

BOARD OF TOWN COMMISSIONERS

WORK SESSION – VIA TELECONFERENCE

February 9, 2021 5:16 P.M.

PRESENT: Commissioner Amy G. Chmielewski, Chair
Commissioner Kevin M. Bianca
Commissioner Erin S. Hughes
Commissioner Donna L. Kahoe
Commissioner Patrick T. Richards
L. Jesse Bane, Town Administrator
Trish Heidenreich, Director of Economic Development
Stephen Kline, Director of Public Works
Michael Krantz, Director of Administration
Lisa Moody, Director of Finance
Charles Moore, Chief of Police
Patti Parker, Community & Public Relations
Kevin Small, Director of Planning

OTHERS: Joan Suitt, Recording Secretary
Alex Maro, Bel Air Police Association
Kieran P. Dowdy, Esq., SBWD Law - Schlachman, Belsky, Weiner & Davey, P.A.

CALL TO ORDER:

Chair Chmielewski advised the objective of the teleconference is to conduct normal business of the Town of Bel Air during the COVID-19 pandemic we all are experiencing. A teleconference allows us to comply with social distancing, as recommended by the Centers for Disease Control and Prevention, and the Maryland Open Meetings Act.

Meeting Etiquette/Protocol

Chair Chmielewski reviewed the protocol for the meeting and reminded all participants to identify themselves before speaking.

Roll Call

Chair Chmielewski conducted the roll call. Those present are listed above. Joining the teleconference was Matt Gullion as a Town resident.

APPROVAL OF AGENDA:

Chair Chmielewski called for approval of the Agenda.

Commissioner Bianca moved and Commissioner Kahoe seconded the motion to approve the Agenda as written.

Ayes: Commissioners Bianca, Hughes, Kahoe, Richards and Chmielewski

Nays: None

The motion carried.

PRESENTATION:

Presentation and Conversation on a Labor Code for Bel Air Police Officers
- Alex Maro, Bel Air Police Association

Alex Maro thanked the Commissioners for the opportunity to speak. Mr. Maro informed between public comments and emails he has tried to show how Collective Bargaining and a Contract would be beneficial to the Town's Police Officers and their families. Also, that Officers make less now than 10 years ago and how they are not recognized for their actual years of service on the pay scale the Town has created. Mr. Maro believes the cost-of-living adjustments have no connection to the actual cost of living. In the conversation tonight, Mr. Maro wants to persuade the Commissioners how a Meet & Confer hurts the Town and how a Labor Contract will not affect the power of the Department Heads but be a positive change to make the Town better prepared for the future.

Mr. Maro stated to prepare the Town, you need to look at who is leading the way and roles women play in Bel Air:

- Majority of the Board of Commissioners are female
- Several female Department Heads
- The Alliance members are predominantly women
- Some of the passionate and involved citizens at meetings are women

Mr. Maro advised the one place you will clearly not see the influence of women is in the ranks of the Town Police Officers. Other agencies have seen an increase of women Officers dramatically and Mr. Maro asked why that has not been seen here. The answer is, applicants are going to where pay, benefits, and work conditions are locked in through Collective

Bargaining. Mr. Maro remembers one female Officer who became a Supervisor and hoped one day she could run a Police Department. Mr. Maro stated the Town is missing out with not being able to staff the Police Department with women like that because we lose them to agencies that have Collective Bargaining. Mr. Maro also advised of the need to recruit more Spanish speaking Officers.

Mr. Maro informed the Police Officers have a say over their pension fund by agreeing to sacrifices and compromises which has been a success. Mr. Maro would like the Town to build on the labor relations success and extend it to a Labor Contract.

Mr. Maro feels Meet and Confer has been a failure for the Police Officers and clarified it is the system, not the people. The ultimate sin of Meet and Confer is it treats real people as the last consideration.

Mr. Maro explained the Meet and Confer process:

- Jonathan Kauffman, President of the Bel Air Police Association has a scheduled meeting with the Town Administrator and the Director of Administration to discuss the budget each year. Mr. Kauffman presents a PowerPoint on behalf of the Bel Air Police Department. Usually, Mr. Kauffman is thanked for his efforts and told we will see.
- Result - the Town cannot afford it. It is another year the Town does not recognize years of service or comp pay that results in a pay cut.

Mr. Maro stated over the years the Officers have seen salaries decline and one consequence is not being able to own a home in Town. Mr. Maro thinks it is a conflict of interest for the Town Administrators to decide for employees what their best interests are regarding pay, benefits and work conditions. Currently, there is no real long-term planning in regard to employees in the budgetary process. The budgetary process for Department Heads is to request what is needed to run their department. Benefits and work conditions are not included for consideration in the departmental level budget. The Board of Commissioners are presented an annual budget and under the impression that it is all inclusive and represents the best interests of everyone. There is no mechanism or leverage in a Meet and Confer for anybody to take action or advocate for themselves. This process places people at the final consideration, not the first.

