

BOARD OF TOWN COMMISSIONERS

WORK SESSION – VIA TELECONFERENCE

March 9, 2021 5:15 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
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 Coordinator
Angela Robertson, Economic Development Coordinator
Kevin Small, Director of Planning

ABSENT: Trish Heidenreich, Director of Economic Development

OTHERS: Joan Suitt, Recording Secretary

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. Dennis Reimann, Liriod, LLC, joined the teleconference.

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.

TOWN ADMINISTRATOR'S REPORT:

COVID-19 Report

The Town Administrator and staff had an in-depth discussion regarding COVID-19. The protocol change for teleworking staff will be to report back to their stations/offices in Town on April 5, 2021. The Town Administrator asked Chief Moore to report on the Governor's Press Conference held this afternoon.

Chief Moore advised Governor Hogan notified Maryland is making significant advances for COVID-19 reductions:

- Rates declined for cases, hospitalizations, and deaths
- Better than 32 other states
- Yesterday there were no COVID-19 deaths in Maryland
- All jurisdictions are out of the Red Zone and Nursing homes are doing better
- 1.6 million vaccines performed with 250,000 in the last 7 days
- More than one-half of Maryland's over 65 have been vaccinated
- Vaccination rate is higher than 36 other states
- Maryland is #1 in administration of the Johnson & Johnson vaccine
- Demand continues to be more than supply and vaccine availability will remain the same for the next couple of weeks

Retail Business/Restaurants/Bars - Effective Friday, March 12th - 5:00 p.m.

- Lifting capacity limits on indoor and outdoor dining for restaurants and bars with occupancy limited to seating and social distancing
- Lifting capacity limits for retail, religious, fitness, hair/nail salons, indoor recreation, bingo/casinos/bowling and other outdoor venues

- Raising capacity to 50% for theaters, weddings, conventions and entertainment

Governor Hogan emphasized continued washing of hands, social distancing, getting vaccinated and getting the economy back as a priority.

The Community & Public Relations Coordinator wanted clarification on capacity being lifted because if the requirement of 6' distance between tables remains, the full capacity cannot be accomplished. Chief Moore advised the distancing is still in place.

Chief Moore reminded St. Patrick's Day is coming and the restriction of people standing around bars was not lifted; they have to be seated.

The Town Administrator will contact the local Health Department for more interpretation.

TENTATIVE AGENDA FOR TOWN MEETING TELECONFERENCE (Monday, March 15, 2021)

Public Hearing:

Resolution 1160-21 - Redesignation of the Arts and Entertainment District

The Economic Development Coordinator advised Resolution 1160-21 was submitted for receipt and the public hearing will be held.

Unfinished Business:

Resolution 1160-21 - Redesignation of the Arts and Entertainment District

Resolution 1160-21 will come before the Commissioners for approval.

New Business:

Fiscal Year 2021 Budget Amendment

The Director of Finance advised of an increase to the General Fund in the amount of \$475,109.00 and reviewed the following items:

Revenues

- Real Property Taxes - increase \$72,240 based on assessments to date
- Half Year - increase \$25,640 based on assessments to date
- Public Utilities - increase \$155,000 (BGE, MAWC, Verizon)
- Income Taxes - increase \$223,000; unknown COVID-19 impact, budget too low
- A&A Taxes - reduction \$23,000 COVID-19 related
- Highway User - reduction \$51,879 per SHA
- Miscellaneous Grants - Federal - \$49,037 CARES grant money received

- Miscellaneous Grants - Maryland - reduction \$20,000 MHT grant not awarded, anticipated grant for Wayfinding not received
- Stormwater Management - increase \$19,489 additional funds from Harford County
- Planning/Zoning Fees - reduction \$8,000 COVID-19 related
- Overtime Reimbursement - reduction \$10,000 COVID-19 related
- Bel Air Armory Fees - reduction \$5,000 COVID-19 related
- Miscellaneous Income - increase \$14,904 proceeds from Police Department vehicle and LIGIT (COVID-19)
- False Alarms - decrease \$10,000 COVID-19 related
- Red Light Camera - \$30,000 budget low, unknown with COVID-19
- Alliance Contribution - \$25,660 grants for Wayfinding signage and plantings/baskets
- Interest on Investments - reduction \$17,000 decreased investment rates
- Equip/Vehicle Proceeds - reduction \$25,582 adjust to actual amount borrowed
- Transfer from Capital Reserve - \$17,500 pre-construction cost Development Facilitators

Expenditures

Town Buildings

- Pre-Construction Service - \$271,866 design development/Development Facilitators

Human Resources

- \$13,177 part-time position did not move forward because of COVID-19

Finance

- Medical Insurance - \$25,810 shifting from benefits department to Finance Department

