

Mayor Tracey Furman

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



**Council Member Conor Crimmins
Council Member Ann Lichter**

Released: February 12, 2024

**Tuesday, February 13, 2024
Town Council Meeting – Closed Session, 6:00 pm**

CALL TO ORDER

THE MAYOR AND TOWN COUNCIL

1. Closed Session:

- a. Motion to call for a Closed Session pursuant to State Government Article §3-305(b)(3), "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 pursuant to Article §3-305(b)(7).
 - *No Action will be taken on items to be discussed during the Closed Session with the Town Attorney.*
- ii. **Legal Advice and Land Acquisition:**
 - 10528 St. Paul Street

ADJOURNMENT

**Tuesday, February 13, 2024
Town Council Meeting – Public Session, 7:00 pm**

The Town Council Meeting will be held via the Zoom Video Conferencing application only.

The Council Meeting will begin at 7:00 pm. For those wishing to access the meeting through Zoom, please use the following Zoom Video Conferencing link:

<https://us02web.zoom.us/j/85784053258?pwd=RURvNGVycE9BVks2MUhqM1licWljUT09>

**Meeting ID: 857 8405 3258
Password: 472162**

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

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

CALL TO ORDER

MOMENT OF SILENCE

APPROVAL OF MINUTES

Closed Session - Town Council Meeting Minutes of January 10, 2024

Public Session – Town Council Meeting Minutes of January 10, 2024

THE MAYOR AND TOWN COUNCIL

10335 Kensington Parkway (New Business) – The property located at 10335 Kensington Parkway has been leased by The Compass Atelier, a local artisan community.

THE TOWN MANAGER AND STAFF

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. **Ordinance No. O-01-2024 (Introduction)** - Introduction of an Ordinance of the Mayor and Council of the Town of Kensington Authorizing the Acquisition of Certain Property located at 10528 St. Paul Street, Kensington, Maryland, for a Public Purpose.
 - a. *The Public Hearing will be set for Wednesday, March 20, 2024, 7:00 pm.*
2. **Resolution No. R-02-2024** - A Resolution of the Mayor and Council of the Town of Kensington Authorizing a Contract Agreement with Brudis & Associates, Inc., to provide Engineering and Support Services for a Storm Drain Study within the area of the 10700 and 10800 blocks of St. Paul Street.
 - a. *Will require approval by an extra-majority vote of the Town Council (waiving advertising procedure).*
3. **Resolution No. R-03-2024** – A Resolution of the Mayor and Council of the Town of Kensington Authorizing a Contract Agreement with Brudis & Associates, Inc., to provide Engineering and Support Services for a Storm Drain Study along the 3500 and 3600 blocks of Farragut Avenue.
 - a. *Will be moved to the March 20, 2024, Council Agenda.*
4. **Resolution No. R-04-2024** – A Resolution of the Kensington Town Council Confirming Appointments made by the Mayor to the Town Ethics Commission.
5. **Resolution No. R-05-2024** – A Resolution of the Mayor and Council of the Town of Kensington Authorizing the Sale and Donation of Ten (10) Surplus Benches from Howard Avenue for \$50 each, in which the Proceeds will be donated to the 20895 Hunger Ministry.

PUBLIC APPEARANCES

(The public is invited to speak on any subject that is not a topic on tonight's agenda)

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:

March 20, 2024, 7:00 pm

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AUTHORIZING
THE ACQUISITION OF CERTAIN PROPERTY LOCATED AT 10528 ST. PAUL
STREET, KENSINGTON, MARYLAND, FOR A PUBLIC PURPOSE

WHEREAS, pursuant to §5-202 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 assure the good government of the municipality; protect and preserve the municipality's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the Town; and

WHEREAS, pursuant to §5-203 of the Local Government Article, Annotated Code of Maryland, the Town pursuant to State law is authorized to acquire real property by purchase; and

WHEREAS, Section 602 of the Charter of the Town of Kensington implements and authorizes the Mayor and Town Council to exercise the authority granted under State law, including the acquisition of real property for any public purpose; and

WHEREAS, the Mayor and Town Council have determined that the acquisition of the real property located at 10528 St. Paul Street, Kensington, MD 20895, currently owned by 9323B and 9327 Fraser Avenue, LLC, as further referenced in a deed recorded at Liber 23212, folio 525, in the Land Records of Montgomery County, Maryland, is required in order for the Town to make provision for a new Public Works Facility; and

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

WHEREAS, the Mayor and Town Council desire to use the authority granted to the Town under State Law and the Town Charter to acquire the property for a future Public Works facility.

