

## COMMISSIONERS OF OXFORD

### Regular Meeting Minutes

January 12, 2016

The Commissioners Meeting was held in the meeting room of the Community Services Building on January 12, 2016. Commissioner President Gordon Fronk called the meeting to order at 6:00 p.m.

#### PRESENT

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

The meeting opened with the Pledge of Allegiance.

#### APPROVAL OF MINUTES

Commissioner Graves made a motion to approve the minutes of December 8, 2015 as distributed and corrected. Commissioner Abruzzese seconded the motion, all were in favor, and motion carried.

Following the regular meeting of December 8, 2015, the Commissioners convened a closed session for legal advice regarding zoning issues. 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 minute's book of the Commissioner meetings.

On January 4, 2016, the Commissioners convened a closed session for legal advice regarding 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 minute's book of the Commissioner meetings.

#### PUBLIC WORKS

Superintendent Delude presented the public works report as follows:

- The public works department is ready for any winter weather. The salt bin is full, the plows and salt spreader have been tested and all the trucks have been waxed.
- The Town of Oxford received about 500 OXFORD bricks from the Town of St. Michaels. These have been offered to the Oxford Fire Department to be used in a future fund raising project. Superintendent Delude publically thanked the Town of St. Michaels for the donation and their help in securing the bricks for the Town.
- A sewer backup was reported on Benoni Street that was jetted out and fixed by the public works department on New Year's Eve.
- Superintendent Delude asked that all homeowners and renters check their outside spigots to make sure the hoses are unhooked for the winter so freezing of the pipes will less likely occur. Clerk Lewis added that she had posted this reminder on the town's Facebook page as well.

#### POLICE REPORT

Chief Maxwell reported that the Oxford Police Department, as part of the Talbot County Mentor Program, was hosting an area student, Dandy Escalante Morales, who was sitting in for Chief Maxwell as the "Police Chief of the Day." Dandy presented the police report, which consisted of the following:

- 3 – Assist the fire department

- 17 – Police information/ service
- 2 – Animal complaints
- 3 – Suspicious persons
- 2 – Property checks
- 1 – Suspicious vehicle
- 2 – Assist other police agencies
- 1 – Alarm (weather related)
- 1 – Attempted fraud
- 1 – Emergency evaluation
- 1 – Check the welfare

Chief Maxwell thanked Dandy for his excellent work.

### **OXFORD FIRE COMPANY REPORT**

Clerk Lewis read aloud the Oxford Fire Company report for the period December 10, 2015 to January 12, 2016, which consisted of the following: The fire company has not had a meeting during this period and the statistics are not yet available. The OFC served 205 breakfasts at the January 10<sup>th</sup> event and thanked the community for its support. The Fire Company invites all to bring their Honey to their Valentine's Day breakfast February 14, 2016. Respectfully submitted by David Baker, Secretary, Oxford Fire Company

### **PUBLIC HEARING**

Attorney Booth presented Ordinance 1516, entitled "AN ORDINANCE of the Commissioners of the Town of Oxford (the "Town") authorizing the issuance, upon the full faith and credit of the Town, of a general obligation installment bond in the principal amount not to exceed One Million Nine Hundred and Sixty-Four Thousand Dollars (\$1,964,000), under the authority of Sections 19-207 and 19-301, et seq. of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2014 Supplement) and Section C6-20 of the Charter for the Town of Oxford, to be designated "Town of Oxford General Obligation Bond (Wastewater Treatment Plant Project)," as further designated by the Town in its Discretion (the "Bond"); authorizing the issuance, upon the full faith and credit of the Town, of a general obligation bond anticipation note in the principal amount not to exceed Eight Million Eight Hundred and Forty-Four Dollars (\$8,844,000), under the authority of Sections 19-211 through 19-221, inclusive, of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2014 Supplement), to be designated "Town of Oxford General Obligation Bond Anticipation Note (Wastewater Treatment Plant Project)," as further designated by the Town in its discretion (the "Note"); the net proceeds of the sale of the Note and the Bond to be used and applied for the public purpose of financing and refinancing, respectively, a portion of the cost of construction, rehabilitation and upgrade of the Town's wastewater treatment plant facility, together with the acquisition of all necessary property rights and equipment, together with any related construction, architectural, financial, fiscal, legal, design, planning and engineering expenses; prescribing the form and tenor of the Bond and of the Note and the terms and conditions for the issuance and sale of the Bond and the Note; providing for the levy and collection of any taxes necessary for the prompt payment of the maturing principal of and interest on the Bond and the Note and that the full faith and credit and taxing power of the Town be irrevocably and unconditionally pledged to the payment of the principal and interest on the Bond and the Note."

