

COMMISSIONERS MEETING

November 10, 2009

LOCATION

Commissioners Meeting was held in the meeting room of the Community Services Building on November 10, 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 David Thompson and a Star Democrat representative were in attendance. There were approximately ten (10) people in attendance.

APPROVAL OF MINUTES

The minutes of October 27, 2009 were approved as distributed.

MAINTENANCE REPORT

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

1. The new generator at the Bonfield lift station is installed and in operation. The generator will automatically start up on Tuesday mornings to exercise itself along with a monthly inspection. The generator with proper maintenance should last for thirty (30) years.
2. On Friday evening at 9:00 p.m. the Town of Oxford had a well failure at the main well. By Saturday night the water towers were close to draining and there was very little water pressure in town. The system that monitors the wells did set off the alarm at the well, but with it being the weekend no one was there to hear it. There was a grant written for a telemetric system during the stimulus money allocation this year but it was denied. This system would have alerted Scott at home or on his cell phone regarding the well failure on Friday evening and the problem would have been fixed before any change in water pressure was noticed by residents. The telemetric system would be a good idea to include in next year's budget if the funds are available. The cost for the system is \$30,000 and would monitor both water and wastewater.
3. Asplundh has started trimming of trees in town to clear the power lines. The first location for trimming was Morris Street. The crew calls in their location on a daily basis. If any residents have any questions of the tree trimming crew, please call the Maintenance Shop and an answer will be gotten for you immediately. Scott asked that no one go the crew that is cutting in the coned off areas, the chance for an accident is greatly increased.
4. Scott spoke with Ray Clarke, Talbot County Public Works, regarding the curbside recycling program. Mr. Clarke is going to the County Commissioners the end of November to propose curbside recycling in Talbot County or at the least through the towns of Talbot County. Mr. Clarke stated that he would be coming to the towns in early February to give updates on the curbside recycling program.

The Commissioners questioned whether Scott had received any complaints regarding trimming of the trees. Scott advised that only one complaint has been received.

A short discussion ensued between Scott, Lt. Maxwell and the Commissioners regarding the problem with the water pressure on Saturday evening and possible alternatives until money is available. Scott advised that a flashing light and signal will be in service as soon as the arsenic

system is fully operational. This will alert to any problems. This will also alert the police to a problem and they in turn call notify Scott. It may be worthwhile to bring in an employee on week-ends and holidays to check the system. The wells will hold for approximately twenty four hours and bringing in someone on days off should prevent a problem.

POLICE REPORT

Lt. Maxwell gave the Police Report in the absence of Chief Borga. The report consisted of the following:

- 10 Police Information
- 1 Civil Complaint (landlord-tenant) referred to court
- 3 Assist the Fire Department
- 2 Animal Complaints (abated)

Lt. Maxwell commented that Halloween went off with few problems. There were several people with open containers and a few with coolers full of alcohol in wagons. The police stopped these people and advised that this was not allowed in Oxford and to take the alcohol off of the street.

Lt. Maxwell stated that there was an arrest in the hit and run case that occurred on Second Street. An eighteen (18) years old male from Tilghman Island was arrested. The vehicle was stopped in Easton, all occupants of the vehicle were arrested on multiple criminal and traffic offences.

President Dunbar remarked that he was pleased to see so many children out on Halloween.

OXFORD FIRE COMPANY

President Dunbar read the Oxford Fire Company report in the absence of Steve Mroczek.

- OVFC responded to four (4) fire calls, two (2) in the Oxford Fire District and two (2) mutual assistance
- Two ambulance calls in the Oxford Fire District

The Oxford Fire Company announced that today (11/10/09) is the two hundred thirty fourth anniversary of the establishment of the United States Marine Corp. The fire company wished all Marines past and present a Happy Birthday.

Ray Stevens - Run

Lt. Maxwell congratulated Ray Stevens on reaching his 25,000 mile of competition racing. This was accomplished on Saturday, November 7, 2009 during a race in Oxford. Breakfast was served at the Community Center following the race. This was a very enjoyable event for all attending.