Section 1. **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that the acquisition of the property located at 10528 St. Paul Street, Kensington, MD 20895, for the purchase price of \$925,000.00 for the public purpose of use as the Town's Public Works Facility.

Section 2. **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.

If any part or provision of this ordinance is lawfully declared to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof or of the Code.

INTRODUCED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the ____ day of _____ 2024.

ADOPTED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the ____ day of _____ 2024.

EFFECTIVE the ____ day of _____, 2024.

ATTEST:

TOWN OF KENSINGTON

By: _____
Susan Engels, Clerk-Treasurer

By: _____
Tracey Furman, Mayor

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

Suellen M. Ferguson, Town Attorney

Resolution No. R-02-2024
Adopted:

A Resolution of the Mayor and Council of the Town of Kensington Authorizing a Contract Agreement with Brudis & Associates, Inc., to provide Engineering and Support Services for a Storm Drain Study within the area of the 10700 and 10800 blocks of St. Paul Street.

WHEREAS, pursuant to Chapter II, "Government and Administration", Article 4, "Purchasing and Contracts", Section 2-405, "Professional Services Contracts", the Council may decide by an extra-majority vote (defined as one more than a majority of those present and voting) to authorize the Town Manager to enter into negotiated procurement for professional services rather than advertise; and

WHEREAS, the Town requested a proposal from Brudis & Associates, Inc., to conduct a Storm Drain Study and provide Engineering Support Services with regards to proposed storm drain improvements along the 10700 and 10800 blocks of St. Paul Street, to include the intersection of St. Paul Street and McComas Avenue, along with the intersection of Decatur Avenue and Madison Street; and

WHEREAS, Brudis & Associates provided a Contract proposal (EXHIBIT A) to the Town for Engineering and Support Services for a Storm Drain Study; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to authorize the Town Manager to accept the proposal from Brudis & Associates, Inc., with a contract price of \$34,200.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Kensington, Maryland, that the Town Manager be and is hereby authorized to enter into a Contract Agreement in substantially the form attached, with a contract price not to exceed \$36,000.00, with Brudis & Associates, Inc.

Adopted by the Town Council this 13th day of February, 2024.

Effective this 13th day of February, 2024.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor



Consulting Engineers

MARYLAND • DISTRICT OF COLUMBIA • VIRGINIA • DELAWARE

January 24, 2024

EXHIBIT A

Town of Kensington
ATTN: Matt Hoffman, Town Manager
Department of Public Works
3710 Mitchell Street
Kensington, MD 20895

RE: Proposal for St. Paul Drainage Support Services

Dear Mr. Hoffman:

Pursuant to your request, Brudis & Associates, Inc. (BAI) is pleased to submit our proposal to provide engineering services for storm drain Drainage Study Support Services for Paul Street.

The attached scope of services (Attachment A) details the specific tasks to be performed for this project, as well as the estimated manhours and design fee of **\$34,200** for Storm Drain system assessment and preliminary recommendations (Attachment B).

BAI offers the necessary experience and resources to complete this assignment. Should you have any questions or require any additional information, please do not hesitate to contact me at 443-946-6806 or mbastakoti@brudis.com.

Very Truly Yours,
BRUDIS & ASSOCIATES, INC.

**Mahendra
Bastakoti**

Digitally signed by Mahendra Bastakoti
DN: CN=Mahendra Bastakoti, E=
mbastakoti@brudis.com
Reason: I am the author of this document
Location:
Date: 2024.01.25 09:44:08-05'00'
Foxit PDF Editor Version: 13.0.0

Mahendra Raj Bastakoti, P.E.
Deputy Director, Water resources

P:\23-011 Kensington Storm Drain System Support Services\Correspondence\Proposals\Drafts\EWO #2 Drainage Study Paul St

Mr. Matt Hoffman, Town Manager
Town of Kensington
Project Name: St. Paul Drainage Support Services

ATTACHMENT A

Scope of Work

Project Background

The Town of Kensington had requested services for Drainage System Analysis Support for a site area located near the intersection of University Boulevard and St. Paul Street in Kensington, Maryland. The properties located at 3404 University Boulevard, 10812 St. Paul Street and 10800 St. Paul Street have been experiencing flooding during the recent rainfall events. The property located at 3404 University Boulevard has an existing yard inlet in the back yard of the existing building. Due to recent construction and existing grades, it appears that most of the runoff entering the property from the University Boulevard is not entering the existing storm drain system through the existing inlet. Instead, in the existing condition the runoff flows between property lines of 3404 University Boulevard and 10812 St. Paul Street and through the existing shed in the back of the property. The flow then continues through 10810 St. Paul Street and eventually gets intercepted by curb opening inlets located on the north side Decatur Avenue.