Attorney Booth explained that this ordinance would authorize the town to obtain a revolving line of credit of \$8,844,000 with Talbot Bank, for up to three (3) years at a three (3) year fixed interest rate of 2.24%, which would require interest only payments. It would provide the town with interim financing for

the WWTP upgrade, which would include engineering, legal fees, construction costs, etc. The loan would be outstanding until the completion of the WWTP project at which time a combination of grant and loan funds from USDA and grant funding from MDE would repay the interim financing. The total estimated amount of the USDA loan obligation for the town is one million, nine hundred sixty four thousand dollars (\$1,964,000). The town is anticipating a grant from USDA in the amount of one million, nine hundred and thirty-five thousand dollars (\$1,935,000) which will be reimbursed once the project has been completed. The town will also receive grant funding from MDE based on a percentage of the project determined by cost to reach ENR, which is currently 55.2%. Firmer amounts will be known once the project is bid. Attorney Booth added that assuming the Commissioners adopt this ordinance, the town will be able to get the interim financing with Talbot Bank in place very quickly.

Discussion was open to the public. Audience member Peter Dunbar asked if this was just a line of credit to cover the cost the town had to pay prior to the grant funding. It was explained that the estimated cost of this project would be 8.8 million, with the town responsible for 1.9 million of the 8.8 million. Attorney Booth confirmed that the town would have a 40 year loan with the USDA in the amount of \$1,964,000, that there is a USDA grant in the amount of \$1,935,000 and that the difference is MDE grant funded. The 1.9 million represents the 40 year loan bond issued to the USDA. The interest rate would be around 2 ½% for 40 years. Attorney Booth added that the USDA is committed to purchasing the bonds to assure final financing. No other comments or questions were received. This concluded the public hearing.

#### **UNFINISHED BUSINESS**

A motion was made by Commissioner Abruzzese to adopt Ordinance 1516 authorizing the bond/note to finance the WWTP project. The motion was seconded by Commissioner Graves. President Fronk asked Clerk Lewis if the current rate structure was sufficient to satisfy the 40 year loan commitment of 1,964,000. Lewis responded that the annual increase in the water/sewer rates of 7% was in anticipation of this event and once the rates were sufficient to meet the loan repayment, she anticipated reducing the increase to 3%. President Fronk then asked if the cost of the construction of the project exceed the current estimate, would the 55% still get covered by grant funding. Clerk Lewis responded that it would and that it was very possible the USDA would meet the town half way. She added that the USDA generally did not burden the town with any more loan then they thought could be managed. The motion was then unanimously carried with all in favor.

The Commissioners addressed last meeting's opening of Bid #16-01 – Banks Street Sewer Pipe Relining. As requested by the Commissioners, Superintendent Delude looked over the bids received. The lowest bidder was Pleasants Construction, Inc. Superintendent Delude stated that he and Lewis had looked at their references and viewed on-line the work that they had done. Everything looked to be in order. Commissioner Abruzzese moved that the Commissioners go with Superintendent Delude's recommendation that Pleasant Construction, Inc. be awarded the bid at \$45,000. The motion was seconded by Commissioner Graves and unanimously carried with all in favor.

President Fronk deferred to Attorney Booth for an update on the Historic District Commission Ordinance recommendation. Attorney Booth stated that she would be talking about the 2015 building codes later in tonight's meeting and the adoption of the new 2015 property code. Both she and Lewis have discussed the need to reconcile the newest version of the property maintenance code with the demolition by neglect to make sure they are compatible, especially regarding the enforcement provisions. Booth recommended scheduling a workshop with the HDC, Planning Commission, and Commissioners to be held on February 16 at 5 p.m. Commissioner Abruzzese stated that she would like to see a side by side comparison of the property maintenance code and the recommended demolition by neglect ordinance. Booth stated she would work on a memo that could be distributed to the HDC, Planning and the Commissioners prior to workshop. Commission Fronk suggested deferring any action

on the HDC's proposed ordinance until after the workshop meeting, which was agreed to be held on February 16.