NEW BUSINESS

Christmas Tree

A letter was received from Henry Hale requesting permission to place a twenty foot (20') dock tree in the pincushion by the flagpole. In the past, the tree was located between the Causeway and Oxford Yacht Agency. The Commissioners agreed to the pincushion location.

UNFINISHED BUSINESS

Richard Wahlgren

President Dunbar stated that he went through all of the information that Mr. Wahlgren presented to the Commissioners in preparation for a workshop to discuss stormwater. President Dunbar commented that it appears that all of Mr. Wahlgren's concerns are being addressed by the Department of Public Works as money allows corrections to be made. President Dunbar suggested not holding a workshop with Mr. Wahlgren, but have Scott explain to Mr. Wahlgren that we are addressing his concerns as upgrades can be put in the town's budget.

Letters – Volunteers

Commissioner Klair announced that the Commissioners have received letters from two residents volunteering to serve on boards.

Audit

Commissioner Klair announced that the audit ending June 30, 2009 has been completed for the town. The audit was completed by the firm of Lank, Johnson and Tull of Seaford, Delaware. The audit shows the town to be in good financial condition and all records in order.

Heinrich Schmitz – Tree

Heinrich Schmitz, 200 East Strand, was in attendance and President Dunbar thanked Mr. Schmitz for his complete cooperation with the trimming of a limb off of a tree in front of his home where the limb was hanging over the street, making boat delivery difficult for Oxford Boatyard.

RESOLUTION NO. 1001 – Annexation

At the Commissioners Meeting of October 13, 2009, President Dunbar announced that the Commissioners were going to defer voting on the Resolution to annex submerged lands until November 10, 2009. Commissioner Klair began the discussion on the annexation issue by stating that a proposed amendment to the Harbor Management Ordinance regarding moorings has been sent to the Board of Port Wardens for their recommendation. Commissioner Klair asked that a copy of this be mailed to Tred Avon Yacht Club, Gugy Irving. Commissioner Klair commented that a good example of why the town needs some type of authority to regulate moorings was an incident this past week, where a mooring was near the rocks off the Strand. This mooring has since been removed, but the town did not have the authority to move it. There are boats on the moorings off the Strand without anchor lights, which is a safety concern. The town needs jurisdiction and Resolution No. 1001 will give the Town jurisdiction. Commissioner Klair made a motion to move forward with Resolution No. 1001 which is "A RESOLUTION OF THE COMMISSIONERS OF OXFORD TO ANNEX SUBMERGED LANDS LOCATED UNDER CERTAIN PUBLIC WATERS ADJACENT TO THE TOWN BOUNDARIES IN ORDER TO REGULATE PLACEMENT OF WHARVES, PIERS, MOORING PILES, MOORING BUOYS, FLOATING DOCKS AND ASSOCIATED OR RELATED STRUCTURES." Commissioner Kearns seconded motion. In response to a request that a member of the audience be permitted to discuss his views on the annexation proposal, President Dunbar reminded the audience that there was a Public Hearing held on September 22, 2009 with a large crowd in attendance, all public comment, pro and con, was taken at that time. The record was kept open for written comments. The record is now closed. No additional public comments will be taken tonight. Resolution No. 1001 is independent of the proposed amendments to the Harbor Management Ordinance. Following the Public Hearing on annexation it seemed that many people were not against annexation but were concerned that there were no regulations in place. President Dunbar stated that due to safety issues and proliferation of moorings the Town needed jurisdiction to be able to address the issues. The Commissioners decided to simplify the proposed regulations by an amendment to the Harbor Management Ordinance with registration of the placement of moorings and fees and specifications. However, this is not what is under discussion tonight. The only question