Similarly, the property located at 10800 St. Paul Street is collecting water during heavy rains and the causing the property downhill (10726 St. Paul Street) to flood. From the site visit and the video shared by the Town, the cause of the flooding appears to be the inadequate curb opening inlets at Decatur Avenue and the steep grade at the two curb opening inlets at the intersection of St. Paul Street and McComas Avenue. Due to the steep grade at the inlets, it appears most of the flow bypasses the inlets and jumps the depressed curb and sidewalk along St. Paul streets downstream of those inlets. The cumulative effect of the runoff coming from the Decatur Avenue and McComas Avenue floods the vacant lot at 10800 St. Paul Street and the existing house located at 10726 St. Paul Street.

Project goals and Understanding

The Town would like to study the existing drainage area and analyze the existing storm drain system. The town has conducted some preliminary planning on how the drainage could be improved in this area. The preliminary plan includes installing new inlets along St. Paul Street before the intersection of the St. Paul Street and Decatur Avenue to limit the water reaching the inlets at Decatur Avenue. There are subsurface utilities such as gas and electric along St. Paul Street, which might make this challenging. Another option explored by the Town is installing a microbioretention pond in the vacant lot (10800 St. Paul Street), owned by the town, to detain and minimize the flood. The vacant lot consists of mature trees and installing microbioretention may require removing some of the mature trees. There is a 60" storm drain pipe that runs across the vacant lot with a public storm drain easement. It is BAI's understanding that the ponding in properties at 3404 University Boulevard and 10812 St. Paul Street is due to the grading issue. The existing yard inlet located in the back yard of 3404 University Boulevard is currently not efficient due to the existing grades as the runoff bypasses the inlet in the property and flows to the downstream property. The flow then continues and reaches the curb inlets at Decatur Ave. The ponding at the 10800 St. Paul Street is exacerbated by the bypass flow from the McComas Ave. The curb inlets at McComas Ave are at steep grade and it is highly likely that the curb inlets are currently not intercepting much flow. A quick fix would be to make these inlets efficient by increasing the cross slope of the street, widening the inlet throat or simply adding other inlets at the upstream end.

Based on the "Request for the Price Proposals", and subsequent coordination with the Town of Kensington, this scope assumes the following conditions:

Task 1 – Preliminary Drainage Study:

BAI will perform the following task under Task 1:

- a) BAI will download available GIS topographic information including the Town's available storm drain information and prepare a drainage area map for the existing storm drain system within the study limits.
- b) BAI will perform a site visit to verify the drainage area delineation of the existing storm drain system.
- c) BAI will conduct a study of the existing storm drain system utilizing the drainage area map and the available data and check the drainage pattern, spread to the existing storm drain inlets.
- d) BAI will develop a conceptual plan to address the existing ponding issue and submit for Town's review.
- e) BAI will perform storm drain calculations for the concept layout, the design will be for 10-year storm. BAI will include the conceptual calculation in the storm drain report and will provide to the town.
- f) BAI will address any comments Town may have on the concept design. A maximum of two (2) review cycles is anticipated including the initial submission.

Task 2 – Detail Design:

Once the concept design has been reviewed and approved by the Town, BAI will provide following under task 2 services.

- a) BAI will develop a detail storm drain plan including storm drain layout, grading, profiles, structure, and pipe schedules.
- b) BAI will update the drainage design report including storm drain computations and will provide the report along with the plans for Town's review.
- c) BAI will provide design for the erosion and sediment control for the proposed improvements.
- d) BAI will submit the storm drain design, erosion and sediment control plan and drainage report for the town's review and approval.
- e) BAI will address any comments Town may have on the detail design. A maximum of two (2) review cycles is anticipated including the initial submission.

Assumptions and Exclusion

- It is assumed a survey of the existing storm drain system, if required, will be provided by the Town of Kensington.
- Town of Kensington will provide/coordinate any as-built drawings of the existing storm drain system that are available.
- No floodplain analysis and HEC-RAS analysis will be required.
- No permitting will be required, if the existing storm drain system requires permitting, a separate proposal will be provided.
- The study will be limited to existing storm drain systems within the project limits outlined in the proposal.
- No downstream study is intended as there will be no increase to the impervious area in the proposed condition.
- Any items not specifically mentioned in the scope of work.

