

**MINUTES**

**BOARD OF TOWN COMMISSIONERS**

**TELECONFERENCE**

**April 5, 2021**

The regular meeting of the Board of Town Commissioners was called to order on Monday, April 5, 2021 at 7:30 p.m. via teleconference.

**MEMBERS PRESENT:** Amy G. Chmielewski, Chair  
Kevin M. Bianca  
Erin S. Hughes  
Donna L. Kahoe  
Patrick T. Richards

**STAFF PRESENT:** 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 Manager  
Charles Keenan, Town Counsel  
Kevin Small, Director of Planning  
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. Major Gividen, Harford County Sheriff's Office, joined the teleconference. No other callers identified themselves.

Chair Chmielewski notified a public hearing will be held for FY21 Budget Amendment and inquired if anyone wishes to make a public comment. There were none.

**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.

**APPROVAL OF MINUTES:**

Commissioner Bianca moved and Commissioner Kahoe seconded the motion that the minutes of the Bel Air Board of Town Commissioners' meetings held on March 15, 2021 and March 30, 2021 be approved as submitted.

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

Nays: None

The motion carried.

Chair Chmielewski informed Major Gividen from the Harford County Sheriff's Office would like to speak regarding an upcoming event and street renaming request.

Major Gividen advised each year the Harford County Sheriff's Office holds a memorial service to honor fallen heroes and this year the ceremony takes place May 11<sup>th</sup> at 10:00 a.m. at Headquarters, located at 45 S. Main Street. Major Gividen stated last year DFC Teresa Testerman was honored and a section of the roadway going into the Detention Center was named after her. This year our first fallen hero, Deputy Frank Bateman, who was gunned down on June 10, 1899 in the Town of Bel Air will be honored and our request is to name and dedicate a section of Courtland Place between Main Street and Burns Alley as "Deputy Frank Bateman Way". Major Gividen advised this will not change any addresses and be ceremonial and in memory of only. This same recognition was bestowed upon Olympic Gold Medalist Kimmie Meissner several years ago at Pennsylvania Avenue and Main Street.

Major Gividen stated Harford County Sheriff's Office will handle any cost associated with the project and take care of sign production and installation. If approved, the Sheriff's Office would be happy to have Mayor Chmielewski attend the unveiling and present a Proclamation authorizing the dedication. This will pay tribute to our fallen hero and serve as a reminder to our future public safety members when entering our Headquarters and the citizens of Harford County of those who made the ultimate sacrifice. Major Gividen knows the Town is going through a new process of renaming streets but this does not physically change the address of Courtland and will be just a sign honoring Deputy Frank Bateman. Major Gividen asked for any questions.

Chair Chmielewski wanted clarification on placement of the sign. Major Gividen stated we envision a sign on Main Street that State Highway Administration will affix as it is State property, similar to the Kimmie Meissner sign, plus an additional sign of "Deputy Frank Bateman Way" at the rear of our location at Burns Alley. The sign on Courtland Place and Burns Alley would stay intact. Major Gividen appreciates receiving the approval for the road closure during the ceremony on May 11<sup>th</sup>.

Chair Chmielewski thanked Major Gividen for speaking tonight to clarify the request.

## **PUBLIC HEARING:**

### Resolution 1163-21 Fiscal Year 2021 Budget Amendment

Ms. Moody, Director of Finance, reported each year the staff performs a mid-year budget review, analyzing current fiscal year revenues and expenditures through December 31 and compares them to the current fiscal year budget. Based on the review, the budget amendment is before the Commissioners this evening.

Ms. Moody stated the total of the recommended adjustments is \$475,109 in the General Fund and the following is a review of some major revenue and expense changes.

