

COMMISSIONERS MEETING

December 14, 2010

LOCATION

Commissioners Meeting was held in the meeting room of the Community Services Building on December 14, 2010. President Kearns called the meeting to order at 7:30 p.m.

PRESENT

Commissioners present were Timothy Kearns, James Klair and Peter Dunbar. Town Attorney David Thompson was in attendance. There were approximately fifty (50) people in attendance.

APPROVAL OF MINUTES

The minutes of November 23, 2010 were approved as distributed.

MAINTENANCE REPORT

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

1. Scott met with Dan Ubersax, State Highway Administration, regarding the sidewalks and street trees in town. Mr. Ubersax gave ideas on how to save the root structure of the trees while still doing rehabs on the brick sidewalks. Some suggestions were using bridges and using geotextiles to reroute the roots away from the sidewalks. This information will be useful during sidewalk maintenance in the upcoming year.
2. New heaters were installed at the wastewater facility in the chemical room. The cost for the heater was \$800. The old one dated back to 1984 when the plant underwent an upgrade.
3. December 15th will be the last day for leaf pickup. The regular brush pickup schedule will be followed after the 15th, which is the second and last Tuesday of the month.
4. A water leak was fixed at the intersection of Tred Avon and Caroline Street last week at a cost of \$1400. This was a leak that the Public Works Dept. had previously tried to patch over the summer to save money, but in the end a complete valve replacement was needed.
5. The Public Works Department has cleaned all the culverts and ditches in town for the smooth flow of any upcoming storm water events. The State will be doing Morris Street culverts in the next couple of weeks.

Commissioner Dunbar questioned whether SHA has been in touch with the town regarding the area from Latitude into town. Scott advised that he has talked with a representative from SHA and they are trying to set a meeting up in January and they do have some plans to present to the Commissioners. The possibility of placing a culvert and filling in the area in front of the Community Center is being discussed. A suggestion from SHA is to use a rubber walk as a sidewalk in front of the Community Center as a trial, (this may be a solution to some of the areas of sidewalks in town where tree roots are a problem).

Commissioner Klair asked if any dialogue is due to take place regarding replacement of trees in the state right of way. Scott advised that David Thompson is looking into this.

Meeting - Mapping of Critical Area

Commissioners Kearns and Dunbar attended a critical area mapping meeting. There did not appear that any changes will be made in Oxford. The maps are available on the Critical Area website.

Meeting – Talbot County Council

Commissioners Kearns and Dunbar attended a meet and greet meeting with Talbot County Council.

POLICE REPORT

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

- Fifteen Police Information
- Two assist the Fire Department
- One assist other Police Agencies
- Five Alarms (weather related)

Chief Maxwell announced that Christmas on the Creek activities were well attended and enjoyed by all.

SWEAR IN POLICE OFFICER – Michael Vichich

Chief Maxwell introduced Michael Vichich, the town's newest addition to the Oxford Police Department. Michael comes from the town of Sykesville where he was a reserve officer. Michael is a recent graduate of Prince George's Police Academy and will be living in Oxford. At this time President Kearns gave Michael the oath of office to serve as a police officer in the Town of Oxford.

Chief Maxwell announced the following special guests in attendance for Michael's swearing in. Talbot County Sheriff's Department Deputy Robert Mitchell, Honorable Judge William Adkins, Chief George Ball, Town of Trappe, Lt. James Thomas, Oxford Police Department and Kim Vichich, Michael's mother.

RESOLUTION NO. 1012

President Kearns read Resolution No. 1012 in its entirety. Resolution 1012 is a resolution for the purpose of petitioning the Administration and the Maryland General Assembly to reinstate state shared revenues diverted from municipal governments to fund operations of the state and to provide more diverse revenue raising authority to municipalities. Commissioner Klair made a motion to adopt Resolution No. 1012. Commissioner Dunbar seconded motion. Commissioners voted on this 14th day of December 2010.

Aye – Timothy Kearns

Aye – James G. Klair

Aye – Peter Dunbar

Resolution No. 1012 passed this 14th day of December 2010.

Request to be on Agenda – Gilbert Snow

Mr. Snow, 109 Stewart Avenue, announced that he has lived in Oxford since 1983 and has been a registered voter since 1984. He further stated that his wife, Anna, has just received her green card and will be applying for citizenship. Mr. Snow stated that when the Commissioners voted to annex the submerged land located in the Tred Avon, the residents had the right to petition for a vote and signatures were collected. The Commissioners invalidated the petition. Constantine G. Koste filed an order for summary judgment. On December 3, 2010 Judge Earnest ordered that within sixty (60) days the Commissioners shall hold a referendum election. Mr. Snow stated that Commissioner Kearns filed an appeal. Mr. Snow stated that he would like to have a vote immediately of the Commissioners to retrack their appeal.

