

Mayor Tracey Furman

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



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

Released: March 10, 2025

**Wednesday, March 12, 2025
Town Council Meeting, 7:00 pm**

The Town Council Meeting will begin at 7:00 pm and be held at Town Hall and via the Zoom Video Conferencing application. Access to the meeting is available through the following link:

<https://us02web.zoom.us/j/81388979333?pwd=oQEY1tOrr0cgmfUBXYnvvaAJp8sKBc.1>

Meeting ID: 813 8897 9333

Password: 550586

Zoom Camera Use: We ask that if you join the meeting by Zoom, please turn your camera off except when asking a question or speaking.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

APPROVAL OF MINUTES

Town Council Meeting Minutes of February 12, 2025
Council Work Session Minutes of February 18, 2025
Special Town Council Meeting Minutes of February 18, 2025 – Closed Session

THE MAYOR AND TOWN COUNCIL

(The Mayor and Council may move to close the meeting and may move to reopen the meeting)

1. Acknowledge:

- a. **February 18, 2025, Council Work Session** – The Mayor and Council held a Work Session on February 18, 2025, to discuss the FY26 Budget and funding priorities.

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

- b. **February 18, 2025, Closed Session** – The Mayor and Council held a Closed Session pursuant to State Government Article §3-305(b)(1)(ii), to consult with the Town Attorney with regards to a personnel matter and Article §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.
2. **Maryland House and Garden Pilgrimage:**
 - a. Presentation by Kate DeWitt, Kensington Historical Society, about the 2026 Maryland House and Garden Pilgrimage planned in Kensington.
3. **3740 University Blvd. – Proposed Cannabis Dispensary:**
 - a. Discuss sending a letter to the Maryland Cannabis Administration outlining concerns about the proposed location for a cannabis dispensary at 3740 University Blvd.
4. **Resilience Action Plan (Green Bank):**
 - a. Discussion about establishing a Resilience Action Plan to address stormwater management.
5. **More Housing N.O.W (Montgomery County):**
 - a. Discuss sending a letter in support of the proposed More Housing N.O.W. zoning text amendment (ZTA).

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-01-2025** – An Ordinance of the Mayor and Council of the Town of Kensington Authorizing the Sale of Certain Real Property located at 3420 Plyers Mill Road, Kensington, Maryland, that is no longer needed for a public purpose.
 - a. *The Public Record closed at 4:00 pm on Friday, March 7, 2025. There will be no additional Public Comment on the Ordinance at the March 12 Council Meeting.*
 - b. *The Council will vote on Ordinance No. O-01-2025 at the March 12 Council Meeting.*
2. **Ordinance No. O-02-2025 (Introduction)** – Introduction of an Ordinance of the Mayor and Council of the Town of Kensington to Appropriate and Adopt the Fiscal Year 2025 – 2026 (FY26) Budget and to Levy a Tax on Certain Real and Personal Property under the provisions of §6-203 of the Tax-Property Article of the Annotated Code of Maryland, as Amended.
 - a. *The Public Hearing will be set for Wednesday, April 9, 2025, 7:00 pm.*
3. **Ordinance No. O-03-2025 (Introduction)** – Introduction of an Ordinance of the Mayor and Town Council of Kensington to Amend Chapter V, “Housing and Building Regulations”, by enacting Article 7, “Transient Lodging Facilities”, to Incorporate Chapter 54, of the Montgomery County Code entitled “Transient Lodging Facilities”, which contains various provisions to protect, regulate and license hotels, bed and breakfast, and short-term residential rentals and to make conforming changes.
 - a. *The Public Hearing will be set for Wednesday, April 9, 2025, 7:00 pm.*
4. **Resolution No. R-06-2025** - A Resolution of the Kensington Town Council Confirming Appointments made by the Mayor to the Board of Supervisors of Elections.

5. **Resolution No. R-07-2025** – A Resolution of the Mayor and Council of the Town of Kensington Authorizing a Contract with Mulheron Tree Experts, Inc., for Soil Care Fertilization and Tree Pest Management for certain trees within Town Parks and the Public Right-of-Way in an amount not to exceed \$16,525.00.
- a. *Will require approval by an extra-majority vote of the Town Council (waiving advertising procedure).*

PUBLIC APPEARANCES

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

ADJOURNMENT

THE NEXT SCHEDULED MEETING(S) OF THE MAYOR AND TOWN COUNCIL WILL BE HELD:

Wednesday, April 9, 2025, 7:00 pm

Please check the Town Calendar to confirm the Council date and time.

Maryland House & Garden Pilgrimage (www.mhgp.org)

MHGP: Began in 1930 as an organization dedicated to the “preservation of Maryland cultural & historically significant properties and landscapes”. With few exceptions they have been putting on the Tours annually since then. Looking at the list of beneficiaries on the MHGP site you will see every important historical property in Maryland.

What: Annual Spring Tours – one for each County participating – throughout the State in May – June timeframe. There is only one Tour in the State on any given day. The Tour raises money for a featured preservation project for each County participating. Individual County Tours are marketed together as one State-wide Tour. The 2025 Tour destinations can be viewed on the MHGP WEB site.

Fundraising Potential for Noyes: The 2024 Tour raised approximately \$115K for projects of which one project received \$70K of the proceeds. The distributions are distributed on a percentage basis according to how much each Project raised in ticket sales and other revenue.

Kensington: Kensington to be the destination in Montgomery County for the 2026 Tour with Noyes Children’s Library Foundation as the designated recipient of the funds raised. Tour to be on one Sunday in early June.

Benefits to Kensington: Substantial funds to be raised for NCLF. Visitors will come from around the State to enjoy not only the properties on the Tour but to be drawn to Kensington retail establishments and eateries.

Kensington Tour: Tour will feature Noyes Children’s Library as the preservation project and will also include tours of a number of significant private homes and gardens as well as the Train Station, Town Hall, public gardens, business district, art center and galleries, etc.

Town-wide Steering Group: The kick-off meeting of the steering group will include many organizations around Town such as:

Town of Kensington	KHS	NCLF	KCAN	KTown Ladies	Woman’s Club of Kensington
KTown Archives	VOK	St Paul’s		Compass Art	Antiques Row
Greenscapes/SK	Warner M.			Galleries	etc etc.

Tour Resources: The Tour in Kensington will leverage many elements that are already in place. We have extensive information on NCL and the NCLF. Additionally, through KHS, we have a very detailed walking tour of Town which describes significant properties. We have the Art Walk which can be embellished with information on art galleries in Town. We can utilize material that Antiques Row, KCAN and Explore Kensington have to guide visitors to other spots around Town.

Creating a Resilience Action Plan to Enhance Stormwater Management in the Town of Kensington

Funding and Financing: Weigh options, including benefits and tradeoffs of financing options for stormwater management/flood risk mitigation improvements, such as establishing a stormwater utility fee, debt financing, green/resilience bonds, etc.

Implementation Coordination: Strategically align ongoing and planned stormwater-related investments to maximize value and benefits

- Curbs - review run off at less than 2 feet topology to add targeted curb cuts into small bioretention swales.
- Storm drains - initiate storm drain vacuum schedule, review storm drain and overflow outlets to Silver creek during storms.
- Sidewalks, park walkways and right of ways - permeable paving options for pedestrian areas and town parks. Business district has very little permeable surface to capture and filter run off. Improve snow and ice melt and reduce salt and sand use.
- Rain gardens and vegetated swales - review town owned and leased parking lots and parks for targeted plantings to manage road and gutter run off.
- Additional support for tree canopy expansion, and tree maintenance to improve capture and filtration of run-off.
- Riparian zones - restore and renovate Silver Creek riparian zone which receives significant run off. Upstream is channelized so water is hot, moving fast and polluted. Upstream area is increasingly impermeable (shopping mall and new housing).

Planning Support: Provide guidance on anticipated RFPs/contracts for technical stormwater related services

- Understand topography to identify water flow and inundation concerns during storms for homeowners and businesses. Could include hydrological and/or hydraulic modeling of the Silver Creek catchment (under current and future climate conditions).
- Develop plan for new riparian zone adjacent to channelized Silver Creek, upstream of Frederick Ave to improve water quality, prepare for future stream restoration (removal of concrete). Linked to land purchase.

Partnership and Program Development: Facilitate engagement with County and State agencies and programs

- Collaborate with MoCo parks on establishing permanent wetland zones in areas of major runoff e.g. Kensington Cabin Park, Kensington Stream Valley Park.
- Explore education and grant program design options for homeowners to manage water capture on private property, with a focus on historic district homes to help homeowners improve run-off capture on private property, especially reduce direct emptying of gutter downspouts to streetscape.
- Coordinate with county officials and neighboring jurisdictions on stormwater management plans since Kensington absorbs run-off from other neighborhoods outside its boundaries.

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON
AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY LOCATED
AT 3420 PLYERS MILL ROAD, KENSINGTON, MARYLAND, THAT IS
NO LONGER NEEDED 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 §5-204 of the Local Government Article, Annotated Code of Maryland, the Town pursuant to State law is authorized to sell, at public or private sale, and convey to the purchaser any real property belonging to the Town if the Mayor and Council determine that the property is no longer needed for public use; 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 sale of real property when no longer needed for a public use, after 28 days’ public notice; and

WHEREAS, the Mayor and Town Council have determined that the real property located at 3420 Plyers Mill Road, Kensington, MD 20895 (“Property”), currently owned by the Town, as further referenced in a deed recorded at Liber 2284, Folio 67, in the Land Records of Montgomery County, Maryland, is no longer needed for a public use and should be sold

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

consistent with current zoning to support a public purpose, including to acquire other real property; and

WHEREAS, the Mayor and Town Council desire to use the authority granted to the Town under State Law and the Town Charter to sell the Property.

Section 1. **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that the sale, consistent with current zoning, of the property located at 3420 Plyers Mill Road, Kensington, MD 20895 at public or private sale at a price to be determined be and it is hereby authorized.

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 twenty-eight (28) 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 of 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 _____ 2025.

ADOPTED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the _____ day of _____ 2025.

EFFECTIVE the _____ day of _____, 2025.

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

Proposed Sale of Joseph's Park

To: Kensington Residents

Date: January 17, 2025

From: Town Staff

RE: The Proposed Sale of Joseph's Park

The Mayor and Town Council introduced Ordinance No. O-01-2025, at the January 8, 2025, Town Council Meeting, which proposes the sale of 3420 Plyers Mill Road (Joseph's Park). The Public Hearing has been scheduled for Wednesday, February 12, 2025, 7:00 pm.