#### Revenues

- Real Property, Half-year Real Property, and Public Utility Taxes is proposed to increase \$72,240, \$25,640, and \$155,000 based on actual assessments to date
- Income Taxes - \$223,000 increase due to budgeting too low with unknown pandemic factor
- Admission & Amusement Taxes - \$23,000 decrease due to pandemic restrictions
- Highway User - \$51,879 decrease from State Highway Administration that is COVID related
- Miscellaneous Grants, Federal - \$49,037 increase based on CARES monies received through Harford County
- Red Light Camera - \$30,000 increase due to budgeting too low with unknown pandemic factor
- Alliance Contribution - \$25,660 increase due to grants with the major one being used for the next wayfinding signage project
- Vehicle/Equipment Proceeds - \$25,582 decrease due to vehicles/equipment cost being less than budget, so borrowed less
- Transfer from Capital Reserve - \$17,500 increase due to the contract for construction advisor pre-construction services on the Police Department/Town Hall building

The net effect of these changes is an overall increase of \$475,109 in Revenues.

#### Expenses

- Armory - \$20,903 net increase mainly to provide security door scanners for employee safety. This was proposed in the FY22 budget but the Town Administrator felt it important to get this completed this year.
- Town Buildings - \$300,249 net increase - \$271,866 for the design development and construction advisor contracts for the Police Department/Town Hall project.
- Finance - \$15,618 net increase attributable to transfer of benefits from the benefits department due to a new hire. This will be seen again within the amendment.
- Planning/Zoning - \$64,008 net increase - \$26,000 increase attributable to transfer of benefits; \$35,000 increase in the Wayfinding signage project with a \$20,000 grant from the Alliance; hire an intern for 4 weeks to assist with the GIS effort.

- Economic Development - \$55,033 net decrease - \$33,854 decrease attributable to 5-month vacancy of the Grants Coordinator replacement; \$21,179 decrease with various funds not used due to the pandemic.
- Technology: \$39,522 increase - \$27,536 increase due to pandemic related expenses that were reimbursed through the CARES grant; net increase \$11,985 to purchase 2 backup servers and some other savings.
- Benefits: \$94,628 decrease - \$89,514 transferred to various departments based on new hires, \$10,000 increase in the OPEB contribution.
- Public Safety - \$36,606 increase - \$27,000 due to increase red light camera costs and \$9,606 increase due to Maryland American Water Company property tax surcharge for the hydrants.
- Police Department - \$57,286 net increase due to requesting the purchase of a replacement vehicle, including accessories, for the totaled vehicle. Receiving a lower cost this fiscal year.
- DPW Streets - \$137,525 net increase - \$24,000 decrease due to salary vacancies; \$10,000 increase for additional tree work; \$18,000 for increased costs related to new curb ramp construction; and \$101,231 to purchase a new dump truck.
- DPW Refuse - \$39,567 decrease - an overbilling error was found by our condo trash vendor after moving to a new billing system. This is the overpayment by the town which has already been corrected and the credit on the bills has been received.

The net effect of these changes is an overall increase of \$475,109 in Total Expenditures.

Ms. Moody advised the Special Revenue Fund also has one recommended change which would decrease the fund by \$200,000 in the Community Legacy Grant. The Town was awarded a grant to upgrade the pumps at Homestead Park but monies will not be spent until FY2022.

Chair Chmielewski called for public comments. There were none

Chair Chmielewski called for Commissioners' comments. As there were none, Chair Chmielewski closed the public hearing.

**UNFINISHED BUSINESS:**

Resolution 1163-21 Budgetary Amendment - Fiscal Year 2021

Commissioner Bianca moved and Commissioner Kahoe seconded the motion that Resolution No. 1163-21, amending the budget for Fiscal Year 2021, be approved by the Bel Air Board of Town Commissioners.

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

Nays: None

The motion carried.

**NEW BUSINESS:**

Proposed Resolution 1164-21 Town Administrator's Budget Fiscal Year 2022

Commissioner Bianca moved and Commissioner Kahoe seconded the motion that proposed Resolution No. 1164-21, providing for the receipt of the Town Administrator's Budget for Fiscal Year 2022, be received by the Bel Air Board of Town Commissioners.

Mr. Bane, Town Administrator, acknowledged the Department Heads for their work in preparing the FY22 budget. A special thanks to Ms. Moody who worked tirelessly up to the last minute preparing the budget document and Mr. Krantz who worked the past two years preparing a final proposal for pay plans for civilian and sworn personnel making certain our salaries are commensurate and competitive with our counterparts in the public sector.

