

COMMISSIONERS MEETING

January 26, 2010

LOCATION

Commissioners Meeting was held in the meeting room of the Community Services Building on January 26, 2010. President Dunbar called the meeting to order at 7:30 p.m.

PRESENT

Commissioners present were Peter Dunbar, Timothy Kearns and James Clair. Town Attorney David Thompson and a Star Democrat representative were in attendance. There were approximately forty (40) people in attendance.

MAINTENANCE REPORT

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

1. The Arsenic System in Oxford is complete and up and running on wells #2 and #3. Well #1 is shut down and scheduled to be capped or turned into a monitoring well which can be used by the U.S. Geological survey to monitor the aquifer according to our engineers. This is less expensive than capping of the well which would involve dismantling and removal of the pumping system. Scott talked with MDE and they said it was our choice of what to do but the well monitoring is a great program.
2. There was a meeting with Sandi Pepe last week to start to set up and put out the bid for engineering of the rehab of the Ferry Dock and Tilghman Street boat ramp. We have two (2) \$25,000 grants for the engineering. Scott is going before the Port Wardens in February to introduce the project.
3. Scott started a storm water drainage plan to meet the concerns of the Town of Oxford. The first step at Pier Street is the tide gate that needs to be upgraded to stop all inflow during high tides while releasing storm water without a high head pressure. Scott has been talking to Mr. Price and Mr. Wahlgren over the last five (5) months and explained that he would introduce this to the Commissioners in the upcoming budget. Scott advised that he has found a ditch that runs behind the Latitude Restaurant that was once used to outflow the storm water all the way from the cemetery on one side and the STA building on the other. This ditch has filled in over the years and is no longer functional which in turn is sending all the storm water to the Causeway in Oxford. Scott have spoken to the land owners where the ditch is located and they have given permission to clean out the ditch, but the land is not in the town boundary. Scott has spoken with Dave Edwards from SHA and has been told that the ditch is not in their right of way, therefore it is not their problem. Scott is getting an estimate for the cleaning project, but asked the Commissioners to think about the Town of Oxford taking on both of these projects when money becomes available.
4. The Bachelor point lift station pump #1 was rebuilt and put back into service this week at a cost of \$1544.72. In two and one half years we have rebuilt six (6) of the towns ten (10) lift pumps which were in need of a maintenance program.

The Commissioners questioned, if well #1 was to be used as a monitoring well could it be put back in the system if there was a failure with one of the other town wells? President Dunbar questioned the cost to convert the well into a monitoring well and asked if MDE should pay the cost since they would be using the well for monitoring purposes. Scott advised that he will check into this and commented that Talbot County has a program that does monitoring.

Commissioner Klair questioned whether taking on the ditch by Latitude would cause any liability issues with the town doing maintenance on a ditch out of town that is impacting storm water. Attorney Thompson advised that there is no extra liability, but that the town would have to restore the landowners property.

President Dunbar questioned whether we should replace the tide gate at Pier Street now instead of waiting. After a short discussion, Commissioner Kearns made a motion to have Scott replace the Pier Street tide gate at a cost to not exceed \$7000. Commissioner Klair seconded motion.

Aye – Peter Dunbar

Aye – Timothy Kearns

Aye – James G. Klair

Scott requested an executive session following tonight's meeting to discuss personnel issues.

POLICE REPORT

In the absence of Chief Borga, Lt. Maxwell gave the Police Report that consisted of the following:

- 2 Alarms (1 malfunction and 1 weather related)
- 5 Police Information
- 1 Forgery (arrest warrants on file)
- 1 Motor Vehicle Collision (deer) no injuries
- 3 Suspicious Vehicles
- 1 Assist the Fire Department
- 1 Noise Complaint

Lt. Maxwell reminded everyone to keep their cars locked and to report any suspicious activity. Call 410-822-0095 or 911 to report suspicious activity.

OXFORD FIRE COMPANY

Steve Mroczek, Oxford Fire Company, gave the Fire Company report that consisted of the following:

- Boat rescue, subject in the water – St. Michaels
- Mutual Aid Easton – Odor of smoke in residence – Easton
- Three ambulance calls within the Oxford Fire Company's Fire District

Mr. Mroczek announced that Jon Fox has been elected President of the Oxford Fire Company for 2010. Jon will succeed Mike Greenhawk who was elected Chief.

Mr. Mroczek gave a summary of the year 2009. The Oxford Fire Company responded to a total of 215 calls. 128 of these calls were fire or rescue, 97 were ambulance calls. During the year we had two residential fires in the Oxford Fire District. This compares with 229 calls in 2008, 108 fire and 121 ambulance.

