

COMMISSIONERS OF OXFORD
Regular Meeting Minutes
July 11, 2017

The Commissioners Meeting was held in the meeting room of the Community Services Building on July 11, 2017. Commission President Gordon Graves called the meeting to order at 6:00 p.m.

PRESENT

Attending the meeting were Commission President Gordon Graves, Commissioner Carole Abruzzese, Commissioner Gordon Fronk, Police Chief Patrick Maxwell, Administrator/Clerk Cheryl Lewis, and Town Attorney Brynja Booth. A large number of citizens were in attendance.

The meeting opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Fronk made a motion to approve the minutes of June 13, 2017 as distributed, Commissioner Abruzzese seconded the motion, all were in favor, and motion carried.

MAINTENANCE REPORT

Superintendent Delude was not able to attend.

POLICE REPORT

Chief Maxwell reported the following:

- 1 – Revoked driver (arrested, released, and pending trial)
- 8 – Patrol checks
- 5 – Assist the Fire Department
- 2 – Suspicious persons
- 1 – Animal complaints
- 1 – Fraud
- 2 – Unwanted persons (1-GOA and 1-removed)
- 1 – Warrant service
- 3 – Assist other police agencies

Chief Maxwell reminded those in attendance that Oxford Kids Camp was in session and to watch their speed.

SELECTION OF COMMISSION PRESIDENT

President Graves noted that normally the Commissioner who is finishing out their final term is selected as the new President of the Commissioners. President Graves therefore made a recommendation to elect Commissioner Abruzzese as the new President of the Commissioners. The motion was seconded by Commissioner Fronk and carried. Talbot County Clerk of the Circuit Court, Mary Ann Shortall, swore Commissioner Carole Abruzzese into the office of the Presidency. This was followed by the swearing in of re-elected Commissioner Graves into office by President Abruzzese. The meeting was then turned over to President Abruzzese.

UNFINISHED BUSINESS

President Abruzzese elected to change up the agenda by presenting Cameron Mactavish of the firm Voith and Mactavish Architects to report on the update of the Mews Design project. Mr. Mactavish

explained to the crowd that early in the spring he and his firm were selected to evaluate the Mews in an attempt to bring new purpose and life back into the building. For about a month his firm, along with a structural engineer, has gone through the building, from top to bottom. It was found that the storefront was in excellent condition but that the back of the building was not. They came up with two options for the restoration of the building. The first would be to keep as much as possible in place. The one story section facing onto Pork Pie Alley is rotten. The plan would be to remove the staircase on the south side of the building and to shore up the wall and underpinning in that area, along with shoring up the interior of the building. This would result in making the existing conditions stronger in order to build an addition onto the rear of the building using the existing footprint. The second option would be to brace the side/front façade and remove the entire rest of the building. A new foundation would be excavated and an entire new section would be built with only the façade being kept. Mr. Mactavish noted that the second option would be the cheaper option and that he had found a good cost estimator to work with. The storefront would remain with 1, 2, or 3 stores at the first floor level. Behind the building, there would be parking, a garden, and a rear approach into the building with a lobby and new apartments at ground level. Three apartments would be built on the second floor, and a penthouse located on the third floor overlooking Town Park. Commissioner Fronk asked if there were any estimated costs for the project. Mr. Mactavish responded that the front piece would come in just under \$600,000. For the three story addition in the rear, the cost would be 1.6 million. The entire project cost would be 2.5 million dollars. President Abruzzese asked Oxford Historic District Commission President, Thomas Costigan, who was in the audience, what his thoughts were on the project. Mr. Costigan responded that this was the first time he had seen what was proposed for the building, and though he shared Mr. Mactavish's enthusiasm for it, he felt other pieces of it were needed to be filled in and that hopefully the project could move in the right direction. Residential designer and local resident, Timothy Kearns, asked about the ratio of commercial space to residential space. Administrator Lewis responded that the intent is to maintain the historic uses for this property, but also find a way to may in financially feasible, with storefronts and rental apartments being the historic use. In addition providing housing and job opportunities is the criteria for the MDHCD grant funding which has been used for this project up until now. Resident Skip Case asked what the pricing level would be for the units. Lewis responded that the thought was to keep them at an affordable price for the working person and that though they would not be luxury rentals, they cost would need to be adjusted to help cover the costly improvements. A question was then raised about parking. President Abruzzese responded it was something they all have been looking into and that the building plans do address some parking within the property itself. President Abruzzese thanked Mr. Mactavish for his presentation.

