

COMMISSIONERS OF OXFORD
Regular Meeting Minutes
September 12, 2017

The Commissioners Meeting was held in the meeting room of the Community Services Building on September 12, 2017. Commission President Carole Abruzzese called the meeting to order at 6:00 p.m.

PRESENT

Attending the meeting were Commission President Carole Abruzzese, Commissioner Gordon Fronk, Commissioner Gordon Graves, Police Chief Patrick Maxwell, Public Works Superintendent Scott Delude, Administrator/Clerk Cheryl Lewis, and Town Attorney Brynja Booth. Also in attendance were approximately a dozen citizens and a representative from the local newspaper.

The meeting opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Fronk made a motion to approve the minutes of a special meeting held by the Commissioners on August 16, 2017. The motion was seconded by Commissioners Graves, all were in favor, and motion carried.

Commissioner Graves made a motion to approve the minutes of August 8, 2017 as distributed, Commissioner Fronk seconded the motion, all were in favor, and motion carried.

Commissioner Fronk made a motion to approve the disbursements for the month of July. The motion was seconded by Commissioner Graves, all were in favor, and motion carried.

MAINTENANCE REPORT

Superintendent Delude reported the following:

- Bids for a new backhoe have been reviewed since the last meeting and the low bid of \$88,556.95 from Folcomer Equipment has met all the specifications. The company will also be providing an \$8000 credit for the trade-in of the old backhoe which puts the town at \$15,000 less than budgeted. Superintendent Delude asked the Commissioners for approval to go forth with the purchase. He added that he had also spoken to Administrator Lewis about using the funds to replace the town's 20 years old mower that has stopped working. The mower is in the town's capital improvement plan as the town's next replacement and was originally scheduled for FY 2018. A motion was made by Commissioner Fronk to go with Folcomer Equipment. The motion was seconded by Commissioner Graves and unanimously carried with all in favor.
- All the purple lights that the town had purchased have been strung up by the public works crew throughout town and will be checked on a daily basis for failures.
- The department has finished its yearly water valve exercises in town with 195 valves working properly and 2 valves which need work. Ten years ago when the department started the valve exercise program over 85 valves were inoperable and needed work.
- One of the town's water towers lost the sending unit that told how much water was in the tanks indicating a 0.0 reading. The public works crew found the broken line and replaced the unit and we are now back to automatic filling of the towers.
- The public works crew has been getting ready for hurricane season and fuel supplies have been replenished to keep everything up and running just in case something comes this way.

POLICE REPORT

Chief Maxwell reported the following:

- 50 – Police information – service calls
- 12 – Patrol check
- 8 – Alarms
- 2 – Noise complaints
- 1 – Assist the fire department
- 2 – Check welfare
- 2 – Assist other police agencies
- 5 – Suspicious persons
- 2 – DWI's

Chief Maxwell reported that the recent TAYC regatta went off well and that preparations are already being made to handle the yacht club's big event to be held next year.

OXFORD FIRE COMPANY REPORT

Fire company member Graham Norton reported on the statistics of the fire company since their last meeting on August 8, 2017: Fire/Rescue: 15 incidents, 274 miles traveled, 206 (by 35 individuals) of personnel responses, and 158 personnel hours followed by Medical: 19 incidents, 11 patients transported, 3 patient refusals, and 4 fire support/standbys. President Abruzzese asked how the campaign went for new recruits. Mr. Norton responded that it had been challenging but they had received a few new members. Commissioner Graves added that he had recently attended an event whereby the medical crew had been called in and that they had handled themselves in a commendable manner.

GUEST SPEAKER

President Abruzzese addressed those present by stating she knew that many people were in the audience who probably wanted to talk about outdoor music but she asked that those wanting to comment refrain from doing so until the Public Comment section of the meeting. She then turned the floor over to Al Smith who had made a previous request to address the Commissioners. Mr. Smith began by stating he had been in the community for a long time, back when Doc's Sunset Grill and Capsized restaurants were packing houses. He stated his purpose in addressing the Commissioners was to specify that the noise/music issue is mostly coming from Doc's Restaurant and that he wanted to state his concerns. He noted that the ordinance currently on file has been discussed as unenforceable but that it is on the books. Mr. Smith further stated he was not being "anti-business" and that he was aware that Doc's great restaurant's in Centreville and Easton and that there were good citizens. His main complaint was that the music they were producing in their Oxford restaurant was loud and amplified and that the owners had said they would try and deaden the sound but that it had not be done. Mr. Smith noted that the peace and quiet in town has been affected by the loud, unnatural, and unnecessary music and that he and others recommend that the restaurant only be allowed outside music by exception and events be permitted on an individual basis by the town with inside music being ok at any time. He concluded his presentation by stating that the current situation was unacceptable and was punctuated the Sunday prior to this night's meeting when the restaurant went over the top with its noise which could be heard all over town. He asked that the business turn off the music for now or move their entertainment inside and to be respectful to their neighbors.

