

COMMISSIONERS MEETING

October 13, 2009

LOCATION

Commissioners Meeting was held in the meeting room of the Community Services Building on October 13, 2009. President Dunbar called the meeting to order at 7:30 p.m.

PRESENT

Commissioners present were Peter Dunbar, Timothy Kearns and James Klair. Town Attorney Brynja Booth and a Star Democrat representative were in attendance. There were approximately twenty five (25) people in attendance.

APPROVAL OF MINUTES

The minutes of September 22, 2009 were approved as distributed.

MAINTENANCE REPORT

Scott DeLude, Public Works Superintendent, gave the Maintenance Report that consisted of the following:

1. Scott met with Arnie Bogner, Oxford Yacht Club, two weeks ago to discuss the erosion problem at the Tred Avon Yacht Club. Scott advised that the circle at the entrance to the club and the erosion caused by run off and what will have to be done to stop the problem was discussed. The yacht club also would like the town to consider putting in a swale between the yacht club and the ferry dock bathrooms to reduce the flow of storm water coming on to the yacht club property.
2. The Strand parking lot was rehabbed during the past two weeks. This included complete grading of the old lot and the addition of 110 tons of crush and run. The cost was just under \$5000. The Strand Committee has a copy of the dimension of the lot and they will be getting back to the town to discuss how many and where parking curbs should be put to accommodate the Strand traffic.
3. A new plastic storm water culvert was installed by the Public Works Department at 107 Third Street as part of the rehab of all the metal deteriorated culverts in town. The culvert cost \$1200, this does not include future road patch work. There are sixteen (16) culverts to replace in the town.
4. The two new tide gates that the town had custom built were installed by the Public Works Department last week. There have not been any storms to speak of but the tide has been completely held out at the Causeway and Banks Street where they were installed. Scott stated that since the gates are working well other parts of town that need a system to hold back the tides will be looked at for installing this type of tide gate. To install and build the gate the cost is \$3000. Scott advised that four more tide gates are needed as well as replacing the one at Pier Street that does not work well.

President Dunbar suggested incorporating the swale request by the yacht club into the design for the shoreline between the Ferry Dock and the Tred Avon Yacht Club. Since there is a lot of run off into the Tred Avon, which is not good, this area was included in an application for grant money to Chesapeake Bay Trust for design.

Commissioner Klair questioned if the improvements to the Strand Parking lot maintains the ability for trucks to turn around. Scott advised that there is room. President Dunbar

commented that this area is also an area that is being sent in to the Chesapeake Bay Trust for grant money to help correct the runoff into Town Creek.

President Dunbar asked if the culvert put in on Third Street drains into the existing pond of the Jacks Point Homeowner's Association. Scott advised that he was not sure but that the pond that this culvert drains into does need to be cleaned out.

EXECUTIVE SESSION

President Dunbar announced that the Commissioners held an executive session on October 13, 2009 in the afternoon to consult with counsel regarding a legal issue and attorneys regarding the shoreline at the Methodist Church.

POLICE REPORT

Chief Borga gave the Police Report that consisted of the following:

- One paper service
- Four assist other Police Agencies
- Two assist the Fire Department
- Five Police Information
- Eleven suspicious persons (ID and moved on) six had significant criminal histories, two were arrested for criminal and traffic offences.
- Two disorderly calls at the basketball court. (Moved them on, no further issues)
- One wanted person (arrested on warrant, with a bond of \$20,000.00)

OXFORD FIRE COMPANY

President Dunbar read the Oxford Fire Company report in the absence of Steve Mroczek. The report consisted of the following:

- Six Fire Calls
- One Water rescue
- Two mutual Aids
- One ambulance Call

BID OPENING – Bid 1002 – Backhoe

President Dunbar opened Bid Number 1002, for a new backhoe. Bids were received from: Folcomer Equipment - \$79,075, McClung-Logan - \$82,795, Rathell Farm Equipment - \$69,200 and Midlantic Machinery - \$73,091. Commissioner Klair made a motion to turn all bids over to Scott for review but, If Rathell Farm Equipment bid in the amount of \$69,200, low bid, meets all criteria the bid should be awarded to them. Commissioner Kearns seconded motion. Commissioners voted to award the bid to Rathell Farm Equipment provided all criteria is met.

Aye – Peter Dunbar

Aye – Timothy Kearns

Aye – James G. Klair

BID OPENING – Bid for Sale of Tractor

President Dunbar opened bids for the sale of the Case 585 4x4 tractor owned by the town. Bids were received from the following: Kent Lyons - \$3,215, Addison Auction House - \$8,100, Eric Bridges - \$4,000 and Island Creek Capital LLC - \$5,510. Commissioner Klair made a motion to award the bid to Addison Auction in the amount of \$8,100. Commissioner Kearns seconded motion. Commissioners voted to award the bid to Addison Auction.

