

BOARD OF TOWN COMMISSIONERS

WORK SESSION

February 26, 2019 – 5:15 P.M.

PRESENT: Commissioner Susan U. Burdette, Chair
Commissioner Amy G. Chmielewski
Commissioner Philip L. Einhorn
Commissioner Brendan P. Hopkins
L. Jesse Bane, Town Administrator
Trish Heidenreich, Director of Economic Development
Steve Kline, Director of Public Works
Michael L. Krantz, Director of Administration
Lisa M. Moody, Director of Finance
Charles Moore, Chief of Police
Kevin L. Small, Director of Planning

ABSENT: Commissioner Patrick T. Richards

OTHERS: Joan Suitt, Recording Secretary

ABSENT: Aegis Representative

APPROVAL OF AGENDA

Commissioner Hopkins moved and Commissioner Einhorn seconded the motion to approve the Agenda as reviewed. The motion carried.

PRESENTATIONS:

Opioid Lawsuit Update

The Town Administrator informed the Opioid Lawsuit attorneys are recommending filing in the State court and are here to present an update. The attorneys attending the meeting are John Kane, David Vermut, and Matt Daniels.

Mr. Daniels from Dallas, Texas informed there are approximately 1,500 cases filed and the Town of Bel Air will need to make the decision of filing in Federal or State court.

Commissioner Einhorn is concerned with the number of lawsuits across the country and questioned will there be enough money for everyone. Mr. Daniels advised pharmaceuticals will likely file bankruptcy by May and the manufacturers' trials, scheduled to be on television, will be resolved first.

Reasons Mr. Daniels recommends State court filing:

- Ability to further build the case on State level.
- Discovery options in State court is better - Federal court not as deep.
- Discovery can be shared between both courts.

Mr. Daniels advised the case requires someone be found guilty locally and that has occurred. The Town of Havre de Grace decided going with the State and be filed as a group in Baltimore City. Mr. Daniels feels the likelihood of this going to trial is slim.

Commissioner Einhorn asked will our fees be paid from the amount the Town of Bel Air receives. Mr. Daniels agreed.

Commissioner Hopkins does not trust a jury from Baltimore City. Mr. Daniels reviewed the possibility of moving to Federal court and stated this is not about money changing hands, it is about bringing resources back to communities.

Chair Burdette informed citizens have come forward with many questions asking if the lawsuit is won, what will this mean for prescription costs and availability for people using pain medication. Mr. Daniels stated we are going after the large national chains not local pharmacies and feels this concern has nothing to do with the lawsuit.

Mr. Daniels advised there are two options:

1. Federal court filing in Cleveland, Ohio, and, if remanded, it would come back to Federal court in Baltimore.
2. State court in Baltimore with possible chance of coming back to local jurisdiction.

Commissioner Hopkins reminded if heard in Baltimore City the jury is pulled from Baltimore and in Federal court the jury is pulled throughout Maryland.

Mr. Daniels does not feel it will go to jury.

Commissioner Chmielewski asked if mail order pharmacies are part of the lawsuit. Mr. Daniels advised when pulling their numbers, they were small and not worth it.

The Town Administrator thanked the attorneys for the presentation and will notify them of the decision of the Commissioners. The attorneys were then dismissed from the meeting.

The Town Administrator asked the Commissioners how to proceed.

Commissioner Einhorn moved and Commissioner Chmielewski seconded the motion to move forward with the Opioid Lawsuit at the State level.

Aye: Commissioners Chmielewski, Einhorn and Burdette

Nays: Commissioner Hopkins

Absent: Commissioner Richards

The motion carried.

TOWN ADMINISTRATOR:

None.

AGENDA FOR TOWN MEETING (Monday, March 4, 2019)

New Business:

Ordinance No. 789-19 - Small Cell Wireless Facilities

Resolution No. 1124-19 - Wireless Facilities and Utilities Guidelines

Resolution No. 1125-19 - Fee Schedule Amendments for Small Cell Wireless

Resolution No. 1126-19 - Fines and Penalties Amendments for Small Cell Wireless Facilities

The Director of Administration informed the above are all related.

The Director of Planning reminded Mobilitie came to the Town inquiring about putting small cells in the right-of-way and the Commissioners were concerned about control, location and design. The Town began working with companies on a licensed agreement.

The Director of Planning reported in the Fall, the FCC provided a ruling regarding certain aspects of what jurisdictions could control and it became effective January 14, 2019.

Limitations on:

- Fee amounts or having to quantify the cost of a related fee or permit
- Small cells must be allowed in municipal jurisdictions, forbidding them is not an option, according to the FCC.
- Municipalities cannot hold or delay the processing of a related application, the time limit is 60 days, according to the FCC

All municipalities have 180 days from the ruling (April 14th) to establish guidelines on small cells. The Director of Planning advised MML began to

look at State Legislation and issued a model ordinance. Mr. Keenan attended a meeting for all municipal attorneys on small cells.

The Director of Planning informed staff decided to establish an Ordinance instead of negotiating with each provider on a license agreement.

The Director of Planning distributed the Ordinance and Design Guidelines that will become a new chapter in the Town Code. Any changes would be completed by Resolution.

The Director of Planning reviewed the following:

1. Definition
2. Utility Permit
3. Building Permit
4. Small Cell Permit

The Deputy Director of Public Works will be the decision maker and review the permits. The Director of Public Works will have the ability to wave a requirement or to accept an appeal.