The Town began the public discussion for the proposed sale of Joseph's Park with an on-site community meeting March 1, 2023, and the Mayor and Town Council look forward to hearing from our residents at the Wednesday, February 12, 2025, Public Hearing. If you wish to comment, but are not available to attend the Public Hearing, please email your comments to the Mayor and Council directly at the following email: Mayor.Council@tok.md.gov.



Background:

The Town acquired 3420 Plyers Mill Road on October 31, 1956, for \$10. The acquisition of the property was directly due to an action taken by the Maryland National Capital Park and Planning Commission (M-NCPPC) within the 1955 Kensington and Vicinity Master Plan, in which the Planning Commission dedicated 100' of the property located at 3420 Plyers Mill Road for public use. The 100' dedication was issued by the Planning Commission with the understanding that the land would be needed in order to widen Plyers Mill Road sometime in the future.

The owner of the property at the time, Arthur C. Hyde, acquired 3420 Plyers Mill Road in May 1953, with the intent of building a single-family home, per the zoning regulations at the time. Upon filing an application to build a single-family home on the lot in 1956, Mr. Hyde was denied application by the Town due to the 100' dedication within the 1955 Kensington and Vicinity Master Plan, which reduced the overall size of the lot below the minimum building requirements of the R60 zone (6,000 square feet).

Mr. Hyde appealed the 100' dedication before the Montgomery County Appeals Board; however, records provided by the Board of Appeals to the Town indicate that the Hearing was canceled, since Montgomery County was not authorized to waive the imposed dedication within the 1955 Kensington and Vicinity Master Plan. The Town's Meeting Minutes from July 25, 1956, support the information that the Town was able to find, by stating the following:

July 25, 1956 – The Mayor made a report to the Council relative to the Arthur C. Hyde lot on the southwest corner of Plyers Mill Road and Wheatley Street. It was reported that Mr. Hyde purchased this lot in May 1953; that the Maryland Park and Planning Commission has taken one-half of the lot or a one-hundred-foot right of way, leaving a lot with less than the required area to build a dwelling thereon. Mr. Hyde has filed an appeal with the Montgomery County Appeals Board to waive this restriction. The County can not by law waive this restriction except in hardship cases. It was cited that the cost of said property with improvements thereon would be great if road construction would necessitate condemnation.

While Plyers Mill Road was eventually widened by the Town, the 100' dedication outlined within the 1955 Kensington and Vicinity Master Plan was not fully necessary to complete this roadway project; however, the 100' dedication remained until 1986, when Kensington's Historic District was expanded to include certain properties along the 10500 and 10600 blocks of St. Paul Street. The expansion of the Historic District removed the 100' dedication from St. Paul Park (10564 St. Paul Street), 10549 St. Paul Street, and 3420 Plyers Mill Road, which subsequently reverted 3420 Plyers Mill Road back into a buildable, R60, parcel.

Within the current Master Plan of Highways and Transitways (MPHT), Montgomery Planning recommends that the existing right-of-way along Plyers Mill Road, east of Lexington Street, be expanded from a 75' right-of-way to an 80' right-of-way. While this plan recommends the potential dedication of an additional five feet (5') from 3420 Plyers Mill Road, the property would still be a buildable lot.

The property at 3420 Plyers Mill Road has remained in the Town's possession since 1956, in which the Town has made no significant improvements. However, sometime around 2003, Mayor Raufaste and the Kensington Council decided to honor the original Joseph's Park Plat by dedicating 3420 Plyers Mill Road as Joseph's Park. Aside from this designation, the planting of a few yews, and adding a formal sign dedicating the property as a park, the lot has remained mostly untouched for the last 70 years.

Why is the Town Staff Proposing that the Council Consider the Sale of 3420 Plyers Mill Road (Joseph's Park):

The primary reason for the proposed sale of 3420 Plyers Mill Road (Joseph's Park) is due to the property's limitations with respect to activation as a park compared to other Town greenspaces. Joseph's Park is 7,500 square feet (0.17

Proposed Sale of Joseph's Park



acres), which is a standard residential (R60) lot size within the Town. However, when compared to other greenspaces, Joseph's Park is small, as the most comparable greenspace is Ernest Memorial Park at 12,100 square feet (0.28 acres); conversely, Ernest Memorial Park is also adjacent to 30,800 square feet (0.71 acres) of Town-owned greenspace. Flinn Park (0.37 acres) would be comparable as well due to its proximity to residential properties, but is also twice the size of Joseph's Park, and located in a mixed-use area and across from the Kensington Post Office.

The proposed sale of Joseph's Park has been a long-discussed option by the Town, specifically by the Town staff, to evaluate all of our assets and determine how best to improve Kensington for today, tomorrow, and the future. The Town staff has determined that Joseph's Park's limitations with regards to activation and topography, along with the fact that the property has remained essentially without improvements (furnishings or plantings) for 70 years, indicates that selling the property would allow the Town to purchase a different parcel that would better serve the community.

More specifically, the Town has identified additional land for public greenspace, including a portion of the Kensington Crossing HOA property (1.1 acres) west of Silver Creek, along with 10800 St. Paul Street (0.14 acres), both of which would allow the Town to expand upon our current parkland for not only recreational purposes,

but also provide more greenspace to plant larger trees and replenish our tree canopy. In addition, both properties have unique advantages compared to Joseph's Park, as they are both partially located within the County's floodplain zone, which would allow the Town to include them within our stormwater management improvement plans.

How Would the Funds Received from the Sale of Joseph's Park be Used:

While the Town is actively engaged in conversations to acquire the Kensington Crossing HOA property west of Silver Creek, the anticipated revenues from the sale of Joseph's Park would be beneficial beyond the proposed acquisitions of 10800 St. Paul Street and the Kensington Crossing HOA parcel. Appraised in 2023 for \$450,000, the sale of Joseph's Park would allow the Town to allocate monies into our Land Acquisition fund within the Capital Improvement Plan (CIP).

The Town has made a commitment to improve our infrastructure and overall health by making more strategic decisions, such as targeted investments in stormwater management, land acquisition, and expanding uses within our public facilities and greenspaces. The Town is actively planning four upcoming stormwater management projects: 1) Carroll and Hadley Place; 2) Armory Avenue and Baltimore Street; 3) St. Paul Street; and 4) Farragut Avenue. We have also taken the initiative to acquire the property located at 10528 St. Paul Street (formally the ServPro property) for a future Public Works building, in anticipation of the Summit Avenue Extension project being completed in FY32. The Town is also looking to acquire the adjacent property at 10526 St. Paul Street, which would allow us to position the future Public Works building in a way that would allow additional amenities to be added to St. Paul Park.

In addition, the Town has an agreement in place to acquire the M&T Bank drive-thru property (10415 Montgomery Avenue) on July 1, 2025, which will be used for public parking to address both commercial and residential parking concerns within our Business District.

Currently, the Land Acquisition fund has \$447,996.40, following the acquisition of 10528 St. Paul Street (\$1,010,000.00) on November 1, 2024. The Town has estimated that our proposed future land acquisitions will cost at least an estimated \$1,525,000; and include the following: 10526 St. Paul Street (est. \$475,000); 10415 Montgomery Avenue (\$930,000); 10800 St. Paul Street (est. \$60,000); and the Kensington Crossing HOA property, which we believe will be appraised for around \$60,000. However, the estimated and proposed sale prices do not include closing costs, administrative costs (mandatory referral requirement), land improvements, or subdivision costs, which would apply to the Kensington Crossing HOA property.

The above-mentioned properties, if acquired, would serve multiple purposes to benefit the Town as a whole, including expanding greenspace that far exceeds what would be lost with the sale of Joseph's Park. The Town is an ever changing and growing community, and with resources already scarce, it is imperative that the Town take strategic steps to make sure that we are able to address our current and future needs and responsibilities. Sometimes these decisions are difficult and require the evaluation of existing assets, in which case, Town staff believes that the sale of Joseph's Park would provide a monetary return to the Town, which would help to acquire lands to address stormwater management, increase the amount of accessible greenspace for recreational use and the planting of additional trees, add facilities to existing parks, increase public parking options within our Business District, and to continually invest within our Town through infrastructure projects.

The Town Staff believes that the history and context provided above will serve to better solicit public feedback and decision making by the Mayor and Council.

**Public Comments Received via Email Regarding Ordinance No. O-01-2025
The Proposed Sale of 3420 Plyers Mill Road (Joseph Park)**

*Comments received from anyone who does not live in the Town are marked with an asterisk (**).*

Lee Shekter

Fri, Mar 7,
4:00 PM

to mayor.council

I am opposed to the sale of Joseph's Park. I enjoy using it, our dog enjoys walking through it on our daily walks, it is precious green space. The park has lots of beautiful trees in it, some of which are very old. I understand some of the reasons for wanting to sell. Parks cost money to maintain and they don't generate tax revenue, however green space is precious and can't be brought back. If this park is sold, then the land will be developed to recoup the investment of the buyer and the town will never again have that green space. I'm aware that the park is small, I'm aware that it's on a corner, I'm aware that there currently is nothing in the park beyond its beautiful trees to entice anyone to enter, but that doesn't mean that there couldn't be. The town has done nothing to encourage people to use the park. One of the town residents has even offered to buy a bench or the park but the town has not taken up the offer.

Selling the park to generate funds to buy a parking lot and add some "greenery" is wrong. Do you really want to look back in 10 years time and wonder what the town was thinking when they sold the park?

Lee Shekter

Wheatley St

Wilson Sweitzer

March 7,
2025
3:44 PM

to Mayor.Council

Hi,

I'm writing to voice my support of the proposed sale of Joseph's Park. While additional green space is always nice to have, I appreciate that the small lot size and location of Joseph's Park make it less desirable and less useful as a park space.

I live nearby and walk my dogs past the park frequently. In the five years I've lived here, I don't recall ever seeing anyone using the park space. In addition, as a parent of two small children, I would not be comfortable with them using Joseph's Park without fencing or other barriers along Plyers Mill - options which I believe would further reduce the usable space, if they are even feasible at all.

In addition, I support using the sale to raise funds for other uses - particularly where it is in lieu of property tax increases.