President Abruzzese called upon Attorney Russell Dashiell, who had asked to speak at this night's meeting, along with owner of Doc's Sunset Grill, Karl (BO) Oristian, to come forward. Dashiell spoke stating that he wanted to show what Doc's Sunset Grill had done and intended on doing in order to mitigate any noise and/or complaints being received about the restaurant. As a response to the meeting of June 13 with the Commissioners, the owners have built an enclosed, insulated area for the outdoor music. The contractor had thought the enclosure was covered under the original permit but has since discovered it was not, and have begun the process of securing a permit for it. The owners have also contacted Acoustical Solutions, a firm which specializes in acoustical components and structures that work to reduce the projection of sound. He emphasized that the owners of the restaurant were not ignoring the concerns of the members of the community but added that they do have a right to conduct their business and that the music generally stops by 9:30 p.m. Attorney Dashiell went on to explain that MD law, with regards to noise, has repealed the recent noise standards and has stated that political subdivisions could set standards, if they were within federal guidelines. He added that the restaurant employs a lot of people and wants to work with the town to be good citizens. They also plan on talking to the musical groups about keeping the bass turned down and that they have no trouble keeping the Commissioners apprised of what they are doing and thinking about doing.

President Abruzzese stated that her main concern is that she had been given a number of different ways in which to turn the restaurant's stage. She asked if there was engineering support to show that what is being planned would really work and not just going to be tried to see if it will work. Attorney Dashiell responded that in the packet that had been provided to the Commissioners it showed that there was support that it did work.

Commissioner Graves stated that he had found information on the internet about acoustic products and that it looks to be successful and felt that a compromise was feasible. He added that he could see that the owners, father and son, were effectively managing the restaurant. There was a problem with parking there but he pointed out that was the way it was all the way around town though he would like to see a resolution with regards to parking. President Abruzzese made a request that Administrator Lewis and Chief Maxwell look for options for signage and parking on West Pier Street. She added that there was a letter sent to the Commissioners with regards to parking and speeding and asked to hear back from both Lewis and Maxwell on their suggestions this was turning into an issue. Administrator Lewis stated that overflow parking is available in the Dog Park/Community Garden parking area on East Pier Street and those employees of the restaurant could park there.

President Abruzzese informed the attendees that she would give them time to make comments but that at this time she wanted to get back to the agenda before going into public comment.

NEW BUSINESS

Susan Devlin, on behalf of the Tred Avon Yacht Club, was scheduled to speak about the club's upcoming 2018 Star Worlds Championship but she had rescheduled to speak at the Commissioners next meeting on July 25.

LETTERS AND REQUESTS

President Abruzzese read aloud a letter from the Fire Company Auxiliary requesting approval of a fundraising idea of "Crabbing" a person's yard. For a yet-to-be determined sum a person could submit to the OVFD Auxiliary the proposal for "Crabbing" a person's yard. The subject would be contacted by the Auxiliary with the understanding that they allow their yard to have a yet-to-be-specified number of wooden, painted crabs on sticks placed on their lawn. The crabs would be placed by the Auxiliary, left for no longer than one (1) week, and then removed by the Auxiliary. All benefits would go to the fire company. President Abruzzese thought it was a good idea and added that the money raised could help to pay for the fire company's mortgage, which is close to being paid off. Both Commissioner Fronk and Graves gave their approval as well.

