

## COMMISSIONERS MEETING

March 8, 2011

### LOCATION

Commissioners Meeting was held in the meeting room of the Community Services Building on March 8, 2011. 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 and a Star Democrat representative were in attendance. There were approximately fifteen (15) people in attendance.

### APPROVAL OF MINUTES

The minutes of February 22, 2011 were approved as distributed.

### MAINTENANCE REPORT

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

1. Scott thanked the Oxford Fire Department for letting the town hold a waste water class at their facility. The town's that hold classes have lost most of their grant funding for training. Finding places that allow use of their facility without charging is a big help in keeping training on the shore.
2. Well #2 is running at full capacity after the wire leading to the submersible pump was found to be bad and replaced. The pump and wire were covered under warranty .
3. Scott received three (3) exploratory bids for the rehab of "J Dock" on Tilghman Street. One was \$12,000, another \$16,000 and another \$66,000. Scott is reviewing the bids to make an evaluation of how much money is needed to keep the dock in working order.

Scott requested an executive session following tonight's meeting to protect the privacy or reputation of an individual with respect to a matter that is not related to public business.

The Commissioners questioned whether all three exploratory bids were for the same work at "J Dock". Scott explained that two were for patch work and the other for a complete redo of the dock. A suggestion was to put out two bids, one for patch work and the other for total repairs. Scott advised that the town can provide electric and water to the dock. Commissioner Dunbar questioned whether Environmental Concern had looked at the area. Scott advised that they had been down, but he has not heard anything from them.

### Meetings

President Kearns announced that he and Commissioner Dunbar met with State Highway Administration representatives to go over plans to add some visual curbing to Oxford Road to control speed approaching town starting at Hel's Half Acre to Oxford Fire Company. The plan has been given to the owners of Latitude to look over.

## POLICE REPORT

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

- Twenty Police Information
- One Alarm (malfunction)
- One suspicious person (ID and extensive criminal history)
- One Suspicious Vehicle (gone on arrival)
- One noise complaint (basketball court – no violations observed)
- One check the Welfare (all o.k.)
- One unwanted Person (gone on arrival)

Chief Maxwell stated that Mary Crabb questioned whether the sign with basketball court rules has been completed and when it might be installed.

Chief Maxwell announced that Cy Smith found a wallet in a parking lot in Easton and returned it to the Oxford Police Department. The wallet was returned to the owner with credit cards and all contents intact. The Commissioners thanked Mr. Smith for his good deed and enhancing the image of Oxford.

Chief Maxwell presented the Commissioners with statistics of the Oxford Police Department. The Commissioners went over the numbers and discussed police procedures.

## BOARD OF APPEALS

President Kearns announced that William J. Bradley III (Turk) has resigned from the Board of Appeals. “Turk” served on the board for many years. The Commissioners expressed their thanks to “Turk” for the time served and his knowledge of the town.

## SWEAR IN MEMBERS OF BOARD OF APPEALS – Gordon Graves and David Gordon

At this time President Kearns gave the oath of office to new Board of Appeals members Gordon Graves and David Gordon.

## NEW BUSINESS

President Kearns announced that a letter was mailed to Board of Appeals members and the Town Commissioners from Attorney Sharon VanEmburch. Attorney VanEmburch criticized the board for deliberating off the record and in closed session during a meeting on August 17, 2010 and February 17, 2011. Attorney Thompson stated that Attorney VanEmburch was correct that boards must deliberate in public. In prior years you could deliberate in private session but the law was amended. Primarily an executive session is for legal advice. After receiving a copy of Attorney VanEmburch’s letter, Attorney Thompson advised the Commissioners that he felt it was wise to set up meetings with the various boards, but a date was not set for the meetings. After receiving Attorney VanEmburch’s letter, chairperson, Susan Delean-Botkin wrote a letter to the Town Commissioners requesting that the town attorney be directed to give the Board of Appeals (1) clarification on recording of Board of Appeals hearings and deliberations, (2) an outline of how the Board of Appeals hearings are to proceed within the law and (3) clarification on whether, when appellants appear with attorney(s) before the Board, the Board should also have legal representation present. Ms. Botkin also asked for an opinion from State’s Attorney General Doug Gansler as the legality/ethics of an elected official, who appoints the Board members, appearing before the same Board on behalf of paying clients. Commissioner Klair stated that Attorney VanEmburch is an attorney for a client and there are civil penalties involved and Attorney VanEmburch has put the board on notice. Commissioner Klair recommended that all members of boards and the Commissioners get together with legal