And assuming that the land will be used to build one new single-family home, I would welcome new neighbors to our wonderful Kensington community - and the additional tax revenue and support for local businesses they would bring.

Thanks very much,

Wilson Sweitzer

Dupont Avenue

Olwen Logan

March 7,
2025
3:09 PM

to mayor.council

Dear Mayor Tracey and Kensington Town Council Members:

I am writing as a private citizen—**not** in my capacity as Vice President of Kensington Historical Society—to express my opposition to Ordinance No. O-01-2025, which proposes the sale of Joseph's Park.

My reasons for this are as follows:

1. Selling parkland sets a dangerous precedent.
2. All greenspace—regardless of its size and location—has value for the health, welfare, and enjoyment of Town residents.
3. Joseph's Park could be dramatically improved with a small investment of Town monies.
4. Selling parkland to fund Town projects should be an absolute last resort for the Town. The Town should consider all other possible sources of funding first, and also reconsider the planned purchase that is prompting the possible sale of the Park.

Thank you for the opportunity to comment on this.

Sincerely,

Olwen

Eric Shekter <eric.shekter@gmail.com>

March 7,
2025
2:21 PM

to mayor.council

Dear Mayor Tracey and Kensington Town Council Members,

I am writing to oppose Ordinance No. O-01-2025, which proposes the sale of Joseph's Park. I am in favor of growth and change to improve our Town of Kensington but selling Joseph's Park without thorough consideration of alternative sources of funding and the present and future impact of selling park land is not a good way to fund that.

- 1. Selling park land sets a dangerous precedent.** This is especially for park land in a residential zone. Questions about the impact of Montgomery County's Attainable Housing Strategies Initiative only add to this concern.
- 2. Selling park land to fund Town projects should only be a last resort.** The Town should look at a variety of other ways to raise money for Town projects, including grants. Town of Kensington citizens deserve evidence of good faith efforts to find alternative sources of money before any decisions about selling park land are made.
- 3. All greenspace has value for the health, welfare, and enjoyment of the inhabitants of the Town.** Joseph's Park's trees and tree canopy release oxygen, reduce pollution, and boost health and mood. The only obstacle to "activating" or improving Joseph's Park is the Town's refusal to do so. Residents have presented several ideas for improvements such as furnishings or plantings that can work with the size and topography of Joseph's Park.
- 4. Sale of greenspace for the benefit of the community should be a community decision based on complete information presented in an unbiased way.** This is a very important issue. Town of Kensington citizens deserve better than being repeatedly bullied with threats to raise taxes if Joseph's Park is not sold.

I am happy to be part of a vibrant, growing Town of Kensington.

Sincerely,

Eric Shekter

[10606 Wheatley Street](#)

Al Carr

March 7,
2025
2:06 PM

to mayor, Kensington

Dear Mayor Furman and Council members,

As you close out the hearing record, I wanted to reiterate views I expressed at the public hearing and in the past.

Selling of the historic Town-owned Joseph's Park open space property is unnecessary.

The Town has other options to raise funds if it wants to acquire properties.

The state of Maryland has a fund that is designed exactly for the situation that the Town finds itself in. It is called the Local Government Infrastructure Fund and it is administered by the Department of Housing and Community Development. It works like a mortgage - municipalities borrow a lump sum amount and pay it back over 20 years.

In the early 2000s - our neighboring Town of Garrett Park found itself in a similar situation. They needed cash for two major expenditures they were contemplating - 1) the restoration of Penn Place, the signature historic building adjacent to the train station holding their Town offices, the Post Office and restaurant Black's Bistro; and 2) the upgrading of their dilapidated street lighting infrastructure to energy efficient, decorative induction lights. They borrowed \$800,000 which equates to \$1.4 million in 2025 dollars. Takoma Park has also taken advantage of the program as have many other Maryland Towns and Cities.

I've seen no discussion or financial analysis of why such an option should not be considered.

I also believe the Town can obtain additional revenue from many other sources.

One source is a public utility company called Dark Fiber and Infrastructure that likely owes the Town tens of thousands of dollars in utility personal property taxes. This private business has a telecommunications network for which they laid fiber optic cables under town streets and sidewalks.

Another source of funding is a state bond initiative (bond bill) that functions as a state grant and does not have to be repaid. There is an opportunity for such funding each year during the legislative session. Bond funding has historically remained available in good years and in tough budget years like the current one. The TOK government could approach our District 18 delegation to put in a request.

Sincerely,

Al Carr
3904 Washington Street

Karin Tetzlaff

March 7,
2025
1:44 PM

to mayor.council, Kensington

Dear Mayor Tracey and Kensington Town Council Members,

I am writing to oppose Ordinance No. O-01-2025, which proposes the sale of Joseph's Park. I am in favor of growth and change to improve our Town of Kensington but selling Joseph's Park is not a good way to fund that.

Instead of selling, Joseph's Park should be improved by

- **adding a clear perimeter along shared property lines to delineate the PUBLIC, SHARED property boundaries.**
- **adding BENCHES and walkways so residents can relax and enjoy the green space, like Flynn Park and Clum-Kennedy Park.**

Is it true that the Town has refused to improve the park? I understand that residents have presented several ideas for improvements such as furnishings and plantings, and that town residents have offered to fund them.

Also:

1. Selling park land sets a dangerous precedent.
2. All greenspace has value for the health, welfare, and enjoyment of the inhabitants of the Town.
3. Selling park land to fund Town projects should only be a last resort, approved by a **super-majority** of town residents.

Thank you!!

Karin Tetzlaff

Washington Street

Alexis Stern

March 7,
2025
1:43 PM

to Mayor.Council

Dear Mayor Tracey and Kensington Town Council Members,

I am writing to oppose Ordinance No. O-01-2025, which proposes the sale of Joseph's Park. I am in favor of growth and change to improve our Town of Kensington but selling Joseph's Park without thorough consideration of alternative sources of funding and the present and future impact of selling park land is not a good way to fund that.

There has been talk in the past of adding art work and benches to the park. It would be great to see it remain as a park for the town.

Thank you,

Alexis Stern

Farragut Avenue

Art Witczak

March 7,
2025
1:20 PM

to Mayor.Council

Dear Mayor Tracey and Kensington Town Council Members,

I am writing to oppose Ordinance No. O-01-2025, which proposes the sale of Joseph's Park.

Before I even knew that Kensington existed I enjoyed the welcoming sight of Joseph's Park when driving down Plyers Mill Road.

The canopy of our town is a treasure and it would be a shame to tear it down to put up a parking lot.

Additionally, our little corner of Kensington has been continuously subject to years of construction which has prevented us from having our windows open on beautiful days, relaxing in our yards and porches, and interfering with Work From Home.

Joseph's Park would be an ideal spot for exercise stations for adults - which are lacking from Kensington Parks - requiring residents to travel down to Beach Drive.

The destruction of this wonderful little park provides no benefit at all to the residents of Kensington and those who pass through on their way.

Thanks for your attention,

Art Witczak
3319 Oberon St.

Elisabeth Boulos

March 7,
2025
1:18 PM

to Mayor.Council

Dear Mayor Tracey and Kensington Town Council Members,

I am writing to oppose Ordinance No. O-01-2025, which proposes the sale of Joseph's Park. I am in favor of growth and change to improve our Town of Kensington but selling Joseph's Park without thorough consideration of alternative sources of funding and the present and future impact of selling park land is not a good way to fund that.

- 1. Selling park land sets a dangerous precedent.** This is especially for park land in a residential zone. Questions about the impact of Montgomery County's Attainable Housing Strategies Initiative only add to this concern.
- 2. Selling park land to fund Town projects should only be a last resort.** The Town should look at a variety of other ways to raise money for Town projects, including grants. I am happy to help with that. Town of Kensington citizens deserve evidence of good faith efforts to find alternative sources of money before any decisions about selling park land are made.
- 3. All greenspace has value for the health, welfare, and enjoyment of the inhabitants of the Town.** Joseph's Park's trees and tree canopy release oxygen, reduce pollution, and boost health and mood. The only obstacle to "activating" or improving Joseph's Park is the Town's refusal to do so. Residents have presented several ideas for improvements such as furnishings or plantings that can work with the size and topography of Joseph's Park, and I have offered funding for them.
- 4. Sale of greenspace for the benefit of the community should be a community decision based on complete information presented in an unbiased way.** This is a

very important issue. Town of Kensington citizens deserve better than being repeatedly bullied with threats to raise taxes if Joseph's Park is not sold.

I have vocally disagreed with selling Joseph's Park and supported that position several times, from the initial March 1, 2023 on-site community meeting continuing through the most recent Town Council Meeting. As noted above and in those discussions, I am happy to be part of a vibrant, growing Town of Kensington.

Please let me know how I can our Town grow and thrive without the need to sell Joseph's Park.

Sincerely,

Elisabeth Boulos and Family

3514 Farragut Ave

Alicia Shekter

March 7,
2025
12:39 PM

to Mayor.Council

Dear Mayor Tracey and Kensington Town Council Members,

I am writing to oppose Ordinance No. O-01-2025, which proposes the sale of Joseph's Park. I am in favor of growth and change to improve our Town of Kensington but selling Joseph's Park without thorough consideration of alternative sources of funding and the present and future impact of selling park land is not a good way to fund that.

1. Selling park land sets a dangerous precedent. This is especially for park land in a residential zone. Questions about the impact of Montgomery County's Attainable Housing Strategies Initiative only add to this concern.

2. Selling park land to fund Town projects should only be a last resort. The Town should look at a variety of other ways to raise money for Town projects, including grants. I am happy to help with that. Town of Kensington citizens deserve evidence of good faith efforts to find alternative sources of money before any decisions about selling park land are made.

3. All greenspace has value for the health, welfare, and enjoyment of the inhabitants of the Town. Joseph's Park's trees and tree canopy release oxygen, reduce pollution, and boost health and mood. The only obstacle to "activating" or improving Joseph's Park is the Town's refusal to do so. Residents have presented several ideas for improvements such as furnishings or plantings that can work with the size and topography of Joseph's Park, and I have offered funding for them.

4. Sale of greenspace for the benefit of the community should be a community decision based on complete information presented in an unbiased way. This is a very important issue. Town of Kensington citizens deserve better than being repeatedly bullied with threats to raise taxes if Joseph's Park is not sold.

