

## COMMISSIONERS OF OXFORD

### Regular Meeting Minutes

May 12, 2015

The Commissioners Meeting was held in the meeting room of the Community Services Building on May 12, 2015. Commissioner President Carole Abruzzese called the meeting to order at 6:00 p.m.

#### PRESENT

Attending the meeting were Commission President Carole Abruzzese, Commissioner Gordon Graves, Commissioner Gordon Fronk, Town Admin/Clerk Cheryl Lewis, Chief Patrick Maxwell, Public Works Superintendent Scott Delude, and Town Attorney Brynja Booth.

The meeting was opened with the Pledge of Allegiance.

#### APPROVAL OF MINUTES

Commissioner Graves made a motion to approve the minutes of April 28, 2015, the motion was seconded by Commissioner Fronk, all were in favor, and motion carried.

President Abruzzese announced that at the conclusion of the last meeting on April 28<sup>th</sup>, the Commissioners convened a closed session for legal advice for consideration of a property acquisition. Those present were Commissioners Abruzzese, Graves and Fronk, Clerk Lewis and Attorney Booth. A written statement setting forth the vote of the Commissioners, and the topics that were discussed will be filed within the minutes of the Commissioner meeting.

#### PUBLIC WORKS

Superintendent Delude presented the maintenance report consisting of the following:

- The rocks on the Strand by the beach have been pulled up closer to the break wall and more large rocks will be added in a maintenance effort to help stop some of the erosion at the Strand.
- Public Works has been doing sludge testing for the last week in the town lagoons to figure out the amount of material that will have to be removed for the new wastewater plant construction.
- Public Works employees attended a meth awareness training class in Denton to raise our awareness on how to identify and handle the drug that we may come across as a public works crew.
- Public Works had a water leak in the Norton Street area last week which was fixed within a day and patching for the street will take place soon.
- The Causeway boat docks have had 16 old piers replaced last week in our dock maintenance plan. The poles were about 50 years old and in need of help. We have about 20 poles to replace on the Causeway extension next year.

#### POLICE REPORT

Chief Maxwell presented the Police Report, which consisted of the following:

- 4 - Alarms
- 2 - Assist other Police Agency
- 15 - Police Information/Service
- 1 - Animal Complaint
- 10 - Property Checks
- 4 - Assist the Fire Department
- 1 - Civil Matter
- 2 - Suspicious Vehicles

- 1 – Motor Vehicle Collision (no damage)
- 1- Theft (victim withdrew complaint)

Chief Maxwell reported that The Scottish Highland Creamery's 10 year celebration was a huge success with owner Victor Barlow reporting that he had about 500 people at his business throughout the day.

Mother's Day weekend was very busy with no problems to report.

### **OXFORD FIRE COMPANY REPORT**

David Baker, member of the Oxford Fire Company, gave the report for the period April 9, 2015 to May 12, 2015. During the period April 9 to April 23, 2015, there were 3 ambulance calls; 2 calls with patients transported, and 2 fire assist. A total of 9 personnel responded, 2.2 hours, 7.6 personnel hours, and 47 miles traveled. The Fire Company thanks the over 250 patrons who joined them at breakfast Sunday to celebrate Mother's Day. The next breakfast will be Sunday, June 14<sup>th</sup>, 2015. The Ladies Auxiliary will hold a rummage sale on Saturday, May 30<sup>th</sup>, from 9:00 a.m. until noon. Items can be dropped off on Friday, the 29<sup>th</sup>, from 9 a.m. until 4 p.m.

### **PUBLIC HEARING**

President Abruzzese opened the hearing for Ordinance 1503: AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTION 10 OF THE OXFORD ZONING ORDINANCE TO ADDRESS THE LOCATION, PLACEMENT AND/OR STORAGE OF ON-SITE CONSTRUCTION MATERIALS, EQUIPMENT AND DEBRIS; AND TO ESTABLISH THE HOURS DURING WHICH WORK CAN OCCUR PURSUANT TO A BUILDING PERMIT. Administrator Lewis reported that she had given the Planning Commission a copy of the ordinance and that they, in turn, had sent in a memo of recommendations to the Commissioners, along with a separate document from the Planning Commission Chairman, David Baker, with his own comments with regards to the ordinance. This ordinance was presented two meetings ago with no other formal or informal comments received in the Town Office. Oxford resident Pamela Baker asked what would propel the Commissioners to enact such an ordinance, and that she did not believe the placement and/or storage of on-site construction materials was a zoning issue but rather more of a safety issue. She also believed the ordinance to be unfair to construction contractors because the ordinance would only apply to things that require a building permit as opposed to a homeowner doing a project around his or her house, which didn't require a building permit, and having the ability to place a materials anywhere on their property and leaving it for any amount of time. Mrs. Baker also noted that the hours in which work can occur pursuant to a building permit would keep contractors from working Saturday or Sundays and that work noise should be more of a noise issue.