President Abruzzese stated that the Commissioners had received 3 other letters with regards to Doc's restaurant, and the letters could be read aloud by those that had written them during the public comments portion of the meeting, if the senders wished, otherwise they had been received and read by the Commissioners. One letter did mention parking and traffic, which caused President Abruzzese to remind Lewis and Maxwell to look into a quick solution.

ATTORNEY

Attorney Booth introduced herself to the audience, mentioning that along with the Town of Oxford, she represented 5 other towns, and, as such, had done a lot of municipal work. She stated that one of the hardest issues municipalities faced is that of noise and that the Oxford Town Commissioners had thoughtfully considered every letter submitted to them with regards to this matter. On the town meeting of June 13, the Commissioners had talked about noise, and though no one had asked her to

draft legislation on noise, Attorney Booth stated she had taken it upon herself to look into some things. Currently Talbot County is grappling with issues of noise as it pertains to wedding venues and the Town of St. Michaels has amended their own noise ordinance three times. In order for a noise ordinance to be enforceable, there has to be some standards and it has to be reasonable. The ordinance also has to be uniform as noise is created by many things. The question that has been raised already is why can't the town just enforce what is already on the books. Attorney Booth explained that what would happen is that a citation would be issued, the owners may opt not to pay it, the citation would go to court, a counterclaim filed, and the only winners would be the lawyers, as the way the ordinance is currently written, it would not hold up in a court of law. Attorney Booth added that she had looked over the town's current ordinance and had come up with a draft ordinance – ORDINANCE 1706 – AN ORDINANCE OF THE TOWN OF OXFORD TO REPEAL AND REPLACE CHAPTER 4, ARTICLE IV OF THE TOWN CODE TITLED "NOISE". This ordinance would put some definition in the noise section and set some standards similar to those used by the county along with providing a day and night standard. The maximum allowable noise level would be 70 during the day and 65 at night and measured using equipment and techniques recommended by the MD Dept. of the Environment. The ordinance would also address commercial properties whereby any commercial property wanting to have music would need to come in and secure an annual permit with the town office. The permit would need to be submitted on an annual basis, having the same standards and dba levels following. If more than three noise complaints are received and citations given in any calendar year, the permit could be revoked. She noted that the Commissioners are looking into having a vibrant community, and if the self-policing doesn't rectify the situation, Attorney Booth was confident this would be a reasonable ordinance that would protect property rights and the owners of the establishments to carry out and continue their uses. Commissioner Fronk thanked Attorney Booth for drafting the ordinance and stated that the Commissioners have all looked at ordinances of this nature from other jurisdictions and that enforcement of any ordinance is difficult. He thought that what Attorney Dashiell and Mr. Oristian have described doing needed to be done now and that changing the noise ordinance was a step the Commissioners needed to consider. He added that the intention was not to put a clamp on the Doc's Restaurant but to have something in place that made sense to the community universally. President Abruzzese asked how the Commissioners wanted to move forward. Attorney Booth stated the Commissioners had the option to do nothing, introduce the ordinance and advertise it for public hearing at their first meeting in August and, if introduced, post it on line, or treat it as a draft. Commissioner Fronk made a motion to introduce ORDINANCE 1706 - – AN ORDINANCE OF THE TOWN OF OXFORD TO REPEAL AND REPLACE CHAPTER 4, ARTICLE IV OF THE TOWN CODE TITLED "NOISE". The motion was seconded by Commissioner Graves, all were in favor, and the motion carried. A Public Hearing was scheduled for August 8 at 6 pm. President Abruzzese addressed the Oristian family stating that she wanted them to know that she knew they wanted to be good neighbors and that they had everyone's best interest in heart and were doing all they could. She added that she had talked to many people in the Easton, Chestertown, and Centreville areas and learned of the wonderful reputation the family had in working with the towns in which they hold business. She closed by stating this ordinance was needed and the Commissioners will work with everyone to find a solution.

CLERK COMMENTS

Lewis reported that \$1900 in grant funding had been received for port-a-pots and dumpsters at the Ferry Dock and Tilghman Landing areas.