## **NEW BUSINESS**

President Fronk announced the town had received two grant awards in Governor Hogan's recent DHCD press release, \$50,000 for a façade program and \$300,000 for acquisition of the MEWS. Lewis reported that the town had made a request for a mini-grant program whereby the town would issue grants and fund a revolving loan program that would be used for commercial façade projects. This would be set up as a matching fund. The town would adopt its own program and set it up as a grant fund with a match required that could also be funded by the town through a revolving loan fund. The money will be available for approved façade improvements on the properties identified in the town's sustainable community. This would apply to commercial properties lying outside the Historic District as well, such as the restaurant. The town would initially receive \$50,000 that would be sourced out to area commercial entities that apply to the program and the town can reapply for grant reimbursement for the program annually. With regards to a revolving loan program, once established, loan payments would go back into an established fund, allowing for reinvestment as a revolving program.

Referencing the \$300,000 for property acquisition, President Fronk stated that the town reached out to the property owner regarding purchase negotiations. Commissioner Abruzzese added that since the original discussions regarding the MEWS and at the request of the public, the town has been pursuing strategic planning of the historic commercial district, and recently contracted with a professional planner for this purpose. She is encouraged that this planning will assist the town put these two awards to the best possible use.

Lewis reminded all that the town had recently received a \$20,000 grant from the MD Department of Commerce for the purpose of strategic planning for the historic commercial district, which was be matched by the town for the hiring of Jakubiak & Assoc. She proposed holding 3 workshops on January 26, 2016, one for the Historic Commercial Workgroup and the Oxford Business Association, and then one with the Commissioners, for the purpose of gathering information and different viewpoints from stakeholders. The workshops would be open to the public, but not necessarily for public input in order to allow the groups to interact with the planner. There will still be opportunities for public meetings once the planner has had an opportunity to put together the information he is gathering. All agreed on the workshop schedule and Lewis will notify the participants.

Lewis stated that she would like to prepare a letter of intent to apply to the MD DNR Coastal Bays Trust Fund program for the Construction of a Series of Stormwater Retention Ponds to accommodate stormwater entering the Causeway Park area. The town applied last year, but was turned down for lack of engineered, shovel ready plans. A follow up grant application to the WGPA program was just rewarded with \$40,000 towards the engineering of the retention ponds. This engineering will allow for a stronger application to the Coastal Bays Trust Fund, which will be due by March 31, 2016. She further explained the concept behind the series of ponds, a concept that has been proposed in prior applications over the last ten years, and provided maps of the proposed locations on existing underused town property. The minimum application amount is \$500,000 and she estimates a request of \$600,000. Commissioner Graves made a motion to submit the letter of intent to the Coastal Trust Program, Commissioner Abruzzese seconded the motion, all were in favor and the motion carried. Lewis added that these ponds would play a part in any future stormwater improvements to address the issues at the Causeway, and will be designed so that future retention could be incorporated.

Attorney Booth explained that every few years the State adopts updated building codes as part of Maryland's Code of Regulations or COMAR, after which local jurisdiction are required to adopt the same. She has prepared ordinances for the adoption of the first three ordinances, which once adopted

are incorporated into the town code. The ordinances for Commercial Building, Residential Building and Energy Conservation read as follows:

Ordinance 1601 ~ AN ORDINANCE OF THE TOWN OF OXFORD TO ADOPT THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS, AS MODIFIED BY THE MARYLAND BUILDING PERFORMANCE STANDARDS, AND AS FURTHER AMENDED BY THIS ORDINANCE, AS THE RESIDENTIAL CODE OF THE TOWN OF OXFORD, AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH

Ordinance 1602 ~ AN ORDINANCE OF THE TOWN OF OXFORD ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE, AS MODIFIED BY THE MARYLAND BUILDING PERFORMANCE STANDARDS, AND AS FURTHER AMENDED BY THIS ORDINANCE, AS THE BUILDING CODE OF THE TOWN OF OXFORD, AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH

