

MINUTES

BOARD OF TOWN COMMISSIONERS

March 18, 2019

The regular meeting of the Board of Town Commissioners was called to order on Monday, March 18, 2019 at 7:30 p.m. at Town Hall, 39 N. Hickory Avenue, Bel Air, Maryland.

MEMBERS PRESENT: Susan U. Burdette, Chair
Amy G. Chmielewski
Philip L. Einhorn
Brendan P. Hopkins
Patrick T. Richards

STAFF MEMBERS 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
Kevin Small, Director of Planning
Charles Keenan, Town Counsel
Joan Suitt, Recording Secretary

ABSENT: Charles Moore, Chief of Police

Chair Burdette reported two special gentlemen to the Town of Bel Air recently passed. Andrew Phillip Klein, known as "Andy", President of Klein's Family Market, Board of Directors at University of Maryland Upper Chesapeake Health, Vice Chair Upper Chesapeake Hospital Foundation Board, Founding Chair of Senator Bob Hooper House Board. Mr. Kline was a visionary and proponent of the new Opioid Crisis Center. Chair Burdette informed Mr. Klein's vision was to do something about the opioid crisis in Harford County and began a Foundation to donate to the Crisis Center. Mr. Kline is also on the Board of the Jewish National Foundation, started a school in Israel, and sang in the Synagogue. Last year, Mr. Klein received the Business of the Year award for the Main Street store from the Town of Bel Air.

Chair Burdette further advised Charles "Chuck" Robbins, former Town Commissioner, teacher, author, historian and volunteer passed this week. Mr. Robbins wrote the book "Heavenly Waters Gang" about Harford County and Bel Air in the 1940's as Harford County prepared for the World War II.

Chair Burdette called for a moment of silence.

APPROVAL OF AGENDA:

Chair Burdette called for approval of the Agenda.

Commissioner Richards moved and Commissioner Einhorn seconded the motion to approve the Agenda as written. The motion carried.

APPROVAL OF MINUTES:

Commissioner Richards moved and Commissioner Einhorn seconded the motion that the minutes of the Board of Commissioners' meeting held on March 4, 2019, March 9, 2010 and March 12, 2019 be approved as submitted.

Ayes: Commissioners Chmielewski, Einhorn, Hopkins, Richards and Burdette

Nays: None

The motion carried.

PRESENTATIONS:

Student Achievement Award - Andrew Bailey Evans - Southampton Middle

Andrew "Drew" Bailey Evans is an outstanding student at Southampton Middle School and became the co-founder of Volun-Teen in 2018. This non-profit organization regularly helps with projects within the Bel Air Community as well as with other organizations, such as St. Jude's.

Drew is a strong student in all of his classes and quick to help others or offer a word of encouragement to his peers. Drew has a good sense of humor and is considered a leader amongst his fellow students, friends and faculty.

Chair Burdette thanked Drew for dedicating himself to achieving an excellent work ethic and caring for others. On behalf of the Bel Air Board of Town Commissioners, Chair Burdette presented Drew with a Student Achievement Award and encouraged his continued commitment to excellence.

PUBLIC HEARINGS:

Ordinance No. 789-19 - Enact Chapter 465 - Wireless Facilities and Utilities in the Public Way

Mr. Small, Director of Planning, reported the Small Cell Technology and facilities in Bel Air are designed to provide smaller but numerous structures located in the rights-of-way and on existing utility poles. They provide 5G (5th Generation) digital data transfer to consumers at a much greater speed. In an effort to standardize the provision of service, the Federal Communications Commission (FCC) issued a declaratory ruling on September 26, 2018 which became effective January 14, 2019. This ruling removed the control from local government to regulate some portions of how small cell technology is regulated. The FCC order includes recommendations for fees, provision of a time period for permit issuance and limitations on the prohibition of such technology.

The FCC order provides for additional time (April 12, 2019) for local or State governments to enact requirements to assist in the regulation of permit issuance pertaining to location, appearance, and design. The enactment of Chapter 465 will address the administration of Small Cell Permits and will create a protocol to enforce installation, replacement and maintenance of this technology. Resolution No. 1124-19 will also adopt placement and design criteria. Resolution No. 1125-19 and Resolution No. 1126-19 will establish fees and fines.

The Town has worked with the Maryland Municipal League (MML), and other entities and reviewed legislation to make sure Bel Air is consistent in the enforcement of small cell facilities. It is the intention of the Town to protect the character and appearance of the community by enacting this Ordinance.

Chair Burdette called for public comments. There were none. Chair Burdette called for Commissioner comments. As there were none, the Public Hearing was closed.

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

Mr. Small informed this Resolution is one referred to in Ordinance 789-19 that establishes location, design, layout, finish, color of each wireless facility in the right-of-way.