Mr. Bane informed the Department Heads began preparations in October, 2020 for their department budget requests and recently when changes were deemed appropriate in order to present a very bare-bones budget. Unfortunately, since 2004, Mr. Bane finds it necessary to propose a budget for FY22 tentatively providing for tax rates of \$.54 and \$1.20 for \$100 of assessable value of real and personal property subject to taxation over and above the current rate of \$.50 and \$1.16, respectively. Mr. Bane is certain this year's budget will generate much study and discussion and ultimately the Commissioners will determine the budget for the next fiscal year. Mr. Bane has placed much thought and hard work in preparing this proposal but, in the final analysis, finds this proposal necessary if the Town hopes to continue to provide the same level of services our constituents have come to expect as citizens and business owners in Town.

Mr. Bane will explain several points to the Commissioners to better understand the challenges faced financially in the fiscal year ahead. These are not all conclusive but provide some insight of the challenges. Mr. Bane stated commercial assets are based on income and because the State Department of Assessments and Taxation anticipates a large number of appeals due to the negative impact of COVID on income, there is a potential for a significant reduction to our revenue stream. Mr. Bane stated the budget proposal provides for a tax increase of \$.04 for \$100 of assessed value; 3¢ of the 4¢ will pay for the debt on the proposed Town Hall/Police building and 1¢ of that \$.04 is dedicated to the General Fund. For every 1¢ in tax increase the Town will realize \$154,000 in total revenue. Taxes were last raised in Bel Air in 2004; the increase at that time was \$.06 per \$100 of assessed value and there has been no tax increase since then despite continuing rises in costs of services, benefits, materials and personnel. Mr. Bane advised, to bring this proposed budget, \$747,000 was cut from this year's initial requested cost of personnel, capital and general fund expenses. On the negative side, for a second year in a row, the Highway User Revenues received from the State decreased. The tax rebate received from Harford County also decreased. The interest on investment continues to fall and there will be an increase in medical insurance premiums of 14.2% and in dental insurance premiums of 15.1%. Workers' Compensation costs will go from .70% discount to 1.02% with an increase in all three base rate classifications. Mr. Bane stated this could go on to site negative impacts caused by COVID, Opioid Crisis, water and sewer bills, etc., but will dedicate the discussion to other impacts during the budget work sessions and public hearings.

On a more positive note, Mr. Bane's proposal will fund a new position in the Department of Public Works titled Construction Worker II that was cut from the budget in 2008 due to the recession at that time. A new position in the Police Department, LEAD Executive, will be added to the budget and funded in part by a 3 year grant and monies realized with the elimination of 2 part-time positions in the Police Department. Also, to move our civilian and sworn personnel to a new pay plan that is competitive with our counterparts will cost \$359,000. Mr. Bane reminded monies were moved to the unassigned fund balance two years ago to fund what we knew would be an increase in cost to make certain employees do not leave the Town's employ to go elsewhere where starting salaries and retention scales were already greater than ours. To date, some Town employees left to go to where salaries were greater.

Mr. Bane stated in spite of the losses in revenue anticipated this fiscal year, you will find no cuts to the basic level of services we provide the citizens and businesses in Town. In conclusion, Mr. Bane requested the Board of Town Commissioners receive this proposed budget for FY22 for final disposition at the end of the budget process. Mr. Bane asked for questions.

Commissioner Richards wanted to clarify this is receiving the proposed FY22 budget and which will be reviewed and discussed with approval first of June.

Ms. Moody notified the actual timeframe is April/May because the budget must be approved by June 1<sup>st</sup>. The budget typically comes before the Commissioners for approval the second Board meeting in May.

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

Nays: None

The motion carried.

#### Annexation Petition for Catherine Street Property

Commissioner Bianca moved and Commissioner Kahoe seconded the motion that the Bel Air Board of Town Commissioners accept the Petition by Liriod, LLC for Parcel 001, Tax Map 49 by acknowledging that a minimum of twenty-five percent of the property owners within the area to be annexed have signed the petition.

Commissioner Richards inquired about the process for the annexation.

Mr. Small, Director of Planning, informed:

1. Create the Resolution and attached to it is an Annexation Agreement with the developer to be worked through during Work Sessions.
2. Annexation Plan - general description of all the requirements. Once completed and comments received from the State and County, the Resolution would be scheduled to be received by the Town Board.
3. If received, a public hearing is scheduled and certain requirements for advertisement are needed.