*Mr. Matt Hoffman, Town Manager
Town of Kensington
Project Name: St. Paul Drainage Support Services*

Project Schedule

BAI anticipates completing task 1 in 45 days after award. Task 2 will be completed within 60 days of the approval of task 1.

MANHOOR ESTIMATE

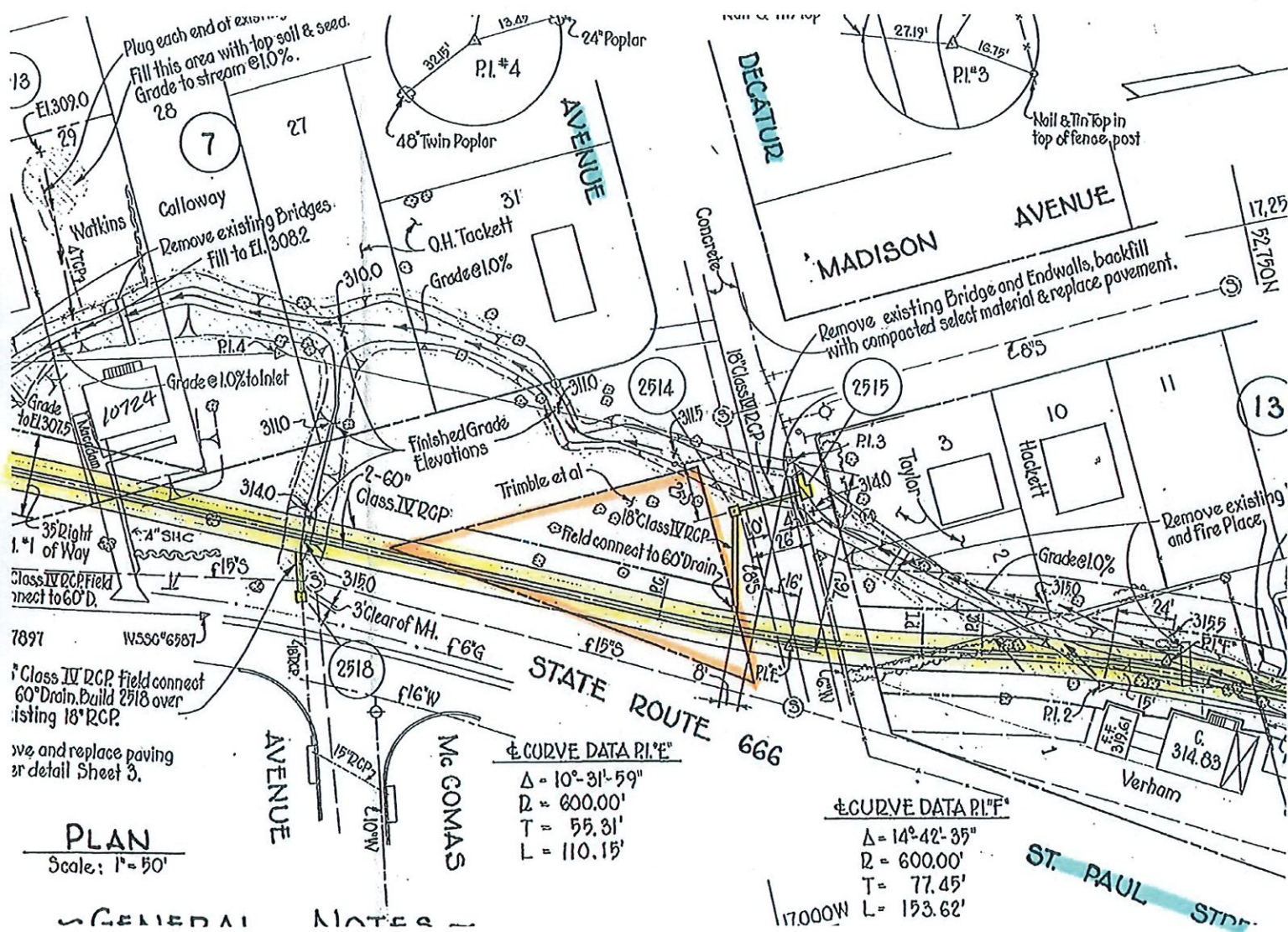
TOWN OF KENSINGTON
DEPARTMENT OF PUBLIC WORKS
ESTIMATE OF HOURS
DESCRIPTION OF WORK ACTIONS
TASK NAME:

CONTRACT NO.
TASK NO.