Aye – Peter Dunbar
Aye – Timothy Kearns
Aye – James G. Klair

PUBLIC HEARING – Resolution 1002 – Participation Talbot County Drug Task Force

Resolution 1002 was introduced at the August 25th Commissioners Meeting by President Dunbar. Resolution 1002 is “A RESOLUTION OF THE COMMISSIONERS OF OXFORD APPROVING AN AGREEMENT BETWEEN THE MARYLAND STATE POLICE DEPARTMENT AND OTHER STATE AND LOCAL LAW ENFORCEMENT AGENCIES PERTAINING TO THE TALBOT COUNTY DRUG TASK FORCE”. Attorney Booth explained that this resolution allows law enforcement agencies to partner with Talbot County States Attorney in drug related issues and allows the town to share in proceeds from an arrest. President Dunbar opened the Public Hearing. There were no comments regarding Resolution 1002, Public Hearing was closed. Commissioner Klair made a motion that the Commissioners Adopt Resolution 1002. Commissioner Kearns seconded motion. Commissioners voted on this 13th day of October 2009.

Aye – Peter Dunbar
Aye – Timothy Kearns
Aye – James G. Klair

Resolution 1002 passed.

PUBLIC HEARING – Ordinance 1003 – Law Enforcement Mutual Aid

Ordinance 1003 was introduced at the August 25th Commissioners Meeting by President Dunbar. Ordinance 1003 is “AN ORDINANCE OF THE COMMISSIONERS OF OXFORD AUTHORIZING THE EXECUTION OF A LAW ENFORCEMENT MUTUAL AID AGREEMENT IN ACCORDANCE WITH MD. CODE ANN. CRIMINAL PROCEDURE ARTICLE SECTION 2-105”. Attorney Booth explained that this Ordinance permits their respective police officers, together with any necessary equipment, to enter into the jurisdiction of another municipal corporation for the purpose of providing law enforcement assistance. President Dunbar opened the Public Hearing. There were no comments regarding Ordinance 1003 and the Public Hearing was closed. Commissioner Klair made a motion to adopt Ordinance 1003. Commissioner Kearns seconded motion. Commissioners voted on this 13th day of October 2009.

Aye – Peter Dunbar
Aye – Timothy Kearns
Aye – James G. Klair

Ordinance 1003 passed.

NEW BUSINESS

Coast Guard Football

Commissioner Kearns announced that the Coast Guard held their third annual flag football games at the Oxford Soccer-Lacrosse field. Commissioner Kearns stated that the games have grown each year and almost every Coast Guard Station along the Bay was in attendance. President Dunbar commented that he missed this years games but has attended them in the past.

Larry Murray – Yankee Pedler

Mr. Murray requested from the town assistance in obtaining oyster shells to place within the border under the boat, Yankee Pedler. The only place Mr. Murray has been able to locate oyster shells is Cape Charles and sixty five (65) bushels are needed. Mr. Murray stated that he has been told by several companies that Maryland Department of the Environment is requiring that all shells have to go back in the restoration program. Commissioner Klair questioned whether Mr. Murray could make arrangements for reimbursement of gas. The Commissioners also

stated that they wanted to be sure the truck will be loaded by someone other than town employees. Mr. Murray stated that he would be sure that arrangements are made beforehand to have the truck loaded and will look into reimbursement for gas. Mr. Murray explained that the skipjack, Yankee Pedler, was given to the Oxford Museum. Since the museum does not have any place to display the boat, it is on display at the Community Center. The Commissioners were in agreement that the town will try to help out.

Letter from Pam Baker – Oxford Planning Commission

The Commissioners announced that they received a letter from Pam Baker announcing that her five-year term on the Planning Commission has ended and she would like to give someone else a chance to serve on the board. The Commissioners thanked Pam for her service over the last five years.

STATE HIGHWAY ADMINISTRATION

Commissioner Klair announced that a letter was received from Richard Lindsay, SHA, apologizing for the delay in improving the drop off from the highway to the shoulders when work was done on the state road going through Oxford.

WORKSHOPS

A request was made by Richard Wahlgren, Willows Ave., to hold a workshop with the Commissioners regarding stormwater.

A request was made by the Oxford Pool Committee for a workshop with the Commissioners.

The Commissioners will check their work schedules and arrange dates for the workshops.