UNFINISHED BUSINESS

President Abruzzese began the commissioner discussion of Ordinance 1706 – AN ORDINANCE OF THE TOWN OF OXFORD TO REPEAL AND REPLACE CHAPTER 4, ARTICLE IV OF THE TOWN CODE TITLED “NOISE.” She stated that she had received 3 or 4 emails in the last few days coming from people along the shoreline who thought that the decibel level was not the solution. She also pointed out that the overwhelming response in the past few meetings was that another noise ordinance was not needed in Oxford. In looking at other ways to handle this situation she offered up the idea of having a town code or permitting process. Abruzzese added that she felt the proposed noise ordinance was so restricted by the time the Commissioners finished with it that it was no longer a good ordinance. She then opened up the discussion to her fellow commissioners. Commissioner Graves felt that the ordinance, although similar to other towns, was not going to work in Oxford. He felt it was a difficult situation and hoped that it could be resolved by the parties involved, as he believed the restaurant owners intended to handle the situation. Abruzzese asked Attorney Booth what would happen if no action was taken on the ordinance as introduced. Attorney Booth explained that the noise ordinance was generated by complaints against Doc’s Restaurant and that some citizens were asking the town to enforce the current town ordinance, which is unenforceable because it does not have certain criteria required by State code. She added that the reason why many towns do not have a noise ordinance is because of the difficulties surrounding them. Booth added that there are other ways to enforce noise as it applies to outdoor music. The town code could require a license or permit, which is managed differently than actual laws, for outdoor music with specific criteria. Whatever is decided must be fair and consistent and apply to everyone. The only thing that cannot be worked around is the decibel level, which if included would have to meet the State requirements. Commissioner Graves suggested Booth seek alternative methods of regulation. Commissioner Fronk suggested the possibility of mediation between the owners of Docs and those adversely affected by the noise. He added that there is an intention, on the part of the restaurant owners, to be cooperative with bass blocks and sound proofing curtains. However, his belief was that they have not yet made all the efforts they said they would make. Booth said that the Commissioners were currently facing three different items: 1) what to do with Ordinance 1706, 2) would they want to direct Booth to draft new legislation and, if so, it would have to be universal and affect all similar facilities, and 3) have one of the Commissioners meet with Mr. Orisitian, the owner of Doc’s, and some of the neighbors to come up with a solution. Commissioner Fronk spoke stating that he would be willing to reach out to the owner. A motion was made by Commissioner Fronk that Ordinance 1706 be left on the table and no action be taken by the Commissioners. The motion was seconded by Commissioner Graves, all were in favor and the motion carried. Abruzzese acknowledged a man who wished to speak. The man, who claimed he was not a resident of Oxford, complained about the noise he was hearing across the Tred Avon onto Fox Hall Creek located in the Bellevue area. He complained he could not escape the noise anywhere on his property except in his bunker house and that though he had no interest in the town’s commercial businesses he wanted something to be done about the noise.

NEW BUSINESS

Administrator Lewis presented Change Order #1 for additional electrical service to the WWTP facility in the amount of \$10,998.45 for the Commissioners approval, explaining that this work was outside the original scope of the contract but was necessary to provide the sufficient level of services for the new infrastructure. She added this additional cost might get picked up by a grant or a loan but she could not make any guarantees. Commissioner Fronk made a motion to approve the Change Order #1. The motion was seconded by Commissioner Graves and unanimously carried.

President Abruzzese introduced Katelyn Bradley who is organizing a memorial 5K fundraiser on October 21, 2017 to bring awareness to teenage depression. Both Katelyn and her mother, Linda Booze, were present. Mrs. Booze spoke stating she has 4 children who have grown up in the Oxford area. Her son,

Christopher, was 17 when he recently died in a very public accident on Oxford Road earlier in the year. Both mother and daughter want to bring awareness to the problem of teenage anxiety and depression along with the stigma associated with it by holding a walk/run in honor of Christopher's memory in the hopes of raising money that would be used in aiding the community with more mental health resources to the Eastern Shore. Mrs. Booze noted in particular the understaffed number of physicians in this field. She added that the day before her son died she had tried to get him an appointment but was unable to as there were no openings to meet with any doctor. Booze said a map for the event has been put together and the Oxford Police and Talbot County Sheriff's Department have been contacted, along with submittal of the SHA permit. An outside race consultant has been hired so that this would be treated as a professional event. All that was needed was the town's permission. President Abruzzese stated that she thought it was wonderful and hoped that it would be one of many events that Mrs. Booze and Ms. Bradley would be having and offered to help anyway she could. Her sentiments were echoed by Commissioners Graves and Fronk. Ms. Bradley provided a hold harmless letter to the town.

LETTERS AND REQUESTS

A letter was received from the Oxford Community Center thanking the town for the annual donation of \$10,000 and providing a summary of prior events, stating that in 2017 they have had more people through their doors than ever before, had concerts, lectures, plays, and are providing a wonderful service here that is growing, including the popular town talks. Abruzzese said the Commissioners appreciated the donation acknowledgement and the value to the town the OCC has become, offering the Town's continued support.