Mr. Maro has fears about the Town Hall and Police Department project but stated the Town needs a new public safety building or serious renovation. Mr. Maro stated if this structure is built and the Meet and Confer stays

in place; the 10 million price tag is going to be used to depress wages further. In the Meet and Confer, the people who work for the Police Department are now seen as a different entity from the Police Department of the Town government. It is not unforeseeable that the police building could affect our pension contributions. Mr. Maro stated Collective Bargaining and Contract will provide more stability and allow the Town to prepare for a better future. We can work together to reach agreements to give the Town and the people who serve it to be mutually successful.

Mr. Maro stated we can build a new police department and make sure those who serve the Police Department are recognized for their years of service. Mr. Maro reminded most Police Departments have Collective Bargaining and their respective governments have not collapsed. Mr. Maro knows there will be those who oppose granting Collective Bargaining rights to the Bel Air Police Officers and will tempt with scare tactics of budget and tax increases. Mr. Maro mentioned the Town has spent hundreds of thousands of dollars in contracts and consulting firms to develop design for a new Town Hall and Police station complex. Mr. Maro asked how have these contracts not increased taxes but a Collective Bargaining contract with the Police Officers would.

Kieran P. Dowdy is the Labor Attorney for the Bel Air Police Association and serves other Police Departments within the State of Maryland. Mr. Dowdy stated Collective Bargaining is a formal process where Police Officers and the Town can make sure that every voice is heard and formalize an agreement with both sides. Mr. Dowdy commented the Town will not be committing to anything that requires a budget to be raised before you are ready to do so.

Mr. Dowdy notified Collective Bargaining is where everyone sits at the table to present their positions and ideas that are needed or think is needed. It is a clear picture of what the Officers are looking for and where the Town can present their position. The first conversation at the table is about the budget; what they see/expect, what can be absorbed or what cannot. Even when the Officers do not get everything they wanted, it is a negotiation and a chance to be heard. Mr. Dowdy stated with Meet and Confer there is a chance to be heard but no feedback or response.

Mr. Dowdy stated the requirement would be to negotiate in good faith, meet at reasonable times to bargain over wages, hours and terms and conditions of employment. If an agreement is made it would be ratified but if not, the bargaining code provides for arbitration. The two arbitrations are binding or non-binding. Mr. Dowdy advised Towns who are concerned about what they are getting into start with non-binding arbitration. This is when an agreement cannot be reached and goes to a third party where both

sides present their case and the arbitrator rules. Mr. Dowdy believes having third party arbitration is helpful because it makes all parties look at if they are being reasonable. After this process there is a Collective Bargaining agreement that solves issues between the employee and employer. Mr. Dowdy informed of other jurisdictions that are involved in Collective Bargaining.

Mr. Dowdy commented with moving to Collective Bargaining it will generally strengthen the Town, community and Police Department for years to come. Mr. Dowdy is available to answer any questions.

Chair Chmielewski asked if any other callers wished to identify themselves to speak. There were none.

Chair Chmielewski called for Commissioner comments. There were none.

Chair Chmielewski thanked Mr. Maro and Mr. Dowdy for their presentations.

TOWN ADMINISTRATOR'S REPORT:

Legislative Report (Annapolis)

The Town Administrator advised House Bill 581 - Maryland Essential Workers Protection Act and Senate Bill 486 - Employment Standards During an Emergency are coming before the Legislature in Annapolis. The Town Administrator does not know the outcome of the House Bill but the Senate Bill is coming up Thursday at 1:00 p.m. The Town Administrator encouraged the Commissioners to contact the Harford County Senators' informing them of our opposition to the Bill.

The Town Administrator notified if this is passed without amendments, the Town will be looking at \$500,000 - \$600,000 over the current budget to meet mandates. The Bill is not only for COVID but covers any declared emergency, i.e., snow/ice storms, hurricanes, for the duration of the emergency and provides for essential employees. The Maryland Chamber of Commerce, Harford County Chamber of Commerce, MACO, MML and the Harford County Republican Caucus have taken the position of being opposed. The Town Administrator sent an email to the Harford County Delegation. Normally the Town receives a request from Annapolis for a Physical Impact Statement but one was never received. The Town Administrator understands some jurisdictions had the opportunity to provide a statement.

The House Bill 508 Civil Immunity: The Town is making sure our employees are getting through the COVID crisis with the least amount of difficulty

possible. This Bill will relieve the Town of any civil liability as long as we are not grossly negligent in putting things in place to protect our employees from COVID. The Town Administrator emphasized "wear the mask," "wash hands," "6' distancing wherever possible" and continue doing what the CDC recommends.

House Bill 43 and House Bill 97: These Bills will create a State Boardband Office which is good for the Town because it provides grant opportunities in relation to training and other amenities. The MML supports the Bill and the Town Administrator notified the Town Delegation is also in support.

Computer Hacking of Water Supply in county of Florida

The Town Administrator advised this hacking would have been disastrous if an employee had not caught it. Contact was made with Maryland American Water to indicate the Town was concerned and wanted to make sure safeguards were in place to prevent hacking into the system. John Walker, Manager at Maryland American, sent an email to their T & I group and will get back to the Town. Maryland American also offered to come to the Town to present the safeguards in place.