I have vocally disagreed with selling Joseph's Park and supported that position several times, from the initial March 1, 2023 on-site community meeting continuing through the most recent Town Council Meeting. As noted above and in those discussions, I am happy to be part of a vibrant, growing Town of Kensington.

Please let me know how I can our Town grow and thrive without the need to sell Joseph's Park.

Sincerely,

Alicia Shekter

10606 Wheatley Street

'W. Joseph Campbell' via Mayor & Council

Thu, Mar 6,
6:26 PM

to Mayor.Council

For the public record on the proposed sale of the Town of Kensington's Joseph Park: I write to reiterate my opposition to the Town of Kensington's proposed sale of Joseph's Park. As I've mentioned at Town Council meetings where this prospect has been discussed, it would set an unwelcome precedent were the Town to begin selling off its parkland, even a parcel as small as Joseph's Park.

Additionally, I trust that Council members will keep utmost in mind the important sentiments of the Kensington Historical Society on this matter, especially these passages from its letter to the Town, dated February 2, 2025:
"While modest, the park contributes to both the 'parklike setting' and 'Victorian garden suburb' environment described in the Town's accepted application to the National Register of Historic Places. Additionally, this is the only site in Town that commemorates in any way the historical significance of the 1688/1689 Land Grant to Colonel William Joseph that is pivotal to Kensington's history."

The historical society in its letter asked that those facts be "carefully considered when the decision is being made" about the park. It is a request I endorse.

Thank you for your consideration.

W. Joseph Campbell, PhD
3505 Frederick Place
Kensington

****Sienna Lyon**

Mar 3, 2025,
10:09 PM

to Mayor.Council

Hello,

I want to add my voice to the many Kensington residents who have spoken out against the sale of Joseph Park. And I hope you'll listen carefully to those of us who have voiced our concerns.

My family has been in Kensington for over 20 years. The lush green canopy in our neighborhood is one of our favorite things about the area. Allow me to state the obvious: selling this park is a death knell for the trees on that property.

Trying to hide behind saying that the sale of this park might help build greenspace elsewhere is, at best, misguided and, at worst, an intentional greenwashing of an environmentally destructive plan. Developing a canopy like the one at Joseph Park takes *decades*. Why are we getting rid of a current benefit just to, hopefully, reap the same benefit decades from now?

I understand that the town needs money for its goals, but funding those goals cannot come at the expense of the heart and soul of Kensington. Please seek out other funding opportunities for those goals and leave Joseph Park as it is.

We don't need to *do* something to nature for it to be worthy of existing. This park doesn't need to be a certain size, have a playground, or have any other development in order for it to contribute to the well-being of the humans who live near it. Trees provide oxygen, shade, a home for insects and birds, and calming green space; all without ANY intervention from humans!

I hope you will realize that this effort to sell Joseph Park is misguided and not in the town's best interest.

Thank you,

Sienna Lyon

****Andrew Ellis <andyellis44@gmail.com>**

Feb 17, 2025,
1:58 PM

to mayor.council

Why would Kensington sell a park? We need more green space, not less.

Ktown resident Andy

jamie keller

Feb 24,
9:41 AM

to Mayor.Council

Please don't give away Joseph Park, improve it instead. Stated goals to improve Kensington as a livable and walkable community are undermined by these proposals. Getting rid of a park to create a parking lot doesn't benefit humans of Kensington or our environment. There is no need for additional roadway or parking projects, and they would be unwarranted expenditures of town resident's money. Possible beneficial improvements to Joseph Park could be a pollinator garden, a sculpture garden (possibly featuring local artists' works) and/or a community garden (with local residents renting plots). If you have any questions let me know. As a professional with 25+ years of park planning and management, I would be willing to assist in efforts to improve Joseph Park if desired.

Sincerely,
Jamie Keller
Summit Ave

Debra McCurry

Feb 12,
2:55 PM

to Mayor.Council

Dear Mayor Tracey and members of the Town Council,

We read the informative article in the recent Around Town newsletter regarding the proposed sale of Joseph's Park. In addition, we have walked and driven past the Joseph's Park location at 3420 Plyers Mill Road.

We support the sale of Joseph's park. We hope that a portion of these funds will be used to increase Kensington's green spaces and that the Town Council will proceed with the acquisition of the Kensington Crossing HOA property. That property appears to us to be a more pedestrian and child friendly park area.

Thank you.

Sincerely,

Mike and Debra McCurry
10313 Fawcett Street

Daniel Lonnerdal

Feb 12,
11:39 AM

to mayor.council

Good morning,

I recently enjoyed reading the Around Town Journal article and more fully understanding the idea to sell Joseph's Park and to use the proceeds to acquire additional lands in the Town for parks, storm water management, safe walking paths, expand the town's tree canopy, and the acquiring of the Kensington Crossing HOA property west of Silver Creek for nice walking paths and sitting areas there. We feel this is in the Town's best interest and support the Ordinance (O-01-20205).

Thanks,
Lonnerdal's
3418 Oberon Street

Sandra Matus

Feb 12,
11:46 AM

to Mayor.Council@tok.md.gov

Hello Mayor Tracy,

I support the idea of selling Joseph's Park and using the proceeds to acquire additional lands in the Town for parks, expanding the Town's tree canopy, and storm water management.

Thank you,
Sandra Matus
Mannakee St

Leslie Olson

to Mayor

Feb 13,
11:20 AM

Good morning

This evening - Wednesday 2/12 - the Town will present their proposal to sell Joseph Park. The sale has been justified by stating the park is "no longer needed". Located at the corner of Plyers Mill Rd and Wheatley Street it is the smallest of the Town's parks but has a long history going back to the large tract of land owned by Colonel William Joseph in the late 17th century. (KHS October 2024 *Kensington Neighbors* and more in the February

edition++++++
++++++).

The Kensington Historical Society (KHS) was founded in 1977 to - among other things - promote the preservation of open space within the community for historic, recreation and scenic purposes. So many town residents are members.

The Trust for Public Land (TPL) was founded to protect open space and make known its value. According to the U.S. Forest Service, commercial and housing development takes about 6,000 acres of open space every day. Green spaces absorb floodwater, vegetation reduces high temperatures, and plants and soil capture carbon.

Trees provide one day's worth of oxygen for four people (N.C. State University). A mature tree absorbs 48 pounds of carbon dioxide per year, replacing it with oxygen, and a mature tree can absorb pollutants from a car driven 26,000 miles (Arbor Day Foundation). Well-placed trees reduce air conditioning needs by 30% (U.S. Forest Service). Again, Joseph Park may be the smallest park in the Town but it is NOT a "no longer needed" park.

In February of 2023 residents of the area were invited to attend a meeting with Town council representatives at the park to discuss the possibility of selling the park, as well as reviewing an arborist's report of the conditions of the 8 existing mature trees. The report indicated 4 were excellent, 2 were good and 2 were fair and routine maintenance was needed. There was overwhelming surprise at the possible sale and attendees commented on how the small parcel with mature trees was a benefit to the community, and had been a go-to when their children were young. Support for saving the park was overwhelming. Knowing that, it is

therefore surprising that the town has presented their proposal to sell with the statement "no longer needed". And although the request for completing needed maintenance has been made on several occasions, the work was never performed. The residents in the area have asked for a bench in the park and that request was never granted. One resident even offered to supply a bench but that request was not approved. It's difficult to hear the argument that the park is "no longer needed" when it is used and there have been requests to make it more usable.

It's a simple little shady park in the north side of town, away from the hustle of the very active St Paul park and we want to keep it. A little TLC and it would be a focal point.

Which brings up the concept of selling off parkland to pursue something else. Misidentified as "no longer needed" and viewed as a disposable asset, not an integral part of what makes the Town so desirable with its open spaces and mature trees, the Town Council has indicated the money generated from a sale would go toward the purchase of the M&T drive thru banking lot after M&T relocates. The intended use would be for additional parking for local businesses. That's a wonderful opportunity and if studies support the need for additional parking, I support the acquisition of that parcel, but not at the expense of selling parkland. Is there a contract for the drive-thru? Commitment? Fixed price? Is there a direct relationship between the potential sale of Joseph Park and the purchase of the drive-thru or will we hear after the sale of the park that the drive-thru purchase fell thru or became too expensive? How much money are we short that the sale of Joseph Park is needed? Are there other sources for that purchase? The land currently housing the town maintenance equipment has a value and will have to be vacated to accommodate Summit Avenue work - isn't that a possible source of money for the drive thru banking lot? If Joseph Park were to be put on the market, is there a proposed sale price that if not achieved, would take the sale of Joseph Park off the market? (Theoretically because the purchase of the drive-thru would no longer be possible). Does putting Joseph Park up for sale set a dangerous precedent for future needs?

The Town should be able to move forward without giving up irreplaceable open space. I hope if you support keeping Joseph Park that you will let the Town Council know. And if you support the purchase of the M&T drive thru that you push the Council to explore other options to generate needed monies. Looking to the future is always good but selling town park land should be off the table.

Leslie Olson
Wheatley Street

Alex Berman
to mayor.council

Feb 8, 8:28 AM

Dear Mayor Furman,

I first want to thank you and the rest of the Town of Kensington's government employees for the amazing efforts to not just maintain but to constantly improve our town that I have witnessed since moving here in 2018. The strong sense of community and value for our communal spaces were high on our lists of reasons to move here.

Secondly, I wanted to share my opinions for the proposed plans to sell Joseph's Park to provide funds to offset the costs of purchasing property along Silver Creek and for proposed upgrades to St. Paul Park. I am strongly in favor of these plans for several reasons:

- Since moving to the corner of Oberon Street and Wheatley Street, I have never seen children using Joseph's Park and have seen dog walkers using it maybe 5 times. Its functionality as a peaceful respite is very limited given its proximity to Plyers Mill, and its access is challenging given the site's grading. To increase the park's usefulness and accessibility would require a significant financial investment with questionable returns given its proximity to St. Paul Park.
- Given the number of adults and children who on a daily basis enjoy St. Paul Park, any investments here would be incredibly beneficial to many in the community. I am fully in support of enhancing the park's, and specifically the playground's, accessibility and providing additional and newer playground equipment.
- Acquiring the ServePro property and repurposing for public works' vehicles and material storage needs makes tremendous sense to assist in the future traffic plan improvements, and I can't imagine a better location, given its proximity to St. Paul Park and the amount of maintenance work that the park entails. Any potential recreational use and/or bathroom facilities to supplement the park would certainly be a bonus.
- The increased stormwater management issues along Oberon Street where it crosses Silver Creek has been a growing concern for those in the neighborhood. In addition to challenges driving along the street when there is standing water, these storm events pose a risk to adjacent homes' foundations, create more opportunities for increased mosquito numbers, and reduce

property values. Any passive or active solutions the Town can implement to better manage stormwater in this area will be of very significant value to our community.