Planning

- Medical Insurance - \$25,810 shifting from benefits department to Planning Department
- Other, Capital - \$35,000 Alliance funding next Wayfinding project (\$20,000), \$15,000 Town will have to fund (grant not received)

Economic Development

- \$55,033 savings - Calendar of Events, Marketing/Public Relations, Travel/Training
Transition between prior and new Grants Coordinator

Technology

- \$39,522 increase - COVID-19 related plus the purchase of a File Server and 2 back-up servers

Benefits

- \$79,514 being transferred from Departments

Miscellaneous

- Wellness Program - \$18,000 cancelled Wellness Fair and Lunch & Learn
- Other - \$10,610 demolish house in violation of Town Code (property lien in FY22)

Public Safety

- Red Light Camera - \$27,000; budget low, unknown with COVID-19
- Hydrant Rental - \$9,606 - new property tax surcharge fee from MAWC

Police

- \$57,286 increase - majority is medical insurance transfer and purchasing new vehicle and accessories

DPW - Administration

- Net savings \$1,651
- Salaries - savings \$18,000, part-time employee on LWOP due to COVID-19

DPW - Streets

Increase \$141,294

- Salaries - (\$25,000) vacancy Equipment Operator II
- Overtime - \$13,000 due to ice/snow and more tree work
- Tree Work - \$10,000 more than budgeted
- Vehicles, Capital - \$105,000 to purchase new dump truck to handle storms

The Director of Public Works informed one large dump truck services the hospital, mall, condominiums on Gateway and Howard Park and we are unable to keep the roads safe during strong storms. The additional truck will correct the danger.

- Other, Capital - \$26,000 - additional streetlights on Gateway and in Major's Choice
- New Curb Ramp Construction - \$18,000 cost exceeded budget

DPW - Refuse

- Condo Trash Contract - \$39,587 overpaid GFL Dec 2019 - Oct 2020

The Director of Finance advised the amendment is for introduction and a public hearing will be scheduled for the next Commissioner meeting.

Resolution 1162-21 Regional Law Enforcement Compact

The Chief of Police advised this is a request to rescind and reenact Resolution 932-10 endorsed in 2010 dealing with the Law Enforcement Compact between law enforcement agencies in Harford County. In November, 2020, a new Law Enforcement Compact was signed and the old became obsolete. Resolution 1162-21 will refer to the new Compact and gives authority/power for Bel Air Police Department to act outside the Town and enables other law enforcement agencies to act inside the Town of Bel Air.

Commissioner Bianca asked if this updates the old Compact. The Chief advised it is housekeeping of language and the Resolution gives power for our jurisdiction to work within the confines of the Compact.

Reappointment to the Planning Commission

Commissioner Hughes advised Don Coates is interested in being reappointed to the Planning Commission for a term of 5 years. Commissioner Hughes stated Mr. Coates is a valuable member and she recommends the reappointment.

STAFFING UPDATE:

The Director of Administration advised interviews for the two part-time Night Shift Dispatchers are being scheduled.

CALENDAR:

The March, April and June, 2021 calendars were sent out. Contact Ruth Seitler with additions/corrections.

MISCELLANEOUS :

Second Annexation Requested by Liriod, LLC for the same 1.46 Acre Parcel of Land (referenced in unsuccessful Charter Resolution 133-20)

The Town Administrator notified a letter was received March 3rd from Liriod, LLC asking the Town to again consider annexation of the property off Catherine Street.

The Director of Planning advised the request is for the same piece of property already reviewed. The applicant/developers indicated they are looking for 2 lots instead of the 3 lots previously reviewed. The applicant/developer went to the County on how they would proceed and now it is either 2 lots in the Town via a panhandle or 4 lots in the County via a public road. The sub-division requirements differ between Harford County and the Town.

The Director of Planning stated if the petition is accepted, the staff recommends requiring an annexation agreement with the developer outlining some of the items last discussed in the Fall. This would be pre-agreed by the developer before the Commissioners consider the proposal.

Commissioner Richards asked if we go down that path, what type of process/approval is needed for discussions to move forward. The Director of Planning informed the agreement would be constructed by staff and taken to the Commissioners for an informal review during a Work Session. At that point, the developer would know what is expected and what does not have to be done during a public hearing. The agreement would be attached to the Resolution and fully enforceable by the Town of Bel Air.

Commissioner Richards wanted to know is there anything else formally needed from the Board to allow that to happen. The Director of Planning advised the petition before the Commissioners would have to be accepted because it is a different petition. The Director of Planning stated, as far as State law requires, when accepting it the Town Board is verifying that more than 25% of the existing landowners have signed the petition. Commissioner Richards asked if the petition to approve the development is where details get ironed out between the Town and developer and comes back to the Board for final ratification. The Director of Planning stated it goes back to the Town Commissioners for review and be ratified as part of the Resolution for annexation.