The Director of Public Works spoke with Maryland American and was informed Maryland American is much safer than the town that was breached.

TENATIVE AGENDA FOR TOWN MEETING TELECONFERENCE (Tuesday, February 16, 2021)

New Business:

Ordinance 798-21 - Chapter 145 Building Construction

The Director of Public Works advised this includes the International Building Code, International Residential Code and International Mechanical Code. Chapter 145 consists of all rules and regulations for proper design, construction and maintenance of buildings within the Town.

Ordinance 799-21 - Plumbing and Gas Fitting Standards

The Director of Public Works advised this includes the International Plumbing Code, International Fuel & Gas Code, and certain Chapters of the International Residential Code pertaining to plumbing and gas fittings. Chapter 353 consists of a set of rules and regulations for proper design, installation and maintenance of plumbing and gas fuel operated systems within the Town.

Ordinance 800-21 - National Electrical Code 2020

The Director of Public Works advised this includes the National Electrical Code published by the National Fire Protection Association. Chapter 180 consists of rules and regulations for the proper design, installation and maintenance of electrical systems.

Ordinance 801-21 - Fire Prevention Code

The Director of Public Works advised this includes the uniform Fire Code and Life Safety Code published by the National Fire Protection Association. The Code is a set of rules and regulations to ensure the fire and life safety of residents and businesses within Town.

The Director of Public Works stated Harford County has adopted all the codes for building and life safety codes with various modifications and amendments. These Ordinance's contain those modifications/amendments as well as other small amendments that are specifically applicable to the Town of Bel Air. The Director of Public Works said it makes sense for the Town to adopt the same rules and regulations the County has as they are a design and review inspection agent. These Ordinances will be received by the Commissioners on February 16th. A Public Hearing could be scheduled on March 1, 2021.

The Director of Public Works will send the documents to the Commissioners for review.

Planning Commission Annual Report for 2020

The Director of Planning sent out digital versions of the Annual Report and hard copies are in the Commissioners' mailboxes. The Planning Commission approved the report February 4th that provides information on planning activity over the last year. The Director of Planning notified the Town has had more construction and completed construction than the last 18 years. Although, there has not been much approval of new construction that is obviously due to COVID-19. The Director of Planning advised there have been inquiries and sees a bright 2021. Recently, an informal submission of a plan for development of the parcels across from Town Hall was submitted.

Also detailed in the report are any changes to the Code and this will be the last version of the existing Comprehensive Plan and its

goals/objectives. There will be new goals and objectives as part of the new plan in 2021.

Reappointment to Historic Preservation Commission

Commissioner Hughes notified Brian Payne's term on the Historic Preservation Commission ends in February and recommends his reappointment if interested. The Director of Planning will contact Mr. Payne.

STAFFIG UPDATE:

The Director of Administration reported:

- Grant Coordinator began employment.
- Part-time Dispatcher - position posted.

CALENDAR:

The February, March and April calendars were sent out. Contact Ruth Seitler with any additions or corrections.

MISCELLANEOUS:

Wayfinding Signage Phase III

The Director of Planning has not forwarded the updated version of Phase III - identification of parking lots at:

- Bond & Thomas Street
- Lee Street
- Pennsylvania Avenue
- South Main Street

This is being provided by the Alliance who received a grant from the Drescher Foundation for Wayfinding. This is being done as part of the adjustment to the fiscal year budget. The request for proposals have been sent out to contractors. The Director of Planning will send out information.

Alice Ann Park Improvements

The Town Administrator met with the Director of Planning and Director of Finance to discuss Alice Ann Park in more depth. The Town Administrator knows there is a community meeting scheduled in April and will be looking

at the results. There appears to be savings in the current budget and will be looking to purchase amenities for the park. The Town Administrator advised this is not an attempt to bypass the Commissioners to schedule a

public hearing for input. The Town Administrator advised the Town will do all we can to make this a park by the end of the next fiscal year.

Chair Chmielewski concurs and notified the Appearance & Beautification Committee is working on getting the park cleaned up. The Tree Committee was contacted to share ideas.

Commissioner Hughes has been contacted by a Girl Scout leader with their willingness to help volunteer at the park.

PUBLIC COMMENTS:

Mr. Matt Gullion who is a resident and employee of the Town shared currently the Town has very few openings for employment and this is a testament to the Town. The Police Department is fully staffed except for a part-time dispatcher. Mr. Gullion commented not seeing this in the past decade. Mr. Gullion looks forward in getting involved in these meetings as a Town resident.

COMMISSIONER'S COMMENTS:

Commissioner Kahoe thanked the Director of Public Works and staff for an excellent job during the last snowstorm. Chair Chmielewski asked residents to pull into their driveways if you can to allow DPW to plow.

Chair Chmielewski reminded to continue wearing masks, cleaning areas and social distancing.

ADJOURNMENT:

With no further comments, the meeting was adjourned at 6:12 p.m.

Approved: February 16, 2020

Signature on file

Amy G. Chmielewski, Chair
Board of Town Commissioners

Signature on file

Michael L. Krantz, Town Clerk