Again, thank you and the rest of the Town government for your ongoing contributions.

- Alex Berman
3501 Oberon Street
Kensington, MD 20895

Aaron Dworkin

Sun, Feb
2, 5:28 PM

to mayor.council@tok.md.gov

To Whom It May Concern:

My name is Aaron Dworkin and I live at 10545 Wheatley St. in the Town of Kensington, directly across from Joseph's Park.

I am writing to express my support for the Town's idea of selling Joseph Park in order to build a residential home that would fit in nicely and more sensibly onto our street. Currently I am one of a very few people who utilize Joseph Park when my dog and I visit.

Secondly, I recently learned about and endorse the idea of the town purchasing the strip of land directly behind my house from the Kensington Crossing community. Many dog walkers use the space and many kids utilize the space especially when it snows. It would be great for the town to officially acquire and maintain the land.

Finally, I'm very pleased to hear that the town is considering purchasing additional land to expand the Saint Paul Park footprint. I love and appreciate that park deeply and when my children were younger and during Covid, we spent 10 to 15 hours a week at the Park. It is a special place.

I see and understand how busy and popular it is and strongly endorse the idea of purchasing adjacent land to create more space for more people to enjoy. Thank you all for your vision, hard work commitment to Green space and finding ways to improve and support our community in the Town of Kensington.

Your neighbor,

Aaron Philip Dworkin

Jody Krieger

Feb 1, 2025, 3:52 PM

to Town

Mayor/Town Council:

I am unable to attend the Town meeting on February 12, but want to enter my thoughts into the record.

I support the selling of this piece of land. I live on the north side of town and walk by this site frequently. I've never, ever seen anyone there. It's very small and too close to a very busy road to be used by the community.

I think those who think the town should not sell this property are being short-sighted and not looking at the big picture of what the Town's full needs are. It looks to me like the money gained from this sale can be used much more productively than the land itself.

I know people have expressed concerns about the trees on the property, but the Town is looking at using this money to purchase land in the watershed and that seems more important to me.

I trust the Town staff who have done a remarkable job in presenting this issue to the residents of the town.

Respectfully,

Jody Krieger
Lexington Court

Tim Jones

Feb 2, 2025,
12:31 PM

to mayor.council@tok.md.gov

We recently read in the Town Journal about the idea to sell Joseph's Park and to use the proceeds to acquire additional lands in the Town for parks, storm water management, and to expand the Town's tree canopy. We think this is in the Town's best interest and support Ordinance O-01-2025.

Tim Jones

3603 Dupont Avenue

David Seidler

Jan 30,
8:40 AM

to mayor.council, Amy

Good morning,

We recently read in the Town Journal about the idea to sell Joseph's Park and to use the proceeds to acquire additional lands in the Town for parks, storm water management, and to net-expand the Town's tree canopy. We think this is in the Town's best interest and support Ordinance O-01-2025.

Thanks for your consideration and continued efforts to think strategically about future Town needs for successful growth.

Amy & David Seidler
St Paul St

Angela Decker

Jan 29, 2025,
7:37 PM

to mayor.council, Ryan

Hi,

We recently read in the Town Journal about the idea to sell Joseph's Park and to use the proceeds to acquire additional lands in the Town for parks, storm water management, and to expand the Town's tree canopy. We think this is in the Town's best interest and support Ordinance O-01-2025.

Salo Zelermyer

Jan 29, 2025,
7:28 PM

to mayor.council, Lisa

Dear Mayor Tracey and Council:

We write to express our appreciation for the careful diligence you and the Town staff have performed to evaluate Joseph's Park along with the future needs of the Town of Kensington. We fully support this ordinance (O—01-2025) as we highly value many of the priority needs (e.g. storm water plans; additional green spaces and parking, etc) that you identified in the Town Journal.

Thank you as always for being responsible stewards of the Town's resources and for all that you do to support us as residents.

Sincerely,

Salo and Lisa Zelermeyer
10728 Saint Paul St.

From: **Michael Moylan**
Date: Wed, Jan 29, 2025 at 10:25 AM
Subject: St. Joseph's Park
To: <mayor.council@tok.com>

Hi Mayor Tracy,

Katie and I recently read in the Town Journal about the idea to sell Joseph's Park and to use the proceeds to acquire additional lands in the Town for parks, storm water management, and to expand the Town's tree canopy. With this additional detailed information, we wanted to reach out and share our thoughts.

We know that this issue has been in discussions for quite some time. We think this is in the Town's best interest and support Ordinance O-01-2025.

Thank you,
Mike and Katie Moylan
3421 Plyers Mill Rd

Joanna Pappafotis

Jan 29,
10:57 AM

to Mayor

To Whom It May Concern,
I would like to reiterate my support for the sale of Joseph's Park. We have lived adjacent to the park since 2019, when we moved into the Town. Over the years, we have never seen anyone use the park. It is clearly in the Town's best interest to use the money from the sale to help pay for important projects that will benefit residents and visitors alike.

Joanna Pappafotis
10600 Saint Paul Street

****Dwight Allen**

Thu, Jan 2,
1:47 PM

to Mayor.Council@tok.md.gov

To the Mayor and Council

My wife and I only recently learned of the proposed sale of 3420 Plyers Mill Road. Although we're late in doing so we want to make known our opposition to the sale.

We believe the Joseph Park plot is highly valuable to the community and those passing through it because it is a bit of nature that offers a restful, beautiful visual break from the blocks of houses that flank Plyers Mill Road.

In particular the giant old tree there is wonderful to behold and gives passersby a few moments of awe and inspiration that's rare in the dense suburban setting.

We understand this is not a clear and easy decision.

St. Paul Park is just a block away and provides not only a visual break and natural beauty but recreational space.

However, Joseph Park has a different and more focused framing of the grass and trees, and acts as a stage for the one outsized and especially beautiful tree. A large tree has recently been cut down in St. Paul Park, which adds to the need to preserve the one in Joseph Park.

A new Public Works Building would undoubtedly be helpful, but we wonder if there aren't other options in terms of available office space or space that could be adapted for this purpose. More alternatives than there are for the unusual natural treasure Joseph Park represents.

Public restrooms for St. Paul Park would certainly be nice, but unfortunately there's a high risk that this type of facility would not be well treated and would be used for various harmful and illegal purposes.

So on balance we see the case for keeping Joseph Park as definitely the better choice in terms of serving the public good.

Thank you.

Dwight Allen and Joan Centrella
3310 Mills Crossing Place
Kensington 20895

****Zacharey Carmichael**

Sun, Jan 5,
4:51 PM

Dear Mayor Furman, Council Members, and Town of Kensington Staff:

I hope this letter finds you well, and I wish you a good start to the new year. I am writing to express my strong concerns regarding the proposed ordinance to sell Joseph Park (3420 Plyers Mill Road), which is scheduled for consideration at the upcoming Town Council Meeting on Wednesday, January 8.

It has been over a year and a half since the Council first raised the possibility of selling Joseph Park. I have attended all meetings on this issue, and in each one, the majority of attendees have voiced significant concerns and strong opposition to the sale. It is both surprising and troubling that the Town continues to pursue this measure, seemingly disregarding the many voices against it. This persistent push to sell Joseph Park gives the impression that the Town has already made its decision, reducing public input to a mere formality. If the majority opinion had truly been considered, this ordinance would not have moved forward. To many, the process now feels like a façade of procedure rather than a genuine engagement with the community.

At the most recent meeting on this issue, several requests were made for clarification regarding how the proceeds from the sale would be used. To date, no such details have been provided. While it is acknowledged that the Town faces capital expenditures, these far exceed any expected revenue from the sale. Furthermore, the Town's arguments for selling the park, such as claims that it "lacks identity," fail to recognize the value Joseph Park holds for the community. Many residents have proposed alternative uses, such as transforming the park into a native pollinator garden. Resources like the University of Maryland's [garden templates](#) could make this vision a reality. Unfortunately, it remains unclear whether these ideas have been seriously considered, as the Town appears focused solely on selling the land.

Particularly troubling is the Town's suggestion that future improvements to the park would require compliance with the Americans with Disabilities Act (ADA), implying that selling the park is a simpler solution. This reasoning is deeply inappropriate and runs counter to the inclusive community we strive to create in Kensington. Accommodating all residents, including those with disabilities, should never be used as a justification for abandoning public spaces.

While it is difficult to imagine at this point that the Town remains open to preserving Joseph Park, I urge the Council to reconsider and halt all efforts to sell it. Though small in size, Joseph Park is a significant representation of our community's commitment to preserving green spaces. Over the past year, residents have raised numerous points against the sale, including:

- ***The intrinsic value of Joseph Park as historic green space:*** The park's worth is not measured solely by visitor numbers or its "identity." Its value lies in its existence as a connection to nature within our suburban setting. The park's large shade trees, which would likely be removed for construction, are irreplaceable community assets.

Additionally, the park holds historical significance that would be lost if converted into residential property.

- ***Selling the park will not solve the Town's financial challenge:*** While capital improvements are vital, sacrificing limited green space for temporary financial relief is shortsighted and undervalues the long-term benefits of preserving such spaces.
- ***The sale is irreversible:*** Once sold, Joseph Park will likely never return to the Town's ownership. This permanent loss is an improper valuation of the park's enduring contribution to the quality of life of the Town's residents.
- ***The park's location holds unique value:*** Relocating green space is not equivalent to preserving Joseph Park. Its location provides specific benefits to nearby residents, which would be permanently lost.
- ***Setting a dangerous precedent:*** Selling Joseph Park opens the door to future sales of other green spaces. The Town should uphold a firm commitment to preserving all parks rather than adopting a piecemeal approach.

These arguments resonate deeply with many residents, even if they do not sway all members of the Council. Should the sale proceed, it will undoubtedly foster resentment among many in our community. Selling Joseph Park for capital projects, such as additional parking downtown, also sends a troubling message to future generations about what our Town values.