Administrator Lewis also reported that the tennis courts had been resurfaced and painted in the last week, and pickle ball lines had been added to the basketball courts. Starting on Friday, July 21, the tennis courts will be ready for play. The pickle ball court is a modification of the basketball court whereby two of the basketball hoops will remain and portable/movable pickle ball nets installed. She added that a pickle ball playing citizen will be talking to the Parks and Rec Committee about setting up training and getting out information on the game.

Lewis mentioned that she was requesting a mini-grant for the Scottish Highland Creamery/Barlows. This was an emergency grant to replace the a freezer which had gone up the night before their spring opening resulting in the loss of half the creamery's ice cream for opening day. She was also requesting a grant for Latitude 38 Restaurant for the recent awnings that they purchased as part of the exterior improvements to the building. She has received approval from the MD Historic Trust for both the refrigeration and awnings. Lewis asked the Commissioners to move forward with the two grants. Commissioner Graves moved to approve the request to move forward, the motion was seconded by Commissioner Abruzzese, all were in favor, and the motion carried.

Lewis gave a quick update on the town's new WWTP. The new plant has been in the construction phase since June 1 and two requests for payments have already been received on the 9.5 million dollar construction. The first request for payment was for \$87,500. The latest bill request is for \$226,693.75. The only work being done now is the emptying of the first pond and all its contents. This could take anywhere from 2 to 6 months. The project end of construction date is March 5, 2019.

PUBLIC COMMENTS

President Abruzzese announced that the meeting would now be open for public comments and asked that each speaker address themselves and where they resided.

Barbara Cross, resident at 502 S. Morris Street, spoke first stating that her biggest concern has been the sound of the bass. She stated that her understanding was that the decibel level does not measure the bass level and that she would like something done about that. She concluded that she appreciated the people trying to work this out because for her it has been a very disturbing experience.

Marguerite Webster at 103 N. Morris Street suggested that the town needs to hire its own acoustic engineer to help take its positions.

Irene Crowe at 102 Sinclair Street expressed her concerns about property values and worries that if the town isn't able to come up with a reasonable control of the noise now produced it may open up the invitation for similar organizations to appear in town.

George Curlin, resident at 108 Pleasant Street, introduced himself as being the closest resident to Doc's. He expressed his worries at the restaurant looking towards a technological fix to what is not, in his opinion, entirely a technological problem. He felt it was more of a qualitative issue amongst the residents. He was aware of the ordinance being introduced to address this issue and the restaurant working with the town, but asked the Commissioners what they were planning to do between now and whenever these corrections were going to be made.

Attorney Dashiell responded by stating the town has to take in several considerations for adopting the noise ordinance – none of which are in place at the present time and that the law isn't designed for shutting down this business, adding that it would not be productive to force the owners into confrontation about something while they are trying to work things out. Currently the owners of Doc's have not violated the law as it is written. The owners are taking steps now to address the noise concerns but the law doesn't say there cannot be any music.

Rev. Kevin Cross interjected that no one was trying to shut the business down and felt the best solution was to work something out without the legalities. His question was what could the owner/restaurant do in the short term?

Chooch Oristian responded by stating that he had contacted all the bands scheduled to play music and talked to them about keeping things down.

Jennifer Cox, resident at 105 First Street, read aloud a statement she had prepared, which read, in part, that she and her family had lived in Oxford for as long as she could remember. That she loved this town, has seen it change, and had heard complaints from newcomers who want it to change into something it never was. She stated there are plenty of exclusive, gated communities elsewhere, if peace and quiet are what you want 24 hours a day; she supports our local businesses, even if that means music, because you should have evenings that are enjoyable for all age groups, some will appeal to some, some will not, but everyone understands everyone's different tastes in activities and entertainment, noting that the music at Doc's ends between 8 and 9 p.m. and she supports the owners who run the restaurant. She stated that her main point was that Oxford was a workingman's town and people should not make the town into something it was never meant to be.