Design Guidelines were reviewed that include: 1) location preference, 2) location not to impact residential, antenna, small cell placement, height, location of equipment, noise, utility lines, wood and metal poles, 3) obstructing rights-of-ways, power source, installation, concealment, tree maintenance and nuisances.

The Director of Planning informed about safety requirements, fire regulations, liability on equipment, content of application submission, permission/agreement required to attach to existing utility pole or town pole, installation of new pole (the applicant must provide statement how it meets requirement), applicant to pay cost in reviewing application (including cost of consultant), provide GIS maps, liability of signal interference, interference of public radio system or traffic signals, replacements/removal of pole, emergency requirements, notification requirement if cell stops working, repair to damage of rights-of-ways and appeal process.

Commissioner Chmielewski recommended lengthening the location area for the small cells. The decision was made to go from Eastern Avenue to Cressy.

The Director of Administration advised the Fee Schedule reflects fees FCC allows and reviewed fines on violations.

Commissioner Hopkins recommended increasing fees on food trucks when the fee schedule is revisited.

Resolution No. 1127-19 - Fiscal Year 2019 Budget Amendment

The Director of Finance distributed a spreadsheet on the FY19 recommended budget amendments and reviewed Revenues and Expenditures of the General Fund. The budget is balanced and Resolution No. 1127-19 will be introduced at the March 4th Town meeting with a Public Hearing to be scheduled.

Main Street Tower Restaurant Land (Patio) Budget Amendment

The Director of Administration reported a 2% price increase every year for Main Street Tower Restaurant patio lease.

The Town Administrator informed most leases are being increased based on the CPI.

Police Ford Explorer Interceptor Purchase Contract

The Chief of Police reviewed the contract for a Ford Explorer Interceptor that replaces a 2006 Chevy Impala. Cost is \$36,000.

Police Ford F-250 Utility Vehicle/Truck Purchase Contract

The Chief reviewed the contract for a Ford F-250 utility truck that has a service body in the back and replaces a 2007 Trail Blazer. Cost is \$40,458.00.

Police Vehicle Accessory/Equipment Packages Purchase Contract

The Chief of Police informed of two accessory/equipment packages being purchased for the two new vehicles.

Commissioner Einhorn inquired about the possibility of pushing back some equipment replacement for another year.

The Director of Finance explained this has been done in the past and it resulted on our getting behind on replacements, thus causing more issues. The Director of Finance stated the replacement schedules are important to have for budget planning and funding.

STAFFING:

The Director of Administration advised:

- Laborer hired
- Parking Enforcement Monitor hired
- Crossing Guard hired
- Application out for Senior Planner
- Interviews began for Facility Maintenance candidates
- Hiring another laborer
- Posting for Armory Event Manager

CALENDAR:

The Director of Administration distributed the March and April calendar.

Added

March 4th - Local Management Board meeting 10:00 a.m.

March 6th - Sustainability meeting 9:30 a.m.

March 25th - Boy Scout visit 7:00 p.m.

April 5th - John's Men's Store ribbon cutting, 10 W. Pennsylvania Avenue
10:00 a.m.

MISCELLANEOUS:Commissioner Report

The Director of Finance distributed the Commissioner Report and advised it looks different due to the new software program. The report was reviewed and the Commissioners had no questions.

Fiscal Year 2020 Budget Work Session Tentative Schedule

The Director of Finance handed out the tentative schedule for FY20 Budget Work Sessions that begin 4:30 p.m. The 2nd Town Board meeting in May has been changed to Thursday, May 23rd because the Director of Finance is attending a National Conference. The Commissioners need to advise if the dates work for their schedules.

Commissioner Sponsorships

Maryland Municipal League Golf Tournament
Lions Club Bubble Soccer Tournament

The Director of Finance reviewed the amount in the Commissioners dinner/fundraiser/function line item. During the last Work Session, Commissioner Richards suggested sponsoring the Lions Club Bubble Soccer Tournament and MML Golf Tournament.

The Police Department will be participating in the Bubble Soccer and donating \$250.

The Town Administrator advised the winner of the Lions Club Bubble Soccer Tournament will receive the "Bel Air Cup" and Commissioners attending the event are invited to be part of the award ceremony.

The Town Commissioners decided on a \$200 sponsorship for the Lions Club Bubble Soccer Tournament and voted not to sponsor the MML Golf Tournament.

Chair Burdette asked if the March of Dimes event will be in Bel Air this year. The Town Administrator advised it is scheduled on Sunday, April 28, 2019 and new management will run the event.

LIAISON REPORTS:

Commissioner Hopkins informed Black Eyed Suzie will be coming in for their tax credit.

Commissioner Einhorn advised the election of officers for the Tree Committee resulted in a continuation of the existing officer positions.

The Director of Planning stated the Ma & Pa crossing construction should begin in two weeks.

The Director of Planning notified the Town has received a check from the Rockfield Waterpark. The Town asked them to provide water and at this time that is not happening.

ADJOURNMENT:

With no further comments, the meeting was adjourned at 7:45 p.m.

Approved: March 4, 2019

Signature on file

Susan U. Burdette, Chair
Board of Town Commissioners

Signature on file

Michael L. Krantz, Town Clerk