Resident Tim Kearns agreed with Mrs. Baker adding that area contractors with reputations usually don't work on weekends and that it is the unlicensed builders that may be the biggest offenders, along with the homeowners themselves. He added that the town has never had an ordinance like this before so why have it now?

Resident Peter Dunbar added that he has construction taking place next door to him in which the carpenters are working 7 days a week, along with sharing a driveway in which dumpsters, trucks, outdoor toilets, etc. have been placed. He noted that if something is pestering him, he will go over and ask the contractor directly to move something or to cut the noise down and that he felt comfortable with his ability to go over and talk to the workers himself.

Resident Cathy Bitter stated that she agreed with what had been said and questioned the number of complaints received on such matters. She asked if it was a town wide issue that was happening once a week or an isolated project. She added that it seemed like the town was adding a lot of regulations where there had never been a problem before.

David Baker stated that as the chairman of the Planning Commission, he had to enforce the zoning ordinance. He found the ordinance discriminatory by using an example involving a house painter. If the

painter was subcontracted by a contractor, it would be part of a building construction and the painter would need a permit. However, if a homeowner hired a painter to come in and paint an inside wall it could be done without a permit. He added that if the town has an ordinance, it needs to be totally enforced otherwise it becomes open for legal action.

President Abruzzese stated she has been dealing with noise and other disturbances for about two years because of what she has seen happening on her street where construction is taking place until 10 or 11 pm 7 days a week, with the contractors actually living in the house. She has fielded complaints from others regarding the same issues. She added that it has disrupted her life and that discussions she has had with the contractors have ended in threats, adding that all citizens have some right to peace and quiet within their homes. She did not feel that the ordinance would be penalizing contractors because if contractors are allowed to work from 7 a.m. to 5 p.m. they shouldn't need to work until 10 p.m. each night. Mrs. Baker responded that she did not have a real issue with the ordinance but she did think that by establishing certain hours in which work could be done as it relates to a building permit, one may end up prolonging construction by stating that work cannot begin until 11 a.m. on Saturday and/or on Sunday. She added that she thought the language was too broad and too restrictive. Mr. Dunbar added that it was good in that it gave the town the legal ability to do something using the example that if he had had a confrontation with the builder next door to him, where would he turn if the town didn't have an ordinance in place and that having the capability to react is important. Mrs. Baker suggested making it a part of the town code and applying it uniformly. She added that complaints she hears about both the Planning Commission and Historic District Commission is that they don't apply their rules uniformly and that this ordinance was an example whereby it would not be applied uniformly. Mr. Baker added that in the town code there is already an article in place addressing noise as well as debris.

Attorney Booth addressed the public stating that she was hearing a lot of valid points. However, she had been looking at this from an enforcement standpoint, including addressing recent situations whereby someone does something to upset their neighbors, like placing construction debris directly under the neighbors window. This ordinance would give Administrator Lewis the authority to address these sort of problems. Currently because the town code does not address construction equipment or debris, complaints about placement become a neighbor to neighbor issue, with no easy resolution. She added that generic noise/nuisance issues are two of the hardest issues to enforce as a municipal infractions because they are very subjective. One has to look at the best way to handle these on a case by case basis and it was Attorney Booth's belief that one good way is to tie them to the issuance of a building permit because that gives the Administrator the ability to discuss with the applicant the conditions of their building permit and if they were to violate one of these items she would have the authority to say they were in violation of their permit and place a stop work order if needed. For this reason she believes these items should go into the zoning ordinance and that tying them to a building permit was the best way to handle these matters, on a permit by permit basis.

Administrator Lewis stated that it was incorrect to say there was no intention to enforce this ordinance properly. If these requirements are part of the town's building permit process, requiring this information be provided or discussed before a permit is issued, will actually eliminate a lot of issues after the fact. Most contractors understand there are regulations attached to a permit and prefer to be made aware of these regulations prior to going to construction. This ordinance will allow for clear expectations and the ability to quickly act in situations where issues arise.

Commissioner Fronk stated that there had been a lot of good discussion and that he appreciated the input and that he felt the ordinance needed some reflection before the Commissioners elected to take a vote. He would like to see the ordinance reviewed based on the comments presented.

Booth explained that currently if someone calls the Administrator with a complaint that construction debris has been in a yard for six months and asks that something be done, as a matter of law, this

cannot be addressed as a public nuisance and that the response would be that this was an issue between neighbors. The purpose of this section of the ordinance is to address these issues. Booth felt that most of the concerns expressed dealt with the proposed hours of operations and whether this section would have unintended consequences. She noted her concern to get something established before the summer season takes off, that this ordinance had been discussed at the last several meetings, that it was an advertised meeting, and that she still believes that it is appropriate to tie it to the building permit process, but that she could rework the section dealing with hours of operation and figure out a way to tie it to noise related activity, providing a revised copy to the Commissioners prior to the next meeting.