Commissioner Kahoe is bothered to hear from neighbors that they have been told by the developer that the Town reached out to the developer to renew this annexation issue. The understanding of Commissioner Kahoe is this

annexation was finalized last December and there has been no mention of it again until comments were recently circulated the developer wanted the Town to reconsider this issue. Commissioner Kahoe stated the Town did not initiate this and is concerned neighbors believe the Town, behind the citizens' backs, started this issue again. Commissioner Kahoe wanted someone to speak on how the reapplication came about for the record.

Dennis Reimann, Liriod, LLC, did have conversations with Gordon Smith, Erica Antanaskaite and Arden McClune never saying the Town reached out to Liriod. Mr. Reimann did say he was encouraged by the meetings and felt there was a possibility of a good chance to work something out. Mr. Reimann advised he never said the Town was pursuing Liriod.

Commissioner Bianca questioned a bullet point on the letter regarding ingress and egress on a portion of Gordon Street. Commissioner Bianca reminded one condition of the Planning Commission was no access on Gordon Street and the request was the same from the Liriodendron and Harford County. The Director of Planning agreed.

Commissioner Kahoe asked if the access they are referencing would be 12 ½ feet of the alley. The Director of Planning advised that is the only portion they could access on Gordon. The Director of Planning added since the Planning Commission has already reviewed this application and recommended approval with 3 lots; staff does not feel it would need to revisit with the Planning Commission. This is policy and not required by State or Local Code. The Director of Planning notified if the Commissioners accept the petition and desire it go back to the Planning Commission it can be done.

Commissioner Bianca wanted clarification on the timeline for accepting the petition and wants opportunity for residents to speak. The Director of Planning advised the Commissioners set the Agenda and it could be next week where you vote on accepting the petition or decide to put it off a couple of weeks. There is no public hearing to review the acceptance but people could voice their concerns at the end of next week's meeting during public comment. You could also include an informal public hearing next week.

Chair Chmielewski wanted clarification that Liriod, LCC can submit what they want and the Commissioners can go back saying what we want. The Director of Planning agreed. The Director of Planning advised the annexation agreement is something Aberdeen and Havre de Grace implement regularly and will be a give and take between the Town and the applicant. The final say after a public hearing is for the Commissioners to approve the annexation agreement. Chair Chmielewski stated we set the meetings and have the ultimate decision but the community is our #1 priority. The

Director of Planning stated the annexation agreement does not currently exist.

Commissioner Hughes requested Mr. Reimann to discuss the proposition.

Mr. Reimann stated the letter and attachment summarized his reasoning to revisit the Town as opposed to working with the County. Mr. Reimann advised if he conforms to the County requirements, there would be no choice but to put in a 40' wide public road from Catherine Street towards Gordon. Mr. Reimann informed the cost is astronomical and he would need 4 smaller lots that are doable but require cutting down many trees with a lot of impervious surfaces. This would upset the natural setting of the site. Mr. Reimann would be happy to meet with neighbors or anyone to look at the concepts. If the annexation is allowed with 2 lots, Mr. Reimann believes the neighbors would see that the Town is looking out for their best interests.

Commissioner Hughes wanted explanation why the development in the County would require a County road, whereas the development in Town would only require a shorter frontage driveway with 2 homes.

Mr. Reimann notified there is a minimum lot width requirement at setback of 60' and one panhandle at 25'; that is 85' required and has to be on a public road. That configuration is 23' short. Therefore, a public road would have to run from Catherine up into the main open area, circle around into a cul-de-sac to accommodate the width requirement dictated by County regulations.

Commissioner Hughes stated for both of the proposed plans whether the County or the Town will have access off Catherine Street. Mr. Reimann wants the least amount of impact and mentioned this started with 3 lots accessed off the common drive portion of Gordon Street up to the mansion. Although we are party to that common drive, it could feed off access of the driveways of the common drive. Mr. Reimann informed of now looking at coming off the public portion of Gordon Street, swinging down to one house and coming across a bit and swinging down to the next. Mr. Reimann can provide a drawing. The idea is not having to run the driveway up from Catherine Street where trees would not have to be cut down.

Commissioner Hughes understands what is being said but previously County Executive Glassman and the Liriodendron specifically requested the access only be off Catherine Street. Mr. Reimann stated the biggest problem is he would be inside the stone columns with the other concept coming off the driveways past the Liriodendron. This would only be on the public portion but the Town road would not be past the columns. Commissioner Hughes requested the drawing be scanned and sent to the Director of Planning or Town Administration for distribution.

The Director of Planning informed this property is a legal lot; a single family house can be built on the lot without any public hearing. This means it only requires a building permit from the County. There is an existing connection for sewer and access onto the private drive just like the one across the drive. The Director of Planning stated one house is by right.