Ordinance 1603 ~ AN ORDINANCE OF THE TOWN OF OXFORD ADOPTING THE 2015 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, AS MODIFIED BY THE MARYLAND BUILDING PERFORMANCE STANDARDS, AND AS FURTHER AMENDED BY THIS ORDINANCE, AS THE ENERGY CONSERVATION CODE OF THE TOWN OF OXFORD, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

Commission Graves motioned to introduce Ordinance 1601 - 2015 International Residential Code, Commissioner Abruzzese seconded the motion, all were in favor and the motion carried. Commissioner Abruzzese motioned to introduce Ordinance 1602 - 2015 International Building Code, Commissioner Graves seconded the motion, all were in favor and the motion carried. Commissioner Fronk motioned to introduce Ordinance 1603 - 2105 International Energy Conservation, Commissioner Abruzzese seconded the motion, all were in favor and the motion carried. A public hearing will be held for each of the three ordinances on February 9, 2016.

Booth stated that she would be presenting two additional ordinances, for Existing Buildings and Property Maintenance, after she has finished reviewing them and comparing them to the Demolition by Neglect recommendations from the HDC.

Commissioner Abruzzese stated that there had been recent talk in the community regarding the maintenance of the Liberty Tree area located at the Ferry Dock. She has received a proposal to put plants around the tree to enhance the tree while reducing the required maintenance. The person who currently maintains the town building and plantings at the Causeway would do the work at a cost of \$1200, with the upkeep becoming part of the town's normal maintenance. The work is in the current budget and can proceed hearing no objections.

## **LETTERS AND REQUESTS**

None were presented

## **ATTORNEY**

Booth explained that after preparing the previously approved financing documents and the bond process, there will be certain documents that will be required by bond counsel for the closing. She mentioned that one item which will be required are the minutes reflecting when the Commissioners were sworn into office and administered the oaths, as well as when Clerk Lewis and Ms. Booth were appointed to their respective positions. Ms. Booth mentioned that since her law firm had been reorganized, the Town had not officially re-appointed her and her new firm. She suggested that the Commissioners consider making a formal reappointment. Commissioner Graves made a motion to appoint Brynja Booth and Booth, Booth, Cropper and Mariner as the town attorney. Commission Fronk seconded the motion, all were in favor and the motion carried. Booth requested an executive session to discuss real estate.

## **CLERK COMMENTS**

Clerk Lewis informed the Commissioners that Talbot County had awarded a construction contract to start work on the Oxford Conservation Park, adding that due to high construction bids, the county negotiated with the lowest bidder to complete a portion of the project. The area where work will be done is the north west corner at the intersection of Oxford Road and Boones Creek, and will include constructed wetlands, tree planting, a gravel parking area and gravel trail around the wetland. Lewis added the she and Peter Dunbar had emphasized that it would be preferred if the parcel between the above construction and the fire house remain in a natural state to allow easy pedestrian access to the develop portion of the park.

Referencing the previous request for a letter of intent, Lewis stated that the County intended to send a letter for intent requesting funding for multijurisdictional projects. She was recommending their application include conversion of the three remaining beach areas into constructed living shorelines. She presented concept plans from 2006 for the Strand Parking Lot, the Lovers Lane Beach and the Strand Beach to demonstrate possible construction, although she stressed that she would recommend plans that would preserve more beach area for the public, possibly incorporating more of a horseshoe design similar to the Cambridge Sail Winds. At this time she was just asking for agreement to submit the proposed areas to the county for inclusion in their letter of intent, to which all were in agreement. She will work with the county on the best concepts for each area and also on prioritization of the projects with the backside of the Strand Parking Lot being the highest priority.

## **COMMISSIONER COMMENTS**

Commissioner Graves wish to publically thank Latitude 38 for their generosity, providing lunch for the Public Works employees at Christmas, expressing that he had already personally thanked Gretchen for the nice gesture.

## **PUBLIC COMMENTS**

Peter Dunbar asked if the 2015 Building Codes would require sprinklers in new construction. Booth stated that the town already requires sprinkles following the adoption of their 2012 codes.

President Fronk made a motion to adjourn the regular meeting and go into executive session for a real estate issue. Commissioner Abruzzese seconded the motion, all were in favor, and the meeting was adjourned at 7:32 pm.

The meeting was reconvened at 7:54 pm at which time Commissioner Graves made a motion to close the regular meeting, Commissioner Abruzzese 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.”*