As a father of a 3-year-old, this issue is personal. My daughter often asks to stop by Joseph Park during our morning walks to school. She delights in exploring the trees, particularly one that is over a century old. Witnessing her connection to nature in an urban environment is a reminder of why spaces like Joseph Park matter. I've attached a photo that captures her joy in this cherished park. If the Town ultimately decides to sell the park, I kindly request that the Council write her a letter explaining why her favorite tree had to be removed. I trust she will try to understand.

Sincerely,

Zacharey Carmichael
3324 Plyers Mill Road
Kensington, MD 20895

Comments received after the Public Comment period ended:

'STEPHEN ALKIRE' via Mayor & Council

Sat, Mar 8,
10:06 AM

to mayor.council

Dear Mayor Tracey and Kensington Town Council Members,

We are writing to oppose Ordinance No. O-01-2025, which proposes the sale of Joseph's Park. We agree with everything that Beth Meyer wrote on Friday, March 7.

Best regards,

Stephen and Joette Alkire
3601 Plyers Mill Road
Kensington, MD 20895

****Tim Daly**

Fri, Mar 7,
4:35 PM

to Mayor.Council

Tim Daly o^o

Dear Mayor Tracey and Kensington Town Council Members,

I am writing to oppose Ordinance No. O-01-2025, which proposes the sale of Joseph's Park. I am in favor of growth and change to improve our Town of Kensington but selling Joseph's Park without thorough consideration of alternative sources of funding and the present and future impact of selling park land is not a good way to fund that.

1. Selling park land sets a dangerous precedent. This is especially for park land in a residential zone. Questions about the impact of Montgomery County's Attainable Housing Strategies Initiative only add to this concern.

2. Selling park land to fund Town projects should only be a last resort. The Town should look at a variety of other ways to raise money for Town projects, including grants. I am happy to help with that. Town of Kensington citizens deserve evidence of good faith efforts to find alternative sources of money before any decisions about selling park land are made.

3. All greenspace has value for the health, welfare, and enjoyment of the inhabitants of the Town. Joseph's Park's trees and tree canopy release oxygen, reduce pollution, and boost health and mood. The only obstacle to "activating" or improving Joseph's Park is the Town's refusal to do so. Residents have presented several ideas for improvements such as furnishings or plantings that can work with the size and topography of Joseph's Park, and I have offered funding for them.

4. Sale of greenspace for the benefit of the community should be a community decision based on complete information presented in an unbiased way. This is a very important issue. Town of Kensington citizens deserve better than being repeatedly bullied with threats to raise taxes if Joseph's Park is not sold.

I have vocally disagreed with selling Joseph's Park and supported that position several times, from the initial March 1, 2023 on-site community meeting continuing through the most recent Town Council Meeting. As noted above and in those discussions, I am happy to be part of a vibrant, growing Town of Kensington.

Please let me know how I can help our Town grow and thrive without the need to sell Joseph's Park.

Dear Mayor Tracey and Kensington Town Council Members,

I am writing to oppose Ordinance No. O-01-2025, which proposes the sale of Joseph's Park. I am in favor of growth and change to improve our Town of Kensington but selling Joseph's Park without thorough consideration of alternative sources of funding and the present and future impact of selling park land is not a good way to fund that.

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2. Selling park land to fund Town projects should only be a last resort. The Town should look at a variety of other ways to raise money for Town projects, including grants. I am happy to help with that. Town of Kensington citizens deserve evidence of good faith efforts to find alternative sources of money before any decisions about selling park land are made.

3. All greenspace has value for the health, welfare, and enjoyment of the inhabitants of the Town. Joseph's Park's trees and tree canopy release oxygen, reduce pollution, and boost health and mood. The only obstacle to "activating" or improving Joseph's Park is the Town's refusal to do so. Residents have presented several ideas for improvements such as furnishings or plantings that can work with the size and topography of Joseph's Park, and I have offered funding for them.

4. Sale of greenspace for the benefit of the community should be a community decision based on complete information presented in an unbiased way. This is a very important issue. Town of Kensington citizens deserve better than being repeatedly bullied with threats to raise taxes if Joseph's Park is not sold.

I have vocally disagreed with selling Joseph's Park and supported that position several times, from the initial March 1, 2023 on-site community meeting continuing through the most recent Town Council Meeting. As noted above and in those discussions, I am happy to be part of a vibrant, growing Town of Kensington.

Please let me know how I can help our Town grow and thrive without the need to sell Joseph's Park.

Budget Ordinance No. O-02-2025
Introduced: March 12, 2025
Public Hearing: April 9, 2025
Adopted:

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF KENSINGTON TO APPROPRIATE AND ADOPT THE FISCAL YEAR 2025 – 2026 (FY26) BUDGET AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF §6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

WHEREAS, §5-205 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Mayor and Town Council to provide for the control and management of its finances and expend money for any public purpose and for the safety, health, and general welfare of the Town and its occupants; and

WHEREAS, §6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation; and

WHEREAS, Article VIII, “Finance”, Section 801, “Fiscal Year”, of the Town Charter states that the Fiscal Year of the Town shall begin on July 1, 2025, and end on June 30, 2026; and

WHEREAS, Section 802, “Proposed Budget”, of the Town Charter states that the Town Manager shall submit to the Council prior to the third Monday in April, a Budget of anticipated revenues, proposed operating expenditures, and proposed capital project expenditures, along with a written financial plan for the succeeding fiscal year; and

WHEREAS, Section 803, “Adoption”, of the Town Charter states that prior to adopting the Budget, the Council shall hold a public hearing following due notice and a favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

NOW, THEREFORE, the Mayor and Town Council of Kensington does hereby adopt the following Budget Ordinance:

AN ORDINANCE TO APPROPRIATE AND ADOPT THE FISCAL YEAR 2025 – 2026 (FY26) BUDGET AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF §6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

FY26 Budget - Town of Kensington					
ANTICIPATED REVENUE					
	General Property Taxes			\$	1,751,901
	Other Taxes			\$	801,000
	Licenses & Permits			\$	45,200
	Intergovernmental Revenues			\$	490,929
	Fines & Fees			\$	3,000
	Miscellaneous Revenue			\$	266,500
	Grants			\$	-
TOTAL ANTICIPATED REVENUE					\$3,358,530
	Re-Appropriation			\$	1,607,770
TOTAL ANTICIPATED FUNDS AVAILABLE					\$4,966,300
PROPOSED EXPENDITURES					
	General Government			\$	1,514,372
	Public Works			\$	1,226,737
	Public Safety			\$	347,534
	Parks & Recreation			\$	199,500
	Non-Departmental			\$	25,000
					\$3,313,144
	Capital Improvement Budget			\$	1,653,156
TOTAL PROPOSED EXPENDITURES					\$4,966,300

SECTION 1:

BE IT ORDAINED AND ORDERED this ____ day of May, 2025, by the Kensington Town Council, acting under and by virtue of the authority granted to it by §5-205 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VIII of the Kensington Town Charter, that the budget for Fiscal Year July 1, 2025, through June 30, 2026, attached hereto and incorporated herein by reference, be and the same hereby is appropriated and adopted.

SECTION 2:

AND BE IT FURTHER ORDAINED AND ORDERED, this ____ day of May, 2025, by the Kensington Town Council, acting under the virtue of the authority granted to it by §6-203 of the Tax-Property Article, of the Annotated Code of Maryland, and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of One thousand, three hundred twelve ten-thousandths cents

(\$0.1312) per One Hundred Dollars of full value assessment on all taxable **Real Property** located within the corporate limits of the Town of Kensington.

SECTION 3:

AND BE IT FURTHER ORDAINED AND ORDERED, this ___ day of May, 2025, by the Kensington Town Council, acting under the virtue of the authority granted to it by §6-203 of the Tax-Property Article, of the Annotated Code of Maryland, and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of eighty cents **(\$0.80)** per One Hundred Dollars of full value assessment on all taxable **Personal Property** located within the corporate limits of the Town of Kensington.

SECTION 4:

AND BE IT FURTHER ORDAINED AND ORDERED, this ___ day of May, 2025, by the Kensington Town Council, acting under the virtue of the authority granted to it by §8-101 of the Tax-Property Article of the Annotated Code of Maryland, and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of five dollars **(\$5.00)** per One Hundred Dollars of full value assessment on all taxable **Personal Property** set forth by §8-101 of the Tax-Property Article, of the Annotated Code of Maryland:

1. Operating personal property of a railroad;
2. Operating personal property of a public utility that is machinery or equipment used to generate electricity or steam for sale;
3. All other operating personal property of a public utility; and
4. Machinery and equipment, other than operating personal property of a public utility, that is used to generate electricity or steam for sale or hot or chilled water for sale that is used to heat or cool a building.

SECTION 5:

AND BE IT FURTHER ORDAINED AND ORDERED, this ___ day of May, 2025, by the Kensington Town Council, hereby adopts the imposition of a full-year, one-half year, three-quarter year, and one-quarter year tax levies, authorized pursuant to §10-102, 10-103, 10-104, and 10-105 of the Tax-Property Article of the Annotated Code of Maryland, and authorizes and empowers Montgomery County, Maryland, to collect and remit the same to the Town of Kensington, consistent with the imposition and collection of such levies on real property by Montgomery County.

AND BE IT FURTHER ORDAINED AND ORDERED, this ___ day of May, 2025, by the Kensington Town Council that the transfer of funds by Resolution within the Operating and Capital Improvements Budget may occur.

AND BE IT FURTHER ORDAINED AND ORDERED, this ___ day of May, 2025, by the Kensington Town Council, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VI, "Powers of the Council", Section 601, "General Powers" of the Town Charter that:

(1) If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the 1st day of July, 2025, provided the following:

(a) Posted at Town Hall by the next business day following introduction; and

(b) Posted on the official Town website; and

(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.

INTRODUCED by the Mayor and Town Council of Kensington, Maryland, at the regular public meeting assembled on the 12th day of March, 2025.

ADOPTED by the Mayor and Town Council of Kensington, Maryland, at the regular public meeting assembled on the ___ day of May, 2025.

EFFECTIVE the 1st day of July, 2025.