UNFINISHED BUSINESS

Annexation of Submerged Lands

President Dunbar announced that the Commissioners have received letters regarding the annexation of submerged lands in the Tred Avon following the Public Hearing of September 22, 2009. Due to the additional input the Commissioners need to go through the correspondence to gather all information, therefore the Commissioners are going to defer voting on the Resolution to annex submerged lands until November 10, 2009. President Dunbar further commented that people had a lot of concern at the Public Hearing because regulations are not in place. At this time there is a Harbor Management Ordinance in existence but it doesn't address questions that the annexation brought up such as permits and mooring regulations. President Dunbar presented amendments to the Harbor Management Ordinance to be put in place parallel to the Annexation. President Dunbar requested that this amendment be circulated to the Port Wardens. Commissioner Kearns made a motion to send the amendments to the Port Wardens for review and consideration. Commissioner Klair seconded motion. All Commissioners voted aye to send the amendments to the Port Wardens for review and consideration. Once this goes to the Port Wardens it will be made available to the public. Commissioner Kearns commented on Section 21 of the amendment questioning what does abandon mean. President Dunbar stated that one change legal review suggested is that in the existing Harbor Management Ordinance, Section 14 states that it shall be a municipal infraction to place any mooring in the harbor without a permit from the Board of Port Wardens. It should read in the jurisdictional waters within the town.

Living Shoreline

President Dunbar gave a brief update on the living shorelines. There was an article in the paper a couple of weeks ago about a grant that the town received from the National Fish and Wildlife Foundation and NOAA in the amount \$161,000 which is excellent news and we hope to pursue the grant, however that grant was issued on the basis on the conceptual drawing done in May. Between May and the time the grant occurred the town had the opportunity to work with the county in terms of a three quarter of million dollar grant to put living shorelines in various locations. Advantage was taken of this and work was done with Environmental Concern out of St. Michaels. President Dunbar asked that they look at the conceptual plan that the town had and address some issues that had come up from public meetings with residents. There were three major issues that came out of the meetings. One of the issues was the large breakwaters that would be 170' offshore, there was concern from the public on how this would impact the nature of the park. Another question that was raised both by the regulatory people and some of our residents was the sustainability of the beach, the beach being an excellent idea, but would the beach remain during storms. The third point is relative to coordination with the Methodist Church. The seawall extends 20' on church property and in front of the seawall is a beach area which is used as a baptismal beach, so the question is, how can the baptismal beach be incorporated in the design. Environmental Concern took a look at this and modified the original design and in the middle of this the county lost the grant. At this point when the National Fish and Wildlife Foundation grant came through the town had two conceptual designs and no detailed engineering designs. We decided to go forth with the improvements that Environmental Concern is working on and at this time there is not a completed plan. Environmental Concern is looking at taking the large breakwaters, reduce the size of the breakwaters bringing them in and still get the interflow which is needed. At this time the protection of the grass area and the beach is being looked at. We do not have details of this yet, because we are working with the church at this time. A meeting was held with representatives from the church two weeks ago and again this afternoon to make sure we understand what their concerns are relative to the property adjoining the Park. As soon as this issue is resolved in terms of what the church needs and take a look at some options an entire new design will be available. Any sketches that are out at this time are not final designs. President Dunbar hopes that the church issue will be resolved by the end of the month and then a meeting thereafter to get some final detailed designs and bring them back for a meeting in which the citizens can have input. President Dunbar stated that his concern is that we have a \$161,000 grant that is on hold until the town has a final set of plans, They were very good in allowing the town to put this on hold but the town should move quickly.

Chesapeake Bay Trust is a group that gave the town a grant last year to do the design of the Town Park. Every year Chesapeake Bay Trust has a RFP process, so President Dunbar got some older projects that the town was interested in back into the mill to possibly get some support for them. These are grant proposals and as such do not commit the town to any implementation costs. President Dunbar put in four projects (1) any additional cost of Town Park project over the \$161,000 (2) end of Lover's Lane where there is a lot of erosion and to address this with a living shoreline (3) the area between the Yacht Club and the Ferry, at the present there is a dead tree, one tree that is dying, a lot of erosion and at the foot of the street adjacent to the Yacht Club there is a pile of rubble and rocks being used to stabilize the shore. Sometime ago a plan was done for this area that has now been simplified to address fill and erosion issues and (4) Strand Parking Lot to stop runoff in the Town Creek and do shoreline improvement with a living shoreline that will filter runoff into Town Creek.

Municipal Building Stairwell

Commissioner Kearns reported that Mr. Still has found the stairwell is one half inch out of compliance. The riser and runs are significantly out of compliance. Mr. Still is in the process of completing his report as to what should be done to correct the condition.

Oxford Fences

Commissioner Klair announced that the silent auction for the Oxford Fences sponsored by the Oxford Business Association was a success. Commissioner Klair commented that it was a very nice event with good food.