Mr. Small advised the process will take about 3 months and the public will have the chance to review what is being proposed as part of the receipt of the Resolution and part of the public hearing.

Ayes: Commissioners Bianca, Hughes, Kahoe, and Richards

Nays: None

Abstained: Commissioner Chmielewski

The motion carried.

#### Purchase of F550 Dump Truck

Commissioner Bianca moved and Commissioner Kahoe seconded the motion that the bid of Apple Ford, Inc., 8800 Stanford Blvd., Columbia, Md. for a 2022 Ford F550, diesel, single axle dump truck in the amount of \$101,230.65 accepted by Baltimore County, be also accepted by the Bel Air Board of Town Commissioners.

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

Nays: None

The motion carried.

#### Award of Lease Financing Contract

Commissioner Bianca moved and Commissioner Kahoe seconded the motion that a vehicle lease agreement between the Town of Bel Air and Enterprise Fleet Management be approved so that the Town may procure a new covert vehicle which meets the specialized needs of the Police Department.

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

Nays: None

The motion carried.

#### **PUBLIC ANNOUNCEMENTS:**

Chair Chmielewski reported:

- Farmers Market opening - Saturday, April 10<sup>th</sup> from 7:00 - 11:00 a.m. It is Arbor Day and the Town's Tree Committee, Commissioner Bianca, and Mr. Small will be giving out small trees on a first come, first served basis. Chair Chmielewski informed this will be the Farmers Market 46<sup>th</sup> season and encouraged everyone to attend.
- Alice Ann Park Meeting - April 12<sup>th</sup> 5:30 p.m. at the park to plan ideas for park clean-up. Commissioner Hughes advised the rain location is at Town Hall. Chair Chmielewski inquired about space limitation at Town Hall. Mr. Krantz, Director of Administration, advised if it is a problem the Armory could be used or the Bandshell. Chair Chmielewski welcomes comments if the public cannot attend.

Mr. Kline, Director of Public Works, learned Dot Mauer, a longtime member of the Appearance and Beautification Committee, passed last week. The garden directly across from the garage on Hickory Avenue is named after Dot. Mr. Kline expressed condolences to the family.

Chief Moore advised April 24<sup>th</sup> from 10:00 a.m. - 2:00 p.m. is Drug Takeback Day. The Bel Air Police Department will participate with the Office of Drug Control for Harford County in providing a booth set up outside the entrance to the Police Department for people to bring old and expired medications to be destroyed.

**PUBLIC COMMENTS:**

Coleen West, 411 W. Gordon Street, understands 25% of the ownership has been verified and asked if this is correct. Mr. Small advised that is correct. Ms. West asked if all of the owner names will be made public. Mr. Small advised Mr. Reimann is the controlling member of the LLC, therefore he represents the controlling interest of the property. Mr. Small stated the Town has possession of the LLC documents which constitutes Mr. Reimann's controlling interest. Ms. West inquired if the Commissioners know the names of the other owners of the LLC because when voting there may be a conflict of interest. Mr. Small stated the Commissioners will be made aware of the other members.

Ms. West opposes this petition to annex the field at the entrance of the Liriodendron and for all reasons brought up during the first annexation attempt; historic preservation, stormwater management and multi-home development. This field is part of an historically significant place and a popular destination for people who live in the neighborhood and for those who work downtown. It is part of the original estate of Dr. Howard Atwood Kelly, a founder of Johns Hopkins Hospital and the mainstay of our Howard Park neighborhood. Ms. West stated at the March 9<sup>th</sup> Board Work Session Mr. Small advised this property is a legal lot with sewer connection and easement for a single driveway. Ms. West stated one house can be built without any public hearing or annexation by the Town. There is no need except for the developer's greed to move forward with the annexation request. The developer has one house by rights as intended by Chris and Peggy Kelly when this land was set aside as part of the estate. Mr. Reimann purchased the field knowing this. Yet, Mr. Reimann wants to build more than one house and does not care for the historical significance of the property, does not care about preserving the character of the neighborhood, does not care about protecting the Liriodendron view shed, or the Dawn Redwood. The only thing he does care about is getting the Town to help build more than one house against the communities wishes because it would cost too much if working with the County. Ms. West stated this is not the Town's problem.