tonight is do we want jurisdiction over the submerged land. Commissioner Klair stated that the only reason he mentioned the draft regulations was because (1) a lot of people asked what cost would be involved and (2) what would the regulations look like. The Commissioners are trying to let the public know they are doing what the Town wants. The regulations are separate from the annexation. Commissioner Kearns stated that he was ready to do what the Commissioners are elected to do which is to make a decision. He further stated that he is in agreement with his fellow Commissioners regarding pending regulations. At this time annexation of the submerged land needs to be voted on. If the Commissioners vote to annex the land there is an opportunity for a referendum. Commissioner Kearns closed by stating that no matter how the Commissioners vote there will be some people pleased and others upset. President Dunbar stated that a suggestion had been made to leave the town boundary in Town Creek where it is instead of moving it in an easterly direction. All Commissioners were in agreement to move the boundary as shown in exhibit C. Commissioners voted on Resolution 1001 to annex submerged lands on this 10th day of November 2009.

Aye – Peter Dunbar

Aye – Timothy Kearns

Aye – James G. Klair

Resolution 1001 passed this 10th day of November 2009.

Attorney Thompson advised that this Resolution will not go into effect until forty five (45) days from today. There is a forty five day window in which the residents of the Town have a right to petition the resolution to referendum. If a qualifying petition is presented during this period, the annexation is suspended until a vote is taken at a special election.

ORDINANCE – PARKING

President Dunbar questioned the status of the parking ordinance. Attorney Thompson advised that the draft ordinance was given to Planning Commission for their recommendation but the ordinance has not been introduced. The Planning Commissioner did have concerns over the ordinance. Attorney Thompson commented that he has met with the police department to work out some issues and is doing a rewrite of the ordinance. The draft ordinance should be available for the Commissioners at the next town meeting.

STAIRWELL

Dennis Still, Registered Architect, presented the Commissioners with an analysis of the stairwell located in the Oxford Community Service Building. The analysis of the stair and stairwell is in respect to issues regarding compliance and/or non-compliance with the International Building Code (2006 Version). Mr. Still commented that in completing his work to date he found that the stairwell is too narrow by one half inch, the treads differ in height and the stairs should have twenty risers and only nineteen have been installed. Mr. Still further commented that he did not see the stairwell being one half inch too narrow as a safety issue, but was unsure if the town could give a variance for this. There will be a large difference in price if the stairwell has to be made wider, rather than only if the risers have to be corrected. Attorney Thompson is looking into the variance.

LIVING SHORELINE

President Dunbar reported that Environmental Concern has put stakes in at the Town Park as to where work will be done for the Living Shoreline. The Town is still in discussion with the Methodist Church regarding the beach area. If everything goes well there should be a good plan to present to the community within two to three weeks.

PUBLIC COMMENT

Town Park

Bernie Witter questioned whether it is necessary to drive the maintenance department truck through the town park to pick up trash from the trash cans. Scott advised that the town will be putting in topsoil and reseeding the park this winter and the use of the truck in the park will be discontinued.

Living Shoreline

Nancy Wallace questioned whether the work that Angler completed on the Living Shoreline was being redone. President Dunbar advised that the grant received from Chesapeake Bay Trust paid for a design by Angler and this work has not been redone. Environmental Concern is making changes to the design with engineering. Before this can be finalized the Methodist Church and the Town have to work out details for the beach area. The Town is not paying twice for a design.

Stairwell

The question was asked to the Commissioners whether the Town has any recourse for the stairwell being improperly installed. Commissioner Klair commented that it depends on the amount of money needed to correct the situation, it may not be worth entering into litigation. Attorney Thompson stated that the Town is identifying the problem and then will take the next step which is unknown at the present.

EXECUTIVE SESSION

The Commissioners voted to go into executive session to discuss a personnel issue. 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, David Thompson, Town Attorney, Pat Maxwell, Lt. Oxford Police Department and Lillian Lord, Town Clerk.

BILLS PAYABLE

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

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

Aye – Peter Dunbar

Aye – Timothy Kearns

Aye – James G. Klair

Respectfully submitted,

Lillian Lord
Town Clerk