President Kearns stated that he would not like to retrack the appeal. This is a question of conditional law and referendum process. President Kearns commented that Judge Earnest

noted the case was well briefed. By having a special court make a decision this will help all jurisdictions know when the beginning date of signatures collected for a petition is valid.

Commissioner Klair stated that after referring with legal counsel there was an issue with signatures on the petition. The Commissioners tried to get an opinion from the Attorney General at virtually no cost to the town on the validity of the signatures. While the town was waiting for the Attorney General to respond and not taking any action, the town was hit by a lawsuit. The town responded to that lawsuit and then was hit with a second lawsuit. Two residents basically sought litigation. The Commissioners felt after consulting with legal counsel that since future cases may arise regarding petitions that a circuit court judge should not be the final answer, it should go before a higher court.

Commissioner Dunbar stated that Commissioners Kearns and Klair covered the issues on the reasons for appealing Judge Earnest decision. Commissioner Dunbar commented that he is concerned with the level of misinterpretation of issues and ethnics. Commissioner Dunbar stated that he is also concerned with the level of slander and disrespect given to volunteer board members and feels the volunteers deserve support. Commissioner Dunbar suggested that everyone read the Public Record and come to a conclusion as to whether a line has been crossed.

NEW BUSINESS

Meeting cancelled

The Commissioners meeting scheduled for December 28, 2010 has been cancelled due to the Holidays.

UNFINISHED BUSINESS

Boat Slip Leases

President Kearns stated that boat slip renewals were mailed out in July for a six month period. It was the decision of the Commissioners to mail out the leases for six months only and to raise the rates in January. This discussion took place during budget hearings last April and May. Commissioner Klair made a motion to increase all lease agreements by ten percent (10%) beginning January 1, 2011. Commissioners Dunbar seconded motion.

Aye – Timothy Kearns

Aye – James G. Klair

Aye – Peter Dunbar

Landscaping Projects

Commissioner Klair announced that the landscaping has been completed at the basketball and recycling center.

Living Shoreline

Commissioner Dunbar announced that the Town Park living shoreline is completed other than two bio-retention areas that will be completed early Spring. The plants are small but should show a significant growth in six (6) months.

The ferry dock project is still being held up but should move forward shortly.

The third project a grant in the Causeway for stormwater has not been heard back on as of today's date.

Oxford Business Association Sign

Commissioner Klair thanked Susan Campbell and others of the Oxford Business Association for improving the looks of the sign that they had installed on Latitude's property, "Welcome to Oxford". The plants and stone made a wonderful sign even better. Commissioner Klair

commented that hopefully State Highway Administration will help with traffic calming from Latitude into town. This will make a safe entrance to town.

Windmill – Produce Electric

Commissioner Dunbar stated there may be an opportunity to erect a small windmill in the town that would generate enough electric to run the town's accounts, (wastewater treatment plant, town office, pumping stations, water towers, etc). Talbot County has erected three windmills in the vicinity of the county golf course. The area in which the windmill would be placed would be near the lagoons. This would be at no cost to the town, areas are being looked at for pilot projects.

PUBLIC COMMENT

Bruce Long asked, given the stress on the town budget, what is the amount that has been spent on the annexation of the submerged lands and how much more will be spent?

Commissioner Dunbar remarked that any regulations on moorings that is done by the Town would be done by Ordinance and Public Hearings. Bruce Long commented that this process will come with an expense and the public should be informed. President Kearns stated that this process of concern over mooring buoys has been going on for at least the last six years and mentioned numerous times at meetings both of the Town Commissioners and Port Wardens.

Tony Passarella commented that many of the recycle containers need to be replaced and his concern with trash being left at the recycle center when the containers are full. Mr. Passarella stated that as caring adults in the town we should take our recyclables back home when the containers are full. Scott commented that he has been returning items to people when he finds names on items, if they have been left on the ground because the container is full. According to Infinity Recycling new cardboard containers will be put in February.

Dick Deerin stated that it is relevant that the cost of legal fees and where they are going is found out. Oxford could spend thousands in legal fees when all the court has ordered is to hold a referendum election. Commissioner Klair commented that the order is stayed by the appeal. Mr. Deerin suggested that comments made by Commissioner Dunbar were inappropriate regarding the summary judgment held on December 3rd. Commissioner Dunbar remarked that all he was asking was that everyone look at the Public Record, which is what he intends to do and that he wants to protect volunteers.

There being no further public comment, the Commissioners wished everyone "Happy Holidays" and went to Bills Payable.

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

Aye – Timothy Kearns

Aye – James G. Klair

Aye – Peter Dunbar

Respectfully submitted,

Lillian Lord
Town Clerk