ATTEST:

TOWN OF KENSINGTON

By: _____

By: _____

Susan Engels, Clerk-Treasurer

Tracey Furman, Mayor

**TOWN OF KENSINGTON
PROPOSED BUDGET FY 2026**

PROPOSED BUDGET 2025-2026

REVENUE FUND		
GENERAL PROPERTY TAXES		
	Rates	
Real Property Tax	0.1312	1,048,518
Personal Property Tax - Utilities	5.0000	561,102
Personal Property Tax - Business	0.8000	142,281
	SUBTOTAL	\$1,751,901
OTHER TAXES		
Income Taxes		800,000
Admissions and Amusements Tax		1,000
	SUBTOTAL	\$801,000
LICENSES & PERMITS		
Town Building and Sign Permits		18,000
Parking Permits		3,400
Cable Franchise Fees		21,800
Traders' Licenses		2,000
	SUBTOTAL	\$45,200
INTERGOVERNMENTAL REVENUE		
County Tax Duplication		310,376
Highway User Funds		176,327
Bank Shares		4,226
	SUBTOTAL	\$490,929
FINES AND FEES		
SafeSpeed Camera Program		0
Parking & Municipal Infractions		3,000
	SUBTOTAL	\$3,000
OTHER		
Town Hall Rentals		12,000
Park Rentals		3,000
Municipal Events		24,000
Interest		225,000
Miscellaneous		2,500
	SUBTOTAL	\$266,500
GRANTS		
		\$0
	TOTAL REVENUE	\$3,358,530
	UNAPPROPRIATED SURPLUS	1,607,770
	TOTAL REVENUE INCLUDING UNAPPROPRIATED SURPLUS	\$4,966,300

EXPENDITURES		
GENERAL GOVERNMENT		
PERSONNEL SERVICES		
Salaries & Wages		643,386
Social Security, Medicare, Unemployment Taxes		48,296
Workers Compensation Insurance		6,118
Health, Life, and Employee Benefits		73,988
Retirement - 401 (A) Money Purchase Plan		49,209
	SUBTOTAL	\$820,997
OPERATING EXPENSES		
ELECTED OFFICIALS		
Mayor and Council Compensation		24,000

**TOWN OF KENSINGTON
PROPOSED BUDGET FY 2026**

		PROPOSED BUDGET 2025-2026
Mayor and Council Legislative, Education, Travel		14,400
	SUBTOTAL	\$38,400
PROFESSIONAL SERVICES		
Town Attorney		50,000
Audit		14,750
Other Professional Services		127,625
	SUBTOTAL	\$192,375
TOWN GOVERNMENT OPERATIONS		
Town Hall Maintenance		85,500
Town Hall Utilities		45,700
Town Hall Equipment		9,000
Economic Development & Commercial Revitalization		239,850
Office Expenses		35,800
Office Equipment/Furniture		2,500
Insurance		28,000
Municipal Dues, Memberships and Fees		6,750
Conferences, Training, & Travel		6,500
Miscellaneous		3,000
	SUBTOTAL	\$462,600
	TOTAL GENERAL GOVERNMENT EXPENSES	\$1,514,372
EXPENDITURES		
PUBLIC WORKS		
PERSONNEL SERVICES		
Salaries & Wages		438,118
Social Security, Medicare, Unemployment Taxes		32,266
Workers Compensation Insurance		23,569
Health, Life, and Employee Benefits		104,185
Retirement - 401 (A) Money Purchase Plan		38,900
	SUBTOTAL	\$637,037
OPERATING EXPENSES		
OPERATING SUPPLIES		
Conferences, Training, and Travel		500
Drug Testing		1,000
Uniforms, Gloves, Vests, Boots, and Shirts		3,500
Small Equipment Purchases		12,500
Vehicle Fuel Expenses		13,500
Small Equipment Maintenance and Repairs		3,500
Vehicle Repairs		20,000
Shop Supplies and Tools		4,000
Miscellaneous		1,000
	SUBTOTAL	\$59,500
TRASH, BRUSH, RECYCLING, AND LEAF COLLECTION		
Trash, Brush, and Recycling Collection		269,000
Leaf Collection and Other Disposal Fees		31,000
	SUBTOTAL	\$300,000
INFRASTRUCTURE		
Street Sweeping		12,000
Street Maintenance		20,000
Street Name Signs		15,000
Snow Removal		12,000

**TOWN OF KENSINGTON
PROPOSED BUDGET FY 2026**

PROPOSED BUDGET 2025-2026

Sidewalk Repair		15,000
Storm Drain Maintenance		15,000
Landscaping Vegetation Management		25,000
Landscaping Street Trees Maintenance and Planting		100,000
Garage Maintenance, Miscellaneous & Utilities		16,200
	SUBTOTAL	\$230,200
TOTAL PUBLIC WORKS EXPENSES		\$1,226,737

PUBLIC SAFETY

PERSONNEL SERVICES

Salaries & Wages		206,520
Social Security, Medicare, Unemployment Taxes		15,549
Workers Compensation Insurance		9,099
Health, Life, and Employee Benefits		13,714
Retirement - 401 (A) Money Purchase Plan		6,651
	SUBTOTAL	\$251,534

OPERATING SUPPLIES & SERVICES

PUBLIC UTILITIES AND PROFESSIONAL SERVICES

Parking Lot Lighting (Metropolitan)		1,500
Public Street Lighting		65,000
Traffic Control & Engineering		25,000
Miscellaneous		4,500
	SUBTOTAL	\$96,000

TOTAL PUBLIC SAFETY EXPENSES		\$347,534
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PARKS & RECREATION

FACILITIES AND PUBLIC UTILITIES

Park Utilities		8,750
	SUBTOTAL	\$8,750

OPERATING SUPPLIES AND PROFESSIONAL SERVICES

Small Equipment Maintenance and Repairs		15,000
Equipment Purchases		11,500
Landscape Architecture Services		3,000
Miscellaneous		1,000
	SUBTOTAL	\$30,500

LANDSCAPING

Landscaping and Vegetation Management		25,000
Parks and Town Hall Landscaping		40,000
	SUBTOTAL	\$65,000

TOWN MUNICIPAL EVENTS

Municipal Events - Labor Day Parade and Festival		34,700
Municipal Events - Other Municipal Events		60,550
	SUBTOTAL	\$95,250

TOTAL PARKS RECREATION EXPENSES		\$199,500
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NON DEPARTMENTAL

Contingency		25,000
TOTAL NON DEPARTMENTAL EXPENSES		\$25,000

TOTAL OPERATING BUDGET		\$3,313,143
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**TOWN OF KENSINGTON
PROPOSED BUDGET FY 2026**

PROPOSED BUDGET 2025-2026

CAPITAL IMPROVEMENTS PROGRAM	<u>\$1,653,156</u>
TOTAL CIP BUDGET APPROPRIATIONS	<u>\$1,653,156</u>
TOTAL OPERATING & CIP EXPENDITURES	<u>\$4,966,300</u>

Ordinance No. O-03-2025
 Introduced: March 12, 2025
 Public Hearing: April 9, 2025
 Adopted:

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF KENSINGTON TO AMEND CHAPTER V, "HOUSING AND BUILDING REGULATIONS", BY ENACTING ARTICLE 7, "TRANSIENT LODGING FACILITIES", TO INCORPORATE CHAPTER 54, OF THE MONTGOMERY COUNTY CODE ENTITLED "TRANSIENT LODGING FACILITIES", WHICH CONTAINS VARIOUS PROVISIONS TO PROTECT, REGULATE AND LICENSE HOTELS, BED AND BREAKFAST, AND SHORT-TERM RESIDENTIAL RENTALS AND TO MAKE CONFORMING CHANGES.

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VI, "Powers of the Council", Section 601, "General Powers", of the Town Charter authorizes the Mayor and Council to adopt such ordinances 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, the Mayor and Town Council have determined that it is in the public interest to amend Chapter V, "Housing and Building Regulations", by enacting Article 7, "County Transient Lodging Facilities Law Adopted", and otherwise make conforming changes.

Section 1.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Kensington, that Chapter V, "Housing and Building Regulations", Article 7, "Transient Lodging Facilities" be enacted to read as follows:

ARTICLE 7 TRANSIENT LODGING FACILITIES

SECTION 5-701. COUNTY TRANSIENT LODGING FACILITIES LAW ADOPTED

(A) CHAPTER 54 OF THE MONTGOMERY COUNTY CODE ENTITLED "TRANSIENT LODGING FACILITIES", WHICH CONTAINS VARIOUS PROVISIONS TO PROTECT, REGULATE, AND LICENSE HOTELS, BED AND BREAKFAST, AND SHORT-TERM RESIDENTIAL RENTALS, INCLUDING

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: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

: Indicate matter added in amendment

: Indicate matter deleted in amendment

ANY FUTURE AMENDMENTS, REVISIONS, OR CHANGES THERETO, IS HEREBY ADOPTED AND MADE PART OF THIS CODE BY REFERENCE, EXCEPT AS OTHERWISE PROVIDED IN THIS CODE.

(B) THIS SECTION IS AN EXCEPTION TO THE GENERAL EXEMPTION ENACTED BY THE TOWN OF KENSINGTON IN SECTION 1-202 OF THIS CODE.

(C) THE TOWN HEREBY REQUESTS AND AUTHORIZES MONTGOMERY COUNTY TO ENFORCE THE PROVISIONS OF THIS SECTION.

(D) THE TOWN RESERVES THE RIGHT, ALONG WITH MONTGOMERY COUNTY TO ENFORCE THE PROVISIONS OF THIS SECTION.

(E) A COPY OF CHAPTER 54 OF THE MONTGOMERY COUNTY CODE SHALL BE KEPT IN THE TOWN OFFICE AND SHALL BE MADE AVAILABLE DURING NORMAL BUSINESS HOURS.

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

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: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

: Indicate matter added in amendment

: Indicate matter deleted in amendment

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 of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof.

INTRODUCED by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the 12th day of March, 2025.

ADOPTED by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the ____ day of May, 2025.

EFFECTIVE the 3rd day of June, 2025.

ATTEST:

TOWN OF KENSINGTON

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

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: Indicate matter added to existing law.
: Indicate matter deleted from law.
: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
: Indicate matter added in amendment
: Indicate matter deleted in amendment

APPROVED AS TO FORM:

Suellen M. Ferguson, Town Attorney

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[Brackets]

- : Indicate matter added to existing law.
- : Indicate matter deleted from law.
- : Indicate matter remaining unchanged in existing law but not set forth in Ordinance
- : Indicate matter added in amendment
- : Indicate matter deleted in amendment

**Resolution No. R-06-2025
Adopted:**

A Resolution of the Kensington Town Council Confirming Appointments Made by the Mayor to the Board of Supervisors of Elections.