Commissioner Kahoe feels one substantial house would be more in-line with the Bailey's house and the Liriodendron. Commissioner Kahoe stated that is a good option.

Chair Chmielewski asked if the access would come off Gordon Street. The Director of Planning believes they have access rights onto the private drive but once subdivided it changes. The Director of Planning brought this up because there is 1 at a minimum and is a question between 1 and 2.

Commissioner Hughes asked by right the property owner could access the property by a private drive on the inside of the columns and if wanting 2 homes the access would have to be from outside. The Director of Planning agreed.

Mr. Reimann stated we can come off the common drive that he has the right to access but he does not want to do it. Mr. Reimann asked could he come off with one drive instead of coming on the public side of the stone columns and come on the inside with the mansion; and if two lots, can it come off just one driveway and then split. The Director of Planning stated no and if 2 lots it would not be consistent with the existing access agreement that runs off the common drive.

The Director of Planning stated the annexation agreement would address how the property is accessed.

Mr. Reimann will scan the drawing and would like the neighbors to contact him concerning the confusion or questions. Telephone: 410-688-0065

Commissioner Richards recommends at a minimum, during the Town meeting, the Commissioners should talk about what is the process of receiving this and engaging the public again. Commissioner Richards wants the community to be engaged and understand the different implications and scenarios.

There were no further questions.

Alice Ann Park Update

The Director of Planning advised the public meeting is April 12th at 5:30 p.m. at the park. There is currently \$30,000 in this years' budget for the

park and \$30,000 in the proposed budget because of not knowing when the money would be spent.

The Director of Public Works and Director of Planning have looked at things reserved for contractors:

- provide inside access to the park
- removing some trees and pruning
- handicapped accessible parking
- other miscellaneous items

The Director of Planning sent out copies of the sketch and needs to know if it is desirable to wait until FY22 or to begin this year.

The Director of Finance stated with nearing the end of the fiscal year there is not much time to spend the money and recommends utilizing the \$30,000 now and not take the \$30,000 out of the FY22 budget.

The Director of Planning advised the items in the sketch are contractor items and this should max out the money.

The Director of Public Works met with the Appearance & Beautification Committee to discuss plans for the park and knows the \$30,000 can be used on getting the "must things" accomplished. The Director of Public Works stated with the help of the community we can decide on how to move forward. The Director of Planning informed there are several organizations that are interested in helping at the park.

Commissioner Hughes favors moving forward with the contractor plans and have the community meet to gather ideas.

Chair Chmielewski invited the Tree Committee to the April 12th meeting for advice.

PUBLIC COMMENTS:

Gina Kazimir, 125 Williams Street, Bel Air, Md 410-420-8679 thinks the Alice Ann Park is a great idea to take care of the dangerous trees and the construction issues in terms of safety. Ms. Kazimir loves the concept and asked the Town please do that.

Ms. Kazimir believes she will be speaking for many neighbors that the annexation request was a shock and she did not expect to hear about an annexation that sounds more of an extortion. Ms. Kazimir advised knowing one building can be built there; but have a developer coming with a foreseeable approach talking about conversations without details, plans not provided and saying give the 2 route or I will build 4. That strikes her as unusual, questionable and frankly unacceptable. Ms. Kazimir feels a

great deal more information needs to be provided before the Town considers any annexation. "As you know," she stated, "the community is not pleased and would like that property to stay part of the Liriodendron." "If that cannot happen, one nice home is probably going to be everyone's preference. It is not our responsibility to maximize the economic return of the developer in purchasing that property. It is our responsibility to protect our community" and Ms. Kazimir appreciates the Commissioners who commented tonight recognizing the rights of the citizens to be informed and hopefully the necessity of protecting the beauty that is Bel Air.

The Director of Planning wants people to understand that State Law controls this project and State Law requires the Commissioners accept the petition prior to the applicant beginning to show the process of plans. This has to start at this point and then all the detail comes in later as the process moves forward. The Director of Planning informed everyone will get a chance to comment at a public hearing.

Erica Antanaskaite, 405 W. Gordon Street, Bel Air, Md. spoke with Dennis Reimann today and from the conversation did understand that some Town Commissioners reached out about annexing the property again. Ms. Antanaskaite stated, "I apologize if I understood the wrong information and I do not want that to float around Town." Ms. Antanaskaite stated the two options are 4 houses in the County or 2 houses in the Town but not discussed is the opportunity for a variance. We have heard the 4 houses are viable but have never seen the plans. Ms. Antanaskaite doubts the property would allow 4 houses.

COMMISSIONER COMMENTS:

None.

ADJOURNMENT:

With no further comments, the meeting was adjourned at 6:39 p.m.

Approved: March 15, 2021

Signature on file
Amy G. Chmielewski, Chair
Board of Town Commissioners

Signature on file
Michael L. Krantz, Town Clerk