counsel and have procedures explained. Attorney Thompson stated that meetings are useful, but each board is different and the meetings should be held separate. Commissioner Dunbar commented that the issues that Ms. Botkin asked will be addressed with Attorney Thompson's meeting. President Kearns stated that he wanted Ms. Botkin's issue on "an opinion from State's Attorney General Doug Gansler as to the legality/ethics of an elected official, who appoints the Board members, appearing before the same Board on behalf of paying clients" answered. Commissioner Klair made a motion to (1) hold a separate meeting with each Board, including members, Commissioners and Town Attorney to go over procedures and (2) to get an opinion from the State's Attorney as the legality/ethics of an elected official, who appoints the Board members, appearing before the same Board either on behalf of themselves or a paying client. This was seconded by Commissioner Dunbar. All Commissioners were in favor of this motion. Commissioner Dunbar reminded everyone that the Attorney General's office requires an opinion from the town attorney, before he will give an opinion. Commissioner Dunbar also commented that the town will not receive an opinion until the legislative session is over which will be May or June. Attorney Thompson stated that Commissioner Dunbar's comment is correct but that he prefers to do this in a formal way since it has been posed as a formal issue.

#### TRED AVON WATERSHED – Phyllis Rambo

Ms. Rambo announced that on Tuesday, March 15<sup>th</sup> from 4:30 to 8:00 p.m. a program will be held at the Avalon Theatre to kick off a watershed community program to clean up the Tred Avon River. Admission is free and all are welcome. This program is funded by a grant received from Department of Natural Resources to help educate homeowners. Master Gardeners will be in attendance. There will be free soil test and many items such as rain barrels available at no cost.

#### OXFORD SECRET GARDENS

Phyllis Gaiti, Garden Club Vice President, wrote a letter requesting permission for the Oxford Garden Club to use the Oxford Town Park on Saturday, May 21, 2011 from 10:00 a.m. to 4:00 p.m. The park will be the starting place to purchase tickets and the first tour will be the Living Shoreline adjacent to the Town Park. From 10:00 a.m. to 12 noon the Free and Easy Band will play some jazzy tunes. The Commissioners were in agreement to allow the use of the Town Park.

#### RESIGNATION OF REPRESENTATIVE FOR TALBOT COUNTY PARKS & RECREATION

The Commissioners received a letter of resignation from Judith Shuler, Oxford's representative to the Talbot County Parks & Recreation Advisory Committee. Kim Kearns volunteered to fill this vacancy. The Commissioners agreed to appoint Ms. Kearns. Talbot County Council and Talbot County Parks and Recreation will be notified that Kim Kearns will be Oxford's representative.

#### OXFORD BUSINESS ASSOCIATION

The Commissioners received a letter from Oxford Business Association requesting the use of Town Park on Sunday, June 5<sup>th</sup> at 3:00 p.m. to schedule Mid-Shore Community Band to play and Sunday, July 17<sup>th</sup> at 3:00 p.m. to schedule Three Penny Opera to play. The Business Association is scheduling Historic Walking Tours with Mr. Leo Nollmeyer on the following dates Sunday, June 12 at 10:30 a.m., Saturday, August 20<sup>th</sup> at 2:00 p.m. and Saturday, September 10<sup>th</sup> at 2:00 p.m.

The picket fences will be going up throughout Oxford on Memorial Day weekend and will be on display throughout the summer. The picket fence auction will be held on Saturday, October 8<sup>th</sup> at Combsbeery Inn's historic barn.

The Business Association is not planning to have any outdoor movies at the soccer field this year.

#### UNFINISHED BUSINESS

President Kearns announced that he has been in touch with Russell Dashiell regarding the Blue Star Memorial meeting. Mr. Dashiell is not available until after the 21<sup>st</sup> of March. A date will be arranged after the 21<sup>st</sup>.

#### FERRY DOCK LIVING SHORE LINE

Commissioner Dunbar announced that the Living Shoreline at the Ferry Dock should be completed by the end of March.

#### EXECUTIVE SESSION

The Commissioners voted to go into executive session to *protect the privacy or reputation of individuals with respect to a matter that is not related to public business, personnel matter and discussion of legal issues with town attorney.* Those in attendance were Timothy Kearns, Commissioner, James Klair, Commissioner, Peter Dunbar, Commissioner, Scott Delude, Public Works Superintendent, Patrick Maxwell, Chief of Police, David Thompson, Town Attorney and Lillian Lord, Town Clerk.

#### BILLS PAYABLE

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

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

Aye – Timothy Kearns

Aye – James G. Klair

Aye – Peter Dunbar

Respectfully submitted,

Lillian Lord  
Town Clerk