Commissioner Graves noted that he felt Lewis and Booth had put a lot of work into creating this ordinance, but it did seem that some minor changes would make sense. A motion was made by Commissioner Fronk to defer action on the ordinance until the next meeting so that the Commissioners could consider Booth's proposed amendments. The motion was seconded by Commissioner Graves and all were in agreement.

Attorney Booth presented Ordinance 1504: AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTION 19 OF THE OXFORD ZONING ORDINANCE TO ADD DEFINITIONS FOR "LARGE REFUSE CONTAINERS," "PORTABLE STORAGE CONTAINERS," AND "PORTABLE TOILETS" AND TO AMEND THE ZONING ORDINANCE BY ADDING SECTION 8.04 TO REGULATE THE PLACEMENT OF LARGE REFUSE AND STORAGE CONTAINERS, AND PORTABLE TOILETS ON ANY PRIVATE PROPERTY OR ANY PUBLIC STREET, ROADWAY OR ALLEY WITHIN THE TOWN. Attorney Booth stated this Ordinance was introduced in April and went to the Planning Commission for comment. She explained that she had drafted this ordinance for another jurisdiction and that two or three other towns have gone on to adopt it as well. The ordinance primarily is dealing with large refuse containers, storage containers and portable toilets placement on site, but it also allows the Town Administrator to coordinate with the Chief of Police if one or more of these items will need to be located on the street due to site restraints.

President Abruzzese opened up the floor for public comment. Resident Cathy Bitter asked whether the ordinance was only tied to building permits. Attorney Booth responded that there are some categories in which these items are tied to building permits but in other cases they would be generic. Administrator Lewis added that this ordinance would apply to anyone who wants to put a pod, dumpster, or portable toilet on their property.

Commissioner Fronk presented Ordinance 1505: AN ORDINANCE OF THE TOWN OF OXFORD AMENDING GENERAL AND ENTERPRISE BUDGET ADOPTED BY ORDINANCE 1404 FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015 TO ADJUST CERTAIN LINE ITEMS AND TO RE-APPROPRIATE CERTAIN FUNDS. Commissioner Fronk explained this ordinance arose as a result of the Commissioners mid-year review of the 2015 budget and that it will result in a reduction of funds from prior year reserves. No comments were made by the public.

Commissioner Fronk presented Ordinance 1506: AN ORDINANCE OF THE TOWN OF OXFORD ADOPTING A GENERAL/ENTERPRISE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, AND ESTABLISHING A TAX RATE OF \$ .2952 PER \$100 OF ASSESSED REAL PROPERTY VALUE. Administrator Lewis stated that this ordinance was presented at the last Commissioner's meeting and discussed in detail at that time. It establishes a budget with less income and also less expense based on the reduction of local tax revenues experienced in 2015. She added that a little over 75% of the funds collected for the SMSF Fund in 2015 were placed into the 2016 budget, allowing for \$150,000 to be budgeted for improvements in the 2016 budget. Dale Benson asked what the miscellaneous income category was for and was told that it for small items like copies and other unanticipated sources of income. No other comments were received.

Due to a bad cold, President Abruzzese asked Commissioner Fronk to take over the meeting.

## **OATH OF OFFICE**

Commissioner Fronk swore John Pepe into office as an alternate member of the Oxford Board of Port Wardens.

## **UNFINISHED BUSINESS**

Commissioner Fronk asked for Commissioner comments regarding Ordinance 1504, AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTION 19 OF THE OXFORD ZONING ORDINANCE TO ADD DEFINITIONS FOR "LARGE REFUSE CONTAINERS," "PORTABLE STORAGE CONTAINERS," AND "PORTABLE TOILETS" AND TO AMEND THE ZONING ORDINANCE BY ADDING SECTION 8.04 TO REGULATE THE PLACEMENT OF LARGE REFUSE AND STORAGE CONTAINERS, AND PORTABLE TOILETS ON ANY PRIVATE PROPERTY OR ANY PUBLIC STREET, ROADWAY OR ALLEY WITHIN THE TOWN. Commissioner Graves made a motion to approve Ordinance 1504, Commissioner Abruzzese seconded the motion, all were in favor and the motion carried.

Commissioner Fronk asked for comments regarding Ordinance 1505 AN ORDINANCE OF THE TOWN OF OXFORD AMENDING GENERAL AND ENTERPRISE BUDGET ADOPTED BY ORDINANCE 1404 FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015 TO ADJUST CERTAIN LINE ITEMS AND TO RE-APPROPRIATE CERTAIN FUNDS. Commission Graves made a motion to approve Ordinance 1505, Commissioner Abruzzese seconded the motion, all were in favor and the motion carried.