Commissioner Klair asked if the Browning Centurion shotgun has been awarded. Mr. Mroczek advised that the Fire Company is aiming for Oxford Day, chances are still available.

SWEAR IN MEMBER PLANNING COMMISSION

President Dunbar gave the oath of office to Carole Abruzzese a new member of the Oxford Planning Commission.

ORDINANCE 1004 – Regulations for on-street Parking - Public Hearing

President Dunbar read the title of Ordinance 1004 which is “AN ORDINANCE OF THE TOWN OF OXFORD TO ADD SECTION 8.00 A. TO THE ZONING ORDINANCE OF THE TOWN OF OXFORD TO ESTABLISH REGULATIONS FOR ON-STREET PARKING WITHIN THE TOWN.” President Dunbar commented that this ordinance has been discussed at numerous town meetings and has been advertised for Public Hearing for tonight. President Dunbar opened the Public Hearing for comments. Samuel Taylor, 204 Market Street, stated that all of the cars that he has parked on the street are insured and tagged. Mr. Taylor also commented on relationships with neighbors. Since this was the only comment, President Dunbar closed the Public Hearing. President Dunbar suggested holding the record open for one week allowing written comments and act on the ordinance at the next meeting. All Commissioners were in agreement.

ORDINANCE 1005 – Establish Minimum Standards for Short Term Rentals – Public Hearing

President Dunbar read the title of Ordinance 1005 which is “AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF OXFORD, TO ESTABLISH MINIMUM STANDARDS FOR THE SHORT-TERM RENTAL OF RESIDENTIALLY OCCUPIED PROPERTY IN CERTAIN ZONING DISTRICTS.” President Dunbar commented that this ordinance has been discussed at numerous town meetings and has been advertised for Public Hearing for tonight. President Dunbar opened the Public Hearing. Bernie Witter, 501 East Strand, commented that a concern is the standard for egress. A short term rental should be inspected by a qualified inspector to see if it meets code. Read Madary, 217 South Morris Street, questioned how the ordinance will be enforced and the fines. President Dunbar commented that the ordinance is a license for short term rental and the office will take the information. Commissioner Klair advised that if the question is would we have an enforcement officer going around town, the answer is no, but if you have a complaint, you would file the complaint with the town office. President Dunbar stated that the ordinance gives the town enforcement and Commissioner Kearns added that the complaint would be handled by the police department. Ken Gibson, 105 West Strand, thanked the Commissioners, Planning and Zoning, David Thompson, Brud and Carol Patterson, George and Rebecca Gaffney, Ed Miller, Wendy Gibson, Ben Gibson and all that have worked in support of this ordinance. Mr. Gibson explained that he and his family were concerned when residential properties starting becoming short term rentals without regulations and rules. Mr. Gibson remarked that short term rentals are in the same category as bed and breakfast. Mr. Gibson further stated that due to short term rentals the character of the residential homes changed. One management company pays for a sponsoring link that states, instead of staying at an inn or a B & B, stay at a exclusive waterfront home in Oxford. Five years ago there were two short term rentals, now there are at least ten. These businesses have no regulations, they do not have to let the Commissioners know they are doing rentals. Mr. Gibson ending with commenting that now is the time to regulate short term rentals. Mrs. Rebecca Gaffney asked why the requirement to notify neighbors was taken out of the ordinance. Commissioner Kearns stated that the town is small, there will be a license available at the town office and to contact every neighbor would become difficult. Mrs. Ronya Driscoll, 202 East Strand, remarked that letting neighbors know doesn't seem to be necessary as long as you comply. Brud Patterson commented that he supports the need to put notifying neighbors back in the ordinance. There should be notification at least to the two properties adjacent to the rentals of the intent to rent your property. This would make the ordinance more consistent with the Talbot County ordinance. Mr. Madary remarked that there seems to be paranoid, neighbor against neighbor. Mr. Madary further commented that before tonight he thought the ordinance was o.k, but after tonight he does not like the ordinance. Ben Gibson, The Strand, stated that he has lived in Oxford for thirty years and believes short term rental should be regulated, notifying neighbors is not his concern. This ended the public comments. President Dunbar closed the Public Hearing. President Dunbar suggested holding the record open for one week to receive written comments, and act on the ordinance at the next town meeting. All Commissioners were in agreement.

