

MINUTES
Board of Election Judges
Wednesday, May 25, 2022, 3:00 p.m.

The Board of Election Judges met on Wednesday, May 25, 2022, at the Bel Air Town Hall.

MEMBERS PRESENT: Priscilla Jindra, Chair
Wendy Ribbans
Elaine Millard

IN ATTENDANCE: Charles Keenan, Town Counsel
Michael Krantz, Director of HR & Administration/Town Clerk
Jane Sudbrink, Recording Secretary

I. Review/Approve Agenda

Ms. Jindra called the meeting to order at 3:04 p.m. Ms. Ribbans moved to approve the agenda with the addition of Article Five of the Town Charter for review and discussion. Ms. Millard seconded the motion. All in favor. Motion carried.

II. Petition for Referendum

Mr. Krantz summarized for the board the events leading to this meeting. The town a received document from a group of citizens regarding zoning preferences for 45, 53, and 57 East Broadway and 38 and 44 Gordon St. The zoning of these properties was changed by Ordinance 809-22 passed on May 2, 2022, as part of the town’s comprehensive plan.

A. Review Town Charter Section 308. Ordinances and Resolutions; Method of Passage of Ordinances and Ordinance Referendum

Mr. Krantz defined “ordinance” and described how an ordinance is passed, as outlined in Article III Section 308 of the Town Charter. Of particular import, he stated for the board that an ordinance becomes effective on the twenty-first day after passage unless petitioned to referendum. In addition, a newly enacted ordinance may be subjected to referendum in accordance with the provisions of Section 504 of the Town Charter.

B. Review Town Charter Section 504. Referendum

1. Review Requirements for Valid Petition Signatures

Mr. Krantz reviewed this section of the Town Charter, defining what “referendum” means, and specifically identifying the part of Section 504 that states requirements for valid petition signatures.

2. Review Petition Signature Verification Process and Protocol

Mr. Krantz discussed the proper procedures and protocols outlined in Section 504 when in receipt of a petition, a process that involves the Board of Election Judges.

C. Review the Petition Regarding the Opposition to the Change of the Zoning from Residential (R-2) to Business (B-3A) for the Following Properties in Bel Air, MD: 45, 53, and 57 East Broadway, and 38 and 44 Gordon Street

1. Review Related Legislation Ordinance 809-22 Amendment to Zoning District Boundaries

Mr. Keenan addressed the board and discussed his review of the document submitted to the town on Monday, May 23, 2022*. He also carefully reviewed Sections 308 and 504 of the Town Charter. He described the document as untitled, with numerous signatures on pages that have the same paragraph beginning with “My signature records my disapproval...” Mr. Keenan affirmed that there is nothing on the document that entitles it as a petition for referendum on Ordinance 809-22.

He noted for the board that the ordinance encompasses thirteen properties, of which only five are referenced in the document. In order to follow correct procedures, there would have to be a petition of referendum change for all thirteen properties.

Mr. Keenan continued that the document itself does not discuss the ordinance, nor does it ask to suspend the ordinance. What has been submitted shows signatures of disapproval, which is not language that constitutes a petition for referendum. The ordinance was passed legally on May 2, 2022, because no petition was presented then and became official on May 23, 2022*, because nothing has since come before the board that constitutes a petition for suspending the ordinance.

Mr. Keenan said that the commissioners can amend 809-22 in the future. However, he did not think that the rezoning of these properties can be challenged without the indication of a mistake in the ordinance.

Board members reviewed the document. Ms. Jindra confirmed from Mr. Keenan that, though she understands the intent of the document, if it does not include the correct verbiage, it is invalid. Mr. Keenan reiterated that the Town Charter provides for a referendum procedure and this particular set of documents does not address a referendum.

Ms. Ribbans moved to declare that the document submitted to the town does not constitute a petition for referendum on Ordinance 809-22 and, therefore, is legally insufficient and invalid to be considered for scheduling a referendum on Ordinance 809-22. Ms. Millard seconded the motion. All in favor. Motion carried.

III. Miscellaneous

Mr. Keenan added that the document seems to be asking the commissioners to reverse their decision. The appropriate avenue for such a request, rather than using a referendum, would be to present these concerns to the commissioners themselves, who may be able to act. The commissioners should consider the importance of this document and the work that was done to obtain these signatures.

IV. Adjournment

Ms. Ribbans motioned to adjourn, and Ms. Millard seconded. The meeting adjourned at 3:34 p.m.

* Note: During the meeting, Mr. Keenan misspoke and inaccurately referenced May 22, 2022. The correct date is Monday, May 23, 2022.

Signature on file

Priscilla Jindra, Chief Election Judge

Signature on file

Michael L. Krantz, Town Clerk