The Design Guidelines address the following:

- Provide direction regarding areas in Bel Air where placement is discouraged; such as residential areas and Main/Bond Streets
- Stipulate concealment of equipment and require approval of finishes and color
- Require each operator to address vandalism, noise and maintenance
- Specify need to maintain vehicular and pedestrian access in the right-of-way
- Address the need to maintain safety and suitable visibility along Town streets
- Encourage co-location of facilities and discourage new poles if at all possible

Mr. Small advised the Design Guides will provide for the Town to properly review each application for a Small Cell Permit using objective and non-discriminatory criteria designed around a review process created for minimal impediments to the applicant.

Chair Burdette called for public comments. There were none. Chair Burdette called for Commissioner comments. As there were none, the Public Hearing was closed.

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

Mr. Krantz, Director of Administration, informed the Town's last Fee Schedule was amended on July 1, 2017. The following sections are the recommended amendments:

- i. Section: Building Permits and Other Related Fees
 1. Adoption of: "Small Wireless Facilities Small Cell"
Application/Permit and Annual Right-of-Way (ROW) Access Fees
 - a. Application/Permit Fees:
 - i. \$500 minimum non-recurring fee for a single up-front application that includes up to five Small Wireless Facilities, with an additional \$100 minimum fee for each Small Wireless Facility beyond five.
 - ii. \$1,000 minimum non-recurring fee for a new pole (i.e., not a co-location) intended to support one or more Small Cell Wireless Facilities.
 - b. Annual Right-of-Way Fee:
 - i. \$270 minimum recurring annual fee per Small Wireless Facility per year, due 30 days after installation. Each subsequent payment is due upon the anniversary of the installation date until the facility is removed.
 - c. Note: Fees may be higher if quantifiable costs exceed the minimum fee amount. The fee amounts are directly taken from FCC recommendations made in its ruling last year.
 - ii. Section: Other Miscellaneous Fees
 1. Tree Replacement Fee
 - a. ~~\$350.00~~ \$400.00

Chair Burdette called for public comments. There were none. Chair Burdette called for Commissioner comments. As there were none, the Public Hearing was closed.

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

Mr. Krantz advised the newly introduced and received Bel Air Town Code Chapter 465 Wireless Facilities and Utilities includes Section § 465-13 referencing a Penalty and staff recommends incorporating the following language:

- A. For failure to comply with any provision of this chapter, the penalty shall be a municipal infraction payable to the Town in an amount determined through Resolution by the Bel Air Board of Town Commissioners.

Staff recommends that the municipal infraction fine amount be set at \$400.00 per day per infraction/violation.

Chair Burdette called for public comments. There were none. Chair Burdette called for Commissioner comments. As there were none, the Public Hearing was closed.

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

Ms. Moody, Director of Finance, reported each year the staff performs a mid-year budget review, analyzing current fiscal year revenues and expenditures, comparing them to the current fiscal year budget to project where the Town will be on June 30th for any adjustments necessary.

The recommended adjustments in this year's proposed mid-year budget amendment increases the fiscal year 2019 general fund budget by \$372,363 from \$13,195,008 to \$13,567,371.

Ms. Moody advised while most of our revenue projections are still reasonable, several require adjustments. Some of the more significant changes are:

Revenues

- Public Utilities - \$23,000 increase based on actual assessments received to date
- Income Taxes - \$133,324 increase based on distributions received thus far. The budget was prepared and had a reduction due to anticipating some additional impact from the Bel Air zip code change a few years ago.
- Public Works Fees - \$40,000 increase based on additional permits due to more activity
- Red Light Camera - \$100,000 increase due to better technology from new cameras
- Interest on Investments - \$55,000 increase based on higher rates in the MLGIP (1.45% to 2.42%).

The net effect of these changes is an overall increase of \$372,363 in Total Revenues.

Ms. Moody advised a number of adjustments to expenditures are proposed as well. Some of the more significant changes are:

Expenditures

- Armory - \$66,398 increase: \$23,000 reinstated budget cuts for painting and two high efficiency HVAC units, \$29,538 security measures, \$10,000 dumpster enclosure, and \$3,860 new stove
- Town Buildings - \$99,687 increase: \$14,000 reinstate budget cuts for carpeting DPW/PLN, \$18,440 roof a/c unit/curb cap replacement DPW/PLN, \$29,000 roof replacement Town Hall, \$9,850 Rockfield Garden stone path, \$7,866 triple sealed parking lot at Manor house, \$7,670 electric work for new pavilion, \$7,417 measurement/verification analysis energy savings year 1, and \$3,850 additional work requested CRA for site analysis
- Technology - \$48,764 increase: \$34,410 reinstate budget cuts, \$10,080 FY20 PCs/laptops, and \$4,274 Edmunds maintenance/hosting
- Public Safety - \$30,000 increase in red light camera costs due to additional citations
- DPW Administration - \$13,000 increase in building inspections based on additional permits due to activity
- DPW Streets - \$73,431 increase: \$63,000 reinstated budget cuts for storm water outfall repairs and fill-in sidewalk construction and street construction and \$14,705 to fabricate a headwall on Linwood Avenue
- DPW Refuse - \$27,259 increase due to refuse truck and chipper costing more than budgeted

The net effect of these changes is an overall increase of \$372,363 in Total Expenditures.

