and Town Manager Hoffman met with the Maryland Transit Administration regarding short- and long-term solutions for a safer crossing at the MARC Station; he, along with Council Member Lichter met with Sarah Kogel-Smucker, Climate Change Officer for the County, who is helping to implement the Climate Change Action Plan. Ms. Kogel-Smucker will be meeting with Sustainable Kensington to discuss priorities and how they align with the County's climate goals.

Mayor Furman suggested setting up a meeting for those municipalities that are interested in meeting with Ms. Kogel-Smucker on the Climate Change Action Plan rather than a Chapter Meeting due to their upcoming agendas.

Council Member Lichter stated she and Council Member Engle met with Paul Ellis from Councilmember Kate Stewart's office to update him on Sustainable Kensington and identify ways to collaborate with the County; and she also thanked the Town Staff for the support for all the well-attended community events.

Council Member Bartram stated there will be a Mobility and Traffic Committee Meeting in January.

Council Member Crimmins acknowledged and congratulated Andrew Friedson, who was elected Council President, along with Kate Stewart, who was elected Council Vice President; stated 10619 Connecticut Avenue, Crossroads at Kensington, has begun construction; and he will be drafting a letter in support of a technical amendment to send to our delegation requesting they use "residential" instead of "single family residential" in the State Code so there is no ambiguity when referring to other types of residential properties. This would ensure the Town Code applies to all types of residential housing not just single family.

Town Manager and Staff

Town Manager Hoffman stated he communicated with State Highway and that the Rapid Flashing Beacon on Metropolitan Avenue should be installed beginning in February, once the notice to proceed has been issued; and noted that SHA is planning the Connecticut Avenue sidewalk improvement project in the spring along Connecticut Avenue between Warner Street and Washington Street; and the Town will begin replacing the benches along Howard Avenue in January.

Ordinances, Resolutions, and Regulations

Resolution No. R-23-2023 – A Resolution of the Mayor and Town Council of Kensington Approving a Variance at 3419 Dupont Avenue to allow a six-foot (6’) entry gate within the front plane of the southwest corner of the property line in accordance with Section 5-109, “Fences, Walls, and Retaining Walls” of the Town Code was presented. See Council Actions.

Resolution R-24-2023 – A Resolution of the Mayor and Council of the Town of Kensington Authorizing a Contract with Bartlett Tree Experts for Soil Care Fertilization and Tree Pest Management for certain trees within Town Parks and the Public Right-of-Way was presented. See Council Actions.

Town Manager Hoffman stated the Town has had a contract for twelve years with Bartlett Tree Experts; however, this year the contract is for \$14,000, which exceeds staff’s \$10,000 contract approval limit.

The Council questioned the reason for the increase; if Bartlett complies with the pesticide ordinance; how the list of trees was compiled; and why Joseph Park was not included.

Town Manager Hoffman stated the increase related to more trees the Town is planting and escalating costs; noted he would check with Bartlett regarding Joseph Park, which has been included on prior contracts; and stated that Barlett is located in Montgomery County and complies with the County’s pesticide ordinance; and the trees listed are the result from Bartlett reviewing the trees in Town and Residents’ concerns.

Public Appearances

Joe Campbell noted how well the leaf pick up has been done; and suggested moving Public Appearances earlier in the agenda.

Council Actions

Council Member Crimmins moved to adopt Resolution R-23-2023 approving a Variance at 3419 Dupont Avenue to allow a six-foot (6’) entry gate within the front plane of the southwest corner of the property line in accordance with Section 5-109, “Fences, Walls, and Retaining Walls” of the Town Code. The motion passed unanimously.

Council Member Crimmins moved to adopt Resolution R-24-2023 authorizing a Contract with Bartlett Tree Experts for Soil Care Fertilization and Tree Pest Management for certain trees within Town Parks and the Public Right-of-Way. The motion passed unanimously.

Council Member Bartram moved to adjourn the meeting at 8:39 pm. The motion passed unanimously.