Commissioner Fronk asked for comments regarding Ordinance 1506 AN ORDINANCE OF THE TOWN OF OXFORD ADOPTING A GENERAL/ENTERPRISE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, AND ESTABLISHING A TAX RATE OF \$ .2952 PER \$100 OF ASSESSED REAL PROPERTY VALUE. Commissioner Graves made a motion to approve Ordinance 1506, Commissioner Abruzzese seconded the motion, all were in favor and the motion carried.

## **NEW BUSINESS**

Commissioner Fronk introduced Ordinance 1507: AN ORDINANCE OF THE TOWN OF OXFORD TO REPEAL ORDINANCE NUMBER 1405 AND TO SET NEW WATER AND SEWER RATES FOR THE TOWN, COMMENCING JULY 1, 2015. Administrator Lewis explained that this increase was the continuation of a process that the Commissioners set in place when they started the wastewater treatment plant upgrade. The process involves the annual review and increase of the water/sewer rates until they are at the point where they will both be paying for their individual enterprise accounts. Again this year the increase will be 7% with the hopes that next year will see the final increase of these rates. Commissioner Graves seconded the motion to introduce Ordinance 1507, all were in favor and the motion carried. A public hearing was set for June 9, 2015.

## **LETTERS**

President Abruzzese noted that a letter had been received from the Stories of the Chesapeake Heritage Area group thanking the town for their past support and requesting financial support of \$500 for the coming fiscal year. President Abruzzese noted that the budget for the 2016 has already been approved. Attorney Booth gave some background information regarding the establishment of the group. Administrator Lewis added that she was not sure what benefit the town would receive if they formally joined this group nor do they say in their letter what they intend to do with the \$500 they are asking for. Commissioners Fronk stated he would like it more information regarding their request. Administrator Lewis stated she would request more information.

A letter was received from Alan Girard stating he was working on putting together a group from University of Maryland to work with small towns and counties in a round table fashion and would be seeking grant opportunities for this purpose. Abruzzese stated that she would provide further information as it was available.

## **ATTORNEY**

Attorney Booth requested a closed session at the conclusion of the regular meeting to give legal advice regarding a public security matter, a property maintenance issue and a possible property acquisition.

## **CLERK COMMENTS**

The necessary permitting request have been sent to and received by the DNR for the construction of the new landing at the foot of Tilghman Street, along with decommissioning of the current landing by covering it with a pedestrian deck. The neighboring properties have been notified of the permit request.

## **COMMISSIONER COMMENTS**

Commissioner Fronk reported that the Sistering Committee has been making progress. The committee is in the process of putting together photos of Oxford provided by Jane McCarthy, Judy Bixler, and Hunter Harris, to be linked to the town's website in order to share with the Port of Wells, by creating links on each other's websites. The intention is to share other aspects between the two towns, like support of watermen, harbor management, flood management and emergency services efforts. Wells is currently working on fund raising in order to send four exchange sailors to Oxford and the Oxford committee is working on the details of hosting the sailors including coordination with the TAYC.

## **PUBLIC COMMENT**

Peter Dunbar gave a brief report on the Talbot Co. Economic Development Board stating that the economic board has been disappointed with the county actions on their budget requests for incentive programs, staff, expansion, marketing efforts, etc., and their seemingly lack of support.

There being no further business, Commissioner Graves motioned to adjourn the meeting into executive session for legal advice regarding a public security matter, a property maintenance issue and a possible property acquisition, Commissioner Abruzzese seconded the motion, all were in favor, and the meeting adjourned into executive session at 7:35 pm.

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The regular meeting was reconvened at 8:47 pm. Booth stated that a closed session had just taken place in which legal advice had been provided for the previously mentioned matters, one of which was the purchase of the historic property known as the MEWS, which is currently on the market for \$550,000. Commissioner Fronk made a motion for Attorney Booth to prepare a contract to acquire the MEWS property for \$525,000 contingent on an advertised public hearing, public participation, approved funding and a Commissioner approved ordinance. Commissioner Abruzzese seconded the motion, all were in favor and the motion carried. Commissioner Abruzzese made a second motion authorizing Lewis and Booth to secure possible funding, approval of which would be accomplished through an advertised ordinance, public participation and a vote to accept the funding.

Being no further business Commissioner Abruzzese made a motioned to close the meeting at 8:50 pm, Commissioner Graves seconded the motion, all were in favor and the meeting was closed.

Respectfully submitted,

Cheryl Lewis

*“In accordance with Section 10-508(d) of the State Government Article of the Maryland Annotated Code, a written statement of the closed session is attached to the official minutes of the Commissioners of Oxford and maintained in the minute book in the Town Office.”*