WHEREAS, Article VII, “Registration, Nominations and Elections”, Section 702, “Board of Supervisors of Elections”, of the Town Charter, requires that there shall be a Board of Supervisors of Elections, 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 term of members of the Board of Supervisors of Elections shall begin on the first Monday in April in the year in which they are appointed and shall run for one (1) year; and

WHEREAS, members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their terms of office; and

WHEREAS, the Board shall appoint one of its members as Chairperson.

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

Martha Deale	3941 Washington Street	One Year Term Expires	3-31-2026
Spencer Harrill	3810 Warner Street	One Year Term Expires	3-31-2026
Robin Watson	10415 Fawcett Street, Apt. 106	One Year Term Expires	3-31-2026

ADOPTED by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 12th day of March, 2025.

EFFECTIVE the 31st day of March, 2025.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor

**Resolution No. R-07-2025
Adopted:**

A Resolution of the Mayor and Council of the Town of Kensington Authorizing a Contract with Mulheron Tree Experts, Inc., for Soil Care Fertilization and Tree Pest Management for certain trees within Town Parks and the Public Right-of-Way.

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 Mulheron Tree Experts, Inc., for Soil Care Fertilization and Tree Pest Management for certain trees located within Town Parks and the Public Right-of-Way; and

WHEREAS, Mulheron Tree Experts Inc., provided a Contract proposal to the Town for services related to Soil Care Fertilization and Tree Pest Management (Attachment A); and

WHEREAS, the Mayor and Council have determined that it is in the public interest to authorize the Town Manager to enter into a contract with Mulheron Tree Experts Inc., for the contract price of \$16,525.00, on the terms and conditions as set out in the attached Agreement.

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 in substantially the form attached, with a contract price not to exceed \$16,525.00, with Mulheron Tree Experts Inc., for Soil Care Fertilization and Tree Pest Management.

Adopted by the Town Council this 12th day of March, 2025.

Effective this 12th day of March, 2025.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: _____
Susan C. Engels, Clerk – Treasurer

Tracey C. Furman, Mayor



MULHERON TREE EXPERTS, INC.

10563 METROPOLITAN AVENUE
KENSINGTON, MD 20895
Maryland Tree License #715



Office: (301) 942-6700
Fax:

PROPOSAL ATTACHMENT A

March 7, 2025

Page 1

MATT HOFFMAN
TOWN OF KENSINGTON
3710 MITCHELL STREET
KENSINGTON, MD 20895

Home:
Office: 301-949-2424
Mobile: 301-221-7425
Fax: 301-949-4925

Proposal #: 34402
Proposal Date: 3/7/2025
Customer #: 11525
SalesRep: ED

Item#	Quantity	Description of Services	Item Amount
1		CRAPE MYRTLE ST. PAUL PARK CRAPE MYRTLE TREES. TREAT FOR SCALE AND SOOTY MOLD.	<input type="text"/> Initial to Accept
2		SPECIFIED TREES TREES AT REINHARDT PARK AND TOWN HALL. TREAT FOR FUNGAL ISSUES AND INSECT PREVENTION.	<input type="text"/> Initial to Accept
3		CRAPE MYRTLE KENNEDY PARK CRAPE MYRTLE TREES. TREAT FOR SCALE AND SOOTY MOLD.	<input type="text"/> Initial to Accept
4		WILLOW OAK TREE ALL WILLOW OAK TREES ON CONNECTICUT AVENUE TREAT FOR FUNGAL ISSUES AND INSECT PREVENTION.	<input type="text"/> Initial to Accept
5		DOGWOOD TREE KENNEDY PARK AND ST. PAUL PARK. FERTILIZE ALL THE DOGWOOD TREES WITH ORGAINC GRANULAR 10-10-10.	<input type="text"/> Initial to Accept
6		PIN OAK TREE ST. PAUL PARK PIN OAK TREES AND REINHARDT PARK PIN OAK TREES. TREAT FOR FUNGAL ISSUES AND INSECT PREVENTION.	<input type="text"/> Initial to Accept
7		CHERRY TREE ST. PAUL PARK - ALL CHERRY TREES AND PLUM TREES AND REINHARDT PARK ALL CHERRY TREES AND PLUM TREES.. TREAT FOR FUNGAL ISSUES AND INSECT PREVENTION.	<input type="text"/> Initial to Accept
8	3	ASH TREE ST. JOSEPH'S PARK - 3 ASH TREES. TREAT FOR FUNGAL ISSUES AND INSECT PREVENTION.	<input type="text"/> Initial to Accept
9	3	WILLOW OAK TREE ST. PAUL PARK AND EARNEST PARK - 3 WILLOW OAK TREES. TREAT FOR FUNGAL ISSUES AND INSECT PREVENTION.	<input type="text"/> Initial to Accept
10		JOB TOTAL	16,525.00 <input type="text"/> Initial to Accept



MULHERON TREE EXPERTS, INC.
 10563 METROPOLITAN AVENUE
 KENSINGTON, MD 20895
 Maryland Tree License #715



Office: (301) 942-6700
 Fax:

PROPOSAL

March 7, 2025

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Proposal #: 34402

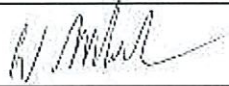
Proposal Total: \$16,525.00

Acceptance of Proposal:

I have read and understand the above provisions, specifications, prices, and, "terms and conditions" on reverse, all of which are hereby accepted. MTE is authorized to do the work as specified. Acceptance after thirty (30) days from Proposal Date above becomes an offer which MTE may reject at its sole discretion.

****MTE WILL TAKE PRECAUTIONS TO PROTECT TURF, LANDSCAPING AND PAVED SURFACES, HOWEVER DUE TO THE NATURE OF TREE WORK AND THE NEED TO USE HEAVY EQUIPMENT, COLLATERAL DAMAGE SOMETIMES OCCURS. MTE WILL NOT BE RESPONSIBLE FOR REPAIRING OR REPLACEMENT OF AFOREMENTIONED ITEMS AS A RESULT OF ROUTINE TREE PRUNING AND REMOVAL.****

Customer: _____ Date: _____

MTE/BY:  Date: March 7, 2025

*Should you have any questions, or if you wish to make any changes to this Proposal, please do not hesitate to call us.
 Please sign and return as soon as possible to Schedule work.*



MULHERON TREE EXPERTS, INC.
10563 METROPOLITAN AVENUE
KENSINGTON, MD 20895
Maryland Tree License #715



Office: (301) 942-6700
Fax:

PROPOSAL

March 7, 2025

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Proposal #: 34402

TREE SERVICE CONTRACT

1. Pruning Standards and Law

Mulheron Tree Experts, Inc. (MTE) warrants that all pruning work specified under the "scope of work" adheres to guidelines set forth by American National Standard for Tree Care Operations - Standard Practices, ANSI A300. MTE operates with the supervision of a Maryland Licensed Tree Expert and follows all laws pertaining to licensed tree experts as outlined in COMAR 08.07.07 under the authority of the Maryland Department of Natural Resources, Natural Resources Article §5-415-5-423.

2. Unforeseen Foreign Matter

The Customer agrees to pay MTE on a time and materials basis, according to its current schedule of rates, for any additional work required to complete the job or time lost occasioned by cement, concrete or metal objects in the tree trunk or limbs; active hornet or wasp nests or bee hives; rock, unmarked pipes, electrical lines encountered or any other underground utility including, but not limited to, irrigation systems, night lighting, invisible fences and cable television lines; or any other conditions not apparent in estimating the work specified. MTE will make good faith efforts to advise the Customer of expenses resulting from unforeseen foreign matter prior to incurring additional expense for same.

3. Insurance

MTE is currently insured for liability resulting from injury to persons or property and that all employees are covered by workers' compensation. Upon request to MTE, its insurance agent will supply a certificate of insurance directly to the customer. MTE warrants that it is licensed by the State of Maryland (License No. 715) and that it maintains an ISA Certified Arborist on staff.

4. Lawn and Ground Covers

MTE always attempts to minimize disturbance to the Customer's lawn and ground covers. The Customer understands that, unless specifically provided for herein, any repairs to such surfaces are not included in the contract price. Further, the Customer is aware that access to the Customer's property may require heavy equipment to pass over the driveway, other paved surfaces, pipes, drains and wires. The Customer assumes all responsibility for any damage to such paved surfaces and/or buried utilities caused by operation of equipment in the performance of the job. The Customer's responsibility shall not extend to damage to the Customer's residence or other structures, damage to which will be the responsibility of MTE.

5. Property Lines, Tree Ownership and Permits

It is the responsibility of the Customer to identify property lines and determine tree ownership. The Customer warrants that all trees upon which work is to be performed either (1) belong to the Customer or (2) that the Customer has obtained authorization to permit work on said trees (including any trees that straddle a property line). MTE is not a surveyor and does not warrant the ownership of any particular tree and completely relies on the representations of homeowner in that regard. The Customer agrees to indemnify and hold harmless MTE in any dispute concerning unauthorized work on any trees. Further, it is the responsibility of the Customer to obtain any necessary permit(s) that may be required by any federal, state, county or local government, agency, municipality, homeowners association, condominium association or other citizens association. Any fines, assessments or other fees or costs resulting from the Customer's failure to inform MTE of any necessary permit or authorization are exclusively the responsibility of the Customer.

6. Schedule Delays

MTE shall use its best efforts to meet performance dates but shall not be held liable for damages resulting from delays because of inclement weather or any other cause beyond its control; nor shall the Customer be relieved of performance because of delays.

7. Hold Harmless

Recognizing that MTE is taking all reasonable precautions to secure and safely remove trees from the Customer's property, the Customer agrees to hold MTE, its employees and subcontractors harmless in the event of any incident or unforeseen occurrence not attributable to negligence on their behalf.

8. Terms of Payment

Payment is due upon completion of work. A FINANCE CHARGE of 1½ % per month will be applied to any post due balance (annual percentage rate 18%). Should default in payment result in legal action, all costs of collection, including reasonable attorney's fees, shall become a proper charge hereto.

A 3% processing fee will be added to any payments made by VISA/MasterCard.