Chair Burdette called for public comments. There were none. Chair Burdette called for Commissioner comments. As there were none, the Public Hearing was closed.

UNFINISHED BUSINESS:

Ordinance No. 789-19 Wireless Facilities and Utilities in the Public Way

Commissioner Richards moved and Commissioner Hopkins seconded the motion that Ordinance No. 789-19 enacting Chapter 465, Wireless Facilities and Utilities in the Public Ways regulating the installation of small cell facilities, wireless support structures and other utilities in the public rights-of-way, be approved by the Bel Air Board of Town Commissioners.

Ayes: Commissioner Chmielewski, Einhorn, Hopkins, Richards and Burdette

Nays: None

The motion carried.

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

Commissioner Richards moved and Commissioner Hopkins seconded the motion that Resolution No. 1124-19 for Wireless Facilities and Utilities Design Guidelines related to Chapter 465 to establish criteria for the appearance and location of wireless facilities in the Town rights-of-way, be approved by the Bel Air Board of Town Commissioners.

Ayes: Commissioners Chmielewski, Einhorn, Hopkins, Richards and Burdette

Nays: None

The motion carried.

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

Commissioner Richards moved and Commissioner Hopkins seconded the motion that Resolution No. 1125-19, amending the Town's Fee Schedule, be approved by the Bel Air Board of Town Commissioners.

Ayes: Commissioners Chmielewski, Einhorn, Hopkins, Richards and Burdette

Nays: None

The motion carried.

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

Commissioner Hopkins moved and Commissioner Richards seconded the motion that Resolution No. 1126-19, amending the Town's Code for Fines and Penalties, be approved by the Bel Air Board of Town Commissioners.

Ayes: Commissioners Chmielewski, Einhorn, Hopkins, Richards and Burdette

Nays: None

The motion carried.

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

Commissioner Hopkins moved and Commissioner Richards seconded the motion that Resolution No. 1127-19, amending the budget for fiscal year 2019 for additional appropriations, monetary adjustments, and transfers between departments, be approved by the Bel Air Board of Town Commissioners.

Ayes: Commissioners Chmielewski, Einhorn, Hopkins, Richards and Burdette

Nays: None

The motion carried.

NEW BUSINESS:

Addendum to Harford County - Town of Bel Air Sewer Service Agreement

Commissioner Richards moved and Commissioner Hopkins seconded the motion that the attached Addendum to the Harford County-Town of Bel Air Sewer Service Agreement pertaining to a revision in the sewer user charge, ENR fee, and system development fee, be approved by the Bel Air Board of Town Commissioners.

Ayes: Commissioners Chmielewski, Einhorn, Hopkins, Richards and Burdette

Nays: None

The motion carried.

Appointment of Election Judge

Commissioner Hopkins moved and Commissioner Richards seconded the motion that the appointment of:

- Elaine Millard - Election Judge
- Evelyn Rossbach - Alternate Election Judge

... to the Bel Air Board of Election Judges for a term of (4) years, effective immediately, be approved by the Bel Air Board of Town Commissioners.

Ayes: Commissioners Chmielewski, Einhorn, Hopkins, Richards and Burdette

Nays: None

The motion carried.

PUBLIC COMMENT:

Mr. French Poole, Giles Street, is proud to live in the Town of Bel Air and informed receiving in the mail last week information that a website was created in his name that is a scam. Mr. Poole contacted Chief Moore and met to discuss the issue. Chief Moore contacted the company asking them to take down the website and it was done. Mr. Poole stated living in a Town where you can get this type of service makes you feel comfortable. Mr. Poole thanked Chief Moore for the assistance and stated this is an insecure world we live in. Mr. Poole also recognized the Commissioners for their service to the Town. Mr. Poole commented this week has been good and notified receiving his water bill for 24¢.

Chair Burdette thanked Mr. Poole for his comments.

COMMISSIONER COMMENTS:

Commissioner Hopkins recognized the Police Department for containing the St. Patrick's festivities this weekend, keeping it enjoyable. Commissioner Hopkins stated the Police Department execution was flawless.

Chair Burdette reported:

- Chair Burdette attended the Susquehanna Symphony and advised the first acknowledgement on the program was the help and support received from Mr. Krantz. Chair Burdette thanked Mr. Krantz for his efforts.
- Family and Children's Services Annual Fundraiser - Attending Chair Burdette, Mr. Kline, Chief Moore and son Andrew, Officer Matt Gullion and wife Tammy. During the fundraiser the Town's DART Program was acknowledged and Town Administrator Bane, Chief Moore and Police Officers were recognized.
- Chair Burdette, Mr. Kline and Chief Moore attended Andy Klein's Funeral where there was standing room only. Chair Burdette is grateful for Mr. Klein and his family. Mr. Klein's children Sarah and Marshall will carry on his work at ShopRite. Mr. Klein's wife Jayne is on several Boards in Town and will continue volunteering.

ADJOURNMENT:

The meeting was adjourned at 8:07 p.m.

Signature on file

Susan U. Burdette, Chair
Board of Town Commissioners

Signature on file

Michael L. Krantz, Town Clerk