ATTORNEY – Resolution 1004 - Municipal Debt Policy

Attorney Booth presented the Commissioners with a Resolution that in the 2009 General Assembly the Maryland General Assembly amended the State Law, Article 95, Section 22F to make sure that municipalities and counties around the State have responsible debt policies after the market situation from last September. There is a requirement that each local government shall adopt a Resolution adopting a local debt policy consistent with the constitution, state law and their own Town Charter. Attorney Booth has put together a debt policy that is a Resolution of the Town of Oxford adopting a Municipal Debt Policy and would be effective October 1, 2009 to comply with the dates in the State statute. The policy will serve as a guideline for governing the issuance and management of all the debt incurred by the town. The policy addresses the authority to incur debt and basically restates Article 23A, Section 31 of the Maryland Code which authorizes the town to borrow money for any proper public purpose and restates the Charter provisions which permit borrowing in anticipation of tax revenues and the payment of indebtedness. It recognizes that the town shall be issued in accordance with the Town Charter, and all Federal and State laws, rules and regulations. The Resolution addresses the purposes for incurring debt which are to finance capital improvement projects; to provide working capital, to finance the acquisition, by purchase or lease, of capital assets; to finance the acquisition, either by purchase or lease, of capital equipment; to refinance previous issued Town debt; and to finance other large and extraordinary cost imposed upon the Town. The policy goes on to say that the Town will not use long term debt to fund operating cost. It recognizes the procedure for the approval of debt, which is that you will comply with the Town Charter and State law and recognizes six categories of debt which are bonds, special facility bonds, equipment lease financing, refunding bond, secured debt and long term debt and authorizes the Commissioners to periodically review the Resolution to make sure that the debt policy complies with the law. This is required by the State and Oxford had an extension until October 15th to adopt a plan. President Klair made a motion to introduce Resolution 1004 which is "A RESOLUTION OF THE TOWN OF OXFORD ADOPTING A MUNICIPAL DEBT POLICY" and sets forth incurring debt and the procedure of approval for acquiring debt. President Dunbar made an amendment to the motion, stating both introducing and adopting Resolution 1004. Commissioner Kearns seconded motion. Commissioners voted on this 13th day of October 2009.

Aye – Peter Dunbar

Aye – Timothy Kearns

Aye – James G. Klair

Resolution 1004 passed.

Update Health

President Dunbar announced that he has completed five weeks of radiation and is now on a three week break. At the end of three weeks treatment will begin again.

PUBLIC COMMENT

Tree Trimming

Nancy Wallace announced that on Friday, Oxford Fire Company, Tree Committee, Town Commissioners and a representative from Delmarva Power looked at how the trees will be trimmed to clear the power lines. President Dunbar stated that this was an excellent session but does require a follow up. The tree trimming foreman will come in with the forestry person from Delmarva Power before trimming is started.

Pumpkin Walk

Nancy Wallace announced that the Pumpkin Walk will be held on Sunday, October 25th. The walk will begin at the corner of South Street and Morris Street and end at the corner of Market Street and Morris Street. Children, adults and pets are encouraged to join the walk in costume. There will be refreshments served.

Yankee Pedler

Larry Murray encouraged everyone to attend the dedication of the "*Yankee Pedler*" at the Community Center on Saturday, October 17th at noon.

Short Term Rental

Ken Gibson asked the status of the short term rental ordinance. Attorney Booth stated that a draft should be available at the next town meeting.

Tree Limb Cut

Mr. Nathanson thanked the Commissioners for having the tree limb that was hanging over the street on the Strand taken care of.

Gospel Sing

Mr. Cahall announced that his band will be doing a fund raiser at the Oxford Community Center on Sunday, December 2nd from 2:00 p.m. through 3:30 p.m. There will be gospel music and closing will be Christmas carols.

EXECUTIVE SESSION

The Commissioners voted to go into executive session to obtain legal advice. The executive session was held under Section 10.508 Open Meetings Act, Maryland Code (1992 Cum. Supl.) No. 2. Those in attendance were Peter Dunbar, Commissioner, Timothy Kearns, Commissioner, James Klair, Commissioner, Scott DeLude, Public Works Superintendent, Brynja Booth, Town Attorney and Lillian Lord, Town Clerk.

BILLS PAYABLE

The regular meeting was reopened. The Commissioners went to Bills Payable.

Commissioner Kearns made a motion to adjourn the meeting. Commissioner Klair seconded motion.

Aye – Peter Dunbar

Aye – Timothy Kearns

Aye – James G. Klair

Respectfully submitted,

Lillian Lord
Town Clerk