Dick Weaver at 119 W. Pier Street expressed his concerns regarding parking issues, noise, and property values being affected. He stated his main concern was the traffic going in and out of Pier Street and the parking situation on both sides of West Pier Street. President Abruzzese agreed that the parking was an issue and that was why she requested Lewis and Maxwell to look into right away.

Emilie Knud-Hansen, resident at 215 Bonfield Avenue, stated that though there are no restaurants nearby where she lives, there is the noise in her area created by the watermen in their boats early in the morning followed by the lawnmowers used by the lawn services starting around 7:30 a.m. Her point was that if the town was going to deal with the issue of noise, they should deal with it uniformly.

Susan Campbell, property owner at 105 Myrtle Avenue and local business owner, reminded everyone that the town also has a viable yacht club that hosts a lot of activities and as previously pointed out, there are other things coming into town that create noise and parking issues. As a business owner, she felt the town needed businesses to thrive and noted that as of June 30th of this year, the transient slip rental in the boatyard that she and her husband own was up 26% proving that people want to come back to this area. She has learned from others that the owners of Doc's in Centreville have done many things to support the community there and that maybe they could help Oxford too. It was her hope that the town could support them.

Graham Norbury, manager of Oxford Boatyard, echoed Mrs. Campbell's sentiments agreeing that the town needed to support businesses in town. He too noted that the yacht club plays music at their establishment as well and if an ordinance is made, the yacht club should be included in that as well.

Al Smith, property owner at 100 West Street, felt the discussion at this night's meeting had been good, adding that he appreciated Doc's Restaurant and their positive conversations. He noted that on his property he and his wife had been treated to 12 concerts so far since June and that often times the music was so loud that he and his wife were unable to talk above it. He stated that he looked forward to the matter being taken care of.

Joanne Patchett, local resident who lives directly next door to the restaurant, stated that she would welcome the Commissioners to come to her house to hear the music when it is playing. She asked that the Commissioners take into consideration that if one is in their house, the music is not that loud and can hardly be heard. She felt that the restaurant had already gone above and beyond their duty to take care of the problem and that the town needed this business. She added that it saddened her that the issue of noise was even going on and that it was not as offensive as some were making it out to be. President Abruzzese responded by stating that the sound really was prevalent in the area of the church lawn and Mr. Smith's house and thought it was the water that was carrying it. She felt there was a need

for a solution and felt it was going to be construction related and they things were moving in the right direction.

Gil Anderson, residing in Robes Harbor Court, spoke stating he had a musical background, and felt that by reducing the sound of the bass it would help to alleviate the problem.

Bo Oristian spoke stating that he and his son had been investigating many options both the noise and parking complaints, some with costs up to \$17,000. He stated that they were trying to their best but that it does cost money. He added that they all needed to work together and that they were working to solve the problem now.

David Valliant, property owner of the restaurant at 104 W. Pier Street, spoke stating that people knew what they were planning to do with the restaurant when it opened but have heard nothing but complaints since they got there. He stressed that the owners have done everything within the law and have worked to make everyone happy since they opened. His thought was that the Oristians have invested a lot of time and money but have received nothing in return but grief.

Commissioner Fronk closed the session on public comments stating that he appreciated the civil nature of the conversations and letters written, adding that this would give the Commissioners a lot to think about. Though the timing may not work for everyone, he wanted the public to know the Commissioners were working through it and that the owners were doing the same. His hope was that everyone would be patient while going through the process.

Commissioner Graves stated that he has been a Commissioner for 6 years and that he loves this town, adding the he feels it is necessary to be pro-business, because if Oxford were to develop into a gated community, it would eventually die.

Eleanor Smith interjected stating she didn't want a gated community. All she wanted was to keep the bass down when the bands are outside playing, adding that she was also concerned with the voices she could hear over the music.

A few attendees entered into a heated discussion. Commissioner Abruzzese called for adjournment. A motion was made by Commissioner Fronk to close the meeting, second by Commissioner Graves, and the meeting was closed at 8:05 pm.

Respectfully submitted,

Cheryl Lewis