WELCOME – SCOTT PATTERSON

President Dunbar introduced State's Attorney Scott Patterson. Attorney Patterson commented that he use to attend Oxford's Town Meetings regularly when Oxford was the seizing agency for the Talbot County Drug Force. Attorney Patterson has a great interest in the Special Olympics and is involved with the Oxford Cardboard Boat Race that raises money for the Special Olympics. The Commissioners thanked Attorney Patterson for attending the town meeting.

Location of Civil War Marker

Jay Bunting and Gordon Graves were in attendance to get approval for the location of the Civil War Marker. Pastor Bunting, some months ago, suggested the need to acknowledge the African-Americans contribution to the Civil War. One way to do this was the Civil War Trail Marker Sign. The nearest one to Oxford is located in Trappe at the Scotts Methodist Church. The Oxford Museum became involved with this project because there was grant money that could be obtained. The Museum was able to obtain a grant to help with the marker. A photograph was presented to the Commissioners marking the site for the marker. Pastor Jay gave the Commissioners a copy of the wording that would be placed on the marker and a picture of a unit of African-American soldiers that embarked from Oxford. The Commissioners informed Pastor Jay and Mr. Graves that a site plan showing actual dimensions must be given to the town. The location of the marker must be marked on the site plan with actual measurements for the town records. Commissioner Klair made a motion to approve the request for the Civil War Marker on the condition that a location sketch be given to the town so the town's records will reflect where the marker will be placed. President Dunbar seconded motion.

Aye – Peter Dunbar

Aye – Timothy Kearns

Aye – James G. Klair

NEW BUSINESS

Historic Member

Commissioner Klair announced that a letter has been received from William Dial volunteering to serve on the Historic Commission.

Senate Bill 197

Commissioner Kearns announced that Senate Bill 197 would allow people belonging to a CERT Team to be eligible for a tax break on their income taxes. At the present to get this tax break you have to be a member of a fire company.

UNFINISHED BUSINESS

Commissioner Kearns explained that work needs to be done to correct the height of the stair risers in the Oxford Community Services Building. In order to begin this work Commissioner Kearns requested that his fellow commissioners agree to waive the requirement of the width of the stairwell. The stairwell is ½" less than it should be in width. Attorney Thompson commented that there is not any reasonable risk to the public with the width, but the difference in height of the stair risers is a concern. Commissioner Klair made a motion that the town waive the width regulation of the stairwell. Commissioner Kearns seconded motion. Commissioners voted on this 26th day of January 2010.

Aye – Peter Dunbar

Aye – Timothy Kearns

Aye – James G. Klair

Annexation Petition Status

President Dunbar made the following statement regarding the Oxford Submerged Lands Annexation Petition. "Maryland law is very specific about the procedures for petitioners seeking a special referendum election. The Maryland Court of Appeals has indicated that the annexation statute must be strictly followed. That statute specifically provides that a petition for an annexation referendum may be signed "at any time within the forty-five (45) day period following the final enactment of the resolution." The Oxford Board of Election Supervisors has reviewed the petitions, and has reported that only 62 of the signatures were signed within the 45 day period identified in the annexation law. That raises a significant legal issue, which we have preliminarily referred to the Maryland Attorney General for his advice or opinion. A copy of our letter to the Attorney General will be available in the Town Office in the morning. A copy of the full report of the Board of Election Supervisors is also available." There are 616 registered voters in the town. 195 names on the petition, 9 names deleted - on petition sheet twice, 9 names deleted - out of town, 1 name deleted since it had been crossed out, 1 name could not be read and did not follow directions on petition, 4 names deleted birthdays written incorrectly and 2 names deleted due to incorrect addresses. Total number of verified and valid signatures on the petition 177. 83 signatures prior to September 22, 2009, 32 signatures obtained from September 22, 2009 through November 10, 2009 and 62 signatures obtained after November 10, 2009 through December 22, 2009.

Workshop with Historic Commission and Town Commissioners

Commissioner Kearns announced that a workshop was held with the Historic Commission and the Town Commissioners on January 21, 2010 at 5:00 p.m.. Discussion took place regarding permit process, guideline revisions, how to handle future trends in the Historic District such as solar panels, satellite dishes, etc.

Public Comment

Pat Jessup commented that the photograph of the African-American soldiers to be placed on the Civil War Marker have not all been identified but they are working on getting the names. This of course was only one of the groups that embarked from Oxford.

EXECUTIVE SESSION

The Commissioners voted to go into executive session to obtain legal counsel. 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, Pat Maxwell, Lt. Oxford Police Department, David Thompson, Town Attorney and Lillian Lord, Town Clerk.

BILLS PAYABLE

The regular town 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,