Ms. West asked why the Town Board is pursuing this, when just presented by the Town Administrator about raising taxes because the Town cannot afford to continue to provide the essential services Town taxpayers have come to expect. Ms. West inquired why is the Board considering using Town resources to increase the pockets of one private developer at the expense of Town residents. At the March 9<sup>th</sup> meeting, Mr. Reimann told the Board if the annexation is allowed with 2 lots, the neighbors would see the Town is looking out for their best interest. That is not true. The neighbors, whose properties abuts this field, are unified in their opposition with the two lots. The developer is not community minded, has not taken time or effort to address concerns raised through the first annexation, but instead has threatened the Board and neighbors telling them if he does not get his way, he will build 4 houses. Ms. West stated 1 house by rights is the only option and no need for the Town to pursue this further.



Erica Antanuskaite, 405 W. Gordon Street, asked if the Commissioners vote against the annexation, how many times can the developer come back to the Town asking for the property to be annexed. Mr. Keenan, Town Counsel, advised the annexation procedure in Maryland State law allows continuous presentations of annexation. The Town of Bel Air can pass legislation to establish a waiting period between annexation petitions. Mr. Keenan informed under the zoning law there is usually a year's wait but there is no defined time. The Commissioners would have to decide the appropriate gap.

Ms. Antanuskaite asked Commissioner Hughes if you decide to vote for the annexation, what would be your reasons. Commissioner Hughes feels it is too early to state how she would vote and based her vote at the last annexation process on information at the time. Since then, more information has been received from Mr. Reimann concerning plans and Commissioner Hughes will work through the process. Commissioner Hughes is not necessarily against development on this lot and development is something the property owner can pursue whether annexed or not.

Commissioner Hughes informed if the property is developed within the County, the Town will not receive any tax revenue, sewer revenue and the property would be accessed by a road in Town that taxpayers maintain. Commissioner Hughes advised the owner of the property basically would not contribute to any infrastructure in any way if developed in the County.

Chair Chmielewski notified the format for public comment is expressing concerns that will be discussed at a later time. Questions should be sent directly to the Commissioner.

Irene Stoss and Gordon Smith, 510 Catherine Street, advised they along with the Bailey's and West's are the three lots that are directly affected by what the Town Commissioners decide. Ms. Stoss stated for those of us who live here, two houses will impact the nature of our land, what we have to interact with, cutting down of trees and the property in general. Ms. Stoss has real concerns with the annexation and stated what you decide affects us personally.

Gina Kazimir, 125 Williams Street, stated the position of the majority of the community who are voters and taxpayers remain the same; let the developer develop their single home as is currently permitted. The neighborhood is not thrilled with this; but can find it acceptable. Any more homes are not necessary nor wanted. Ms. Kazimir notified it is not the responsibility of the Town to maximize the developer's profit in any way, shape or form. If Liriod bought this property with a casual understanding or conversation that they could put more homes on it and now cannot; that is their loss not ours. Ms. Kazimir stated do not make the Town lose an incredible piece of property, do not make us lose the potential to retain the beauty even though it will be somewhat spoiled with one home, and do not maximize their profit at the expense of people who vote for you.

Marnie Bailey, 501 W. Gordon Street, checked with the County a few weeks ago about the development of this property and learned they never submitted plans nor asked for a variance of the regulations. Ms. Bailey questioned if the Town knows about this.

Chair Chmielewski stated the Town has not been contacted by the County. Ms. Bailey advised their thought process is the only way to be profitable is come into Town and build 2 houses. Ms. Bailey feels they are ignoring the option to build 2 houses in the County and threatening more houses. Ms. Bailey agrees it is not the Town's responsibility to ensure the developer is profitable.

Chair Chmielewski thanked everyone for their comments. There were no other comments.

**COMMISSIONER COMMENTS:**

None.

**ADJOURNMENT:**

The meeting was adjourned at 8:36 p.m.

Approved: April 19, 2021

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

Signature on file  
Michael L. Krantz, Town Clerk