ST. PAUL DRAINAGE SUPPORT SERVICES

	Task	Principle / Associate	Project Manager	Highway Engineer	Structural Engineer	H&H Engineer	Technician	Total
1	Task 1 – Preliminary Drainage Study							
a	Data collection		2			6	12	20
b	Site visit		6			6		12
c	Drainage analysis					32	16	48
d	Develop concept plan		2			8	24	34
e	Preliminary drainage report and computation		2			16		18
f	Address Comments		2			26	24	52
2	Task 2 - Detail Design							
a	Update storm drian plan, profiles, details and schedules					16	30	46
b	Update drainage report and computations					8	4	12
c	Erosion and sediment control plans		1			12	24	37
d	Detail design plans and report submission		3			2	6	11
d	Address comments		2			16	26	44
	Item 1 Hours	0	20	0	0	148	166	334
	Rate		\$ 162.50	\$ 112.50	\$ 112.50	\$ 125.00	\$ 75.00	
	Item 1 Cost	\$ -	\$ 3,250.00	\$ -	\$ -	\$ 18,500.00	\$ 12,450.00	\$ 34,200.00
2	Total							
	Total Hours	0	20	0	0	148	166	334
	Total Bid Price		\$ 3,250.00	\$ -	\$ -	\$ 18,500.00	\$ 12,450.00	\$ 34,200.00





Resolution No. R-04-2024

Adopted:

**A Resolution of the Kensington Town Council Confirming
Appointments Made by the Mayor to the Town Ethics Commission.**

WHEREAS, Chapter II, “Government and Administration”, Article 3, “Public Ethics”, Section 2-304, “Ethics Commission”, of the Town Code requires that there shall be a Town Ethics Commission consisting of three (3) members who shall be appointed by the Mayor, with the approval of the Council, on or before the first Monday in April; and

WHEREAS, the terms of members of the Town Ethics Commission shall begin on the first Monday in April in the year in which they are appointed and shall run for two (2) years with staggered terms; and

WHEREAS, the Town Code provides that vacancies on the Commission shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term; and

WHEREAS, the members of the Town Ethics Commission shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their terms of office, nor be employees of the Town; and

NOW, THEREFORE, BE IT RESOLVED by the Kensington Town Council that the following appointments by the Mayor are confirmed as follows:

Mike McCurry	10313 Fawcett Street	Two Year Term Expires	4-01-2026
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NOW, THEREFORE, BE IT FURTHER RESOLVED by the Kensington Town Council that the following term(s) continue as follows:

Deborah Eckert	3923 Washington Street	Two Year Term Expires	4-01-2025
Tina Sherman	3515 Perry Avenue	Two Year Term Expires	4-01-2025

ADOPTED by the Town Council of Kensington, Maryland, at the regular public meeting assembled on the 13th day of February, 2024.

EFFECTIVE the 1st day of April, 2024.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

Resolution No. R-05-2024
Adopted:

A Resolution of the Mayor and Council of the Town of Kensington Authorizing the Sale and Donation of ten (10) Surplus Benches from Howard Avenue for \$50 each, in which the Proceeds will be donated to the 20895 Hunger Ministry.

WHEREAS, in accordance with Article XII, “Town Property”, Section 1201, “Acquisition, Possession and Disposal”, of the Town Charter, the Town may sell, lease, or otherwise dispose of any property belonging to the Town; and

WHEREAS, the Town has determined that ten (10) Victor Stanley C-10 Benches that were recently replaced along Howard Avenue shall be declared surplus; and

WHEREAS, St. Paul’s United Methodist Church oversees the 20895 Hunger Ministry, which accepts food and monetary donations to provide food assistance year-round for individuals and families in the 20895 ZIP code area who may be facing food insecurity.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Town Council of Kensington hereby declare that ten (10) Victor Stanley C-10 Benches as surplus, and authorize the Town Manager to sell the Benches for \$50 each, and donate the proceeds to the 20895 Hunger Ministry overseen by St. Paul’s United Methodist Church.

ADOPTED by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 13th day of February, 2024.

EFFECTIVE the 13th day of February, 2024.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