Commissioner Fronk presented a request he had received from Lizzy Hughes, Sandy Hall, and Joe Gamble in reference to the Talbot Goes Purple initiative. He said there were concerns in being able to accommodate all the student seating for the Chris Herron lectures in the EHS auditorium and additional funding was needed to secure the necessary broadcasting equipment to be able to show the lecture in the Gym at the same time. They were able to get Les Lenz who has worked at holy trinity involved who offered a discounted charge of half the normal \$6000 fee and Fronk would like support from the town. Fronk motioned to pledge them the \$3000 to be able to broadcast, Abruzzese seconded the motion, all were in favor, and the motion carried.

ATTORNEY

Attorney Booth requested a brief closed session for legal advice on a contract matter.

ADMINISTRATOR/CLERK COMMENTS

Lewis presented a drafted letter to the DHCD Division of Neighborhood Revitalization, stating it was supporting the town's application for construction funds to rehab the MEWS. The department sends a request for support as part of its normal procedure and this letter would be accompanied by Resolution 1706 supporting the application for the Mews approved back in May. Commissioner Fronk motioned to sign the letter of support, Abruzzese seconded the motion, all were in favor, and the motion carried.

With regard to the Public Works request to purchase a new mower, Lewis stated that the mower replacement was anticipated in the CIP, but they had presented the budget this year with minimal request, mainly focusing on the backhoe replacement. With the remaining funds from the backhoe, she was recommending to proceed with the purchase of the mower with a cost estimate of \$19,000. She stated that at this time she was requesting an increase in Capital Improvement Funding for FY 2018 by

\$20,000 in order to set aside an additional \$4000 to purchase the mower and an additional \$16,000 to make an unanticipated change to the Public Works Facility entry gate. She is recommending the addition of electronics to the current gate in order to allow for remote entry, which would mean the gate would remain closed throughout the day. Key fobs would be provided to all necessary employees and our project manager for the WWTP construction. With the 2-year construction project, it makes good sense to better secure the property to avoid any accidents. Abruzzese stated she did see where this control was necessary. Graves made a motion to increase the FY 2018 Budget by \$20,000 for capital purchases as described, Fronk seconded the motion, all were in favor, and the motion carried.

Lewis stated that she had requested that Attorney Booth draft language to include provisions for Charter Boats in the current Harbor Management section of the Town Code. The Harbor Management section of the code manages everything in our town waters – moorings, slips, etc. This amendment basically includes three elements with reference to Charter activities: 1(charter activities will be permitted from commercial marinas, the owner of a marina that provides slips for charter boats will provide a dumpster, 2) prohibits charter activities taking place from moorings, beaches, and other public property, 3) does not apply to watermen for the purpose of harvesting for resale. Lewis stated she was attempting to preemptively address some potential issues with this amendment, but would want to get input from the maritime community and Port Wardens prior to an introduction. She was providing the drafted language to the Commissioners at this time for their review.

Lewis reminded everyone of the ongoing work on the Working Waterfront Strategic Plan, with the first half of the draft, mostly findings and discovery, available on the website. The next group meeting was on September 20th at 4 pm and open to anyone interested. The contracted planners would be presenting the drafted plan to the Commissioners at the next town meeting on September 26. In addition, she was anticipating a presentation by ESCAPE (Eastern Shore Climate Adaption Partnership) sponsored by ESLC at the next Commissioners meeting. ESCAPE is an alliance of town and county partners, including Oxford, working on climate adaption for resiliency.

COMMISSIONER COMMENTS

None given at this time.

PUBLIC COMMENTS

Peter Dunbar reported on the Talbot County Economic Development Commission, regarding PACE funding program for businesses that will be on the Talbot County Council agenda this coming month, adding he believed there were a couple businesses in town interested. He also mentioned the Talbot Goes Purple initiative, stating County Council woman Jennifer Williams has suggested that the county start an outreach for various businesses to be able to acquire training for Narcan. Lewis added she would look into training for the town's staff and police.

Al Smith said he was heartened by the Commissioners discussion that sound could be regulated by permit. He said he felt like he was being beaten by the music, starting Friday and going Saturday, and Sunday. He was coming to the Commissioners, but maybe should go to police to ask what can be done about this. He asked if it is going to continue and can't the Commissioners you just say stop? Can't you just say stop because they did not do what they said they were going to do?

Jim Brighton of Easton suggested that the Commissioners use the town economic development fund to help Doc's comply with additional sound mitigation rather than make everything confrontational .

Rebecca Bell stated there needed to be a time limit as to how long they can have these concerts.

Emilie Knud Hanson said she was concerned with all this enforcement and regulations requested, wasn't anyone concerned with the expenses involved. The group who have opposed the noise, hired a lawyer, was the town confronted by legal action? And what about the town's legal fees writing ordinances? She is concerned as a taxpayer – we are spending a lot of money on legally protecting the town on its codes and ordinances from citizens who are threatening legal action.

Al Smith said I am the one who hired that attorney and he wrote what I thought was a constructive letter and he said they had not taken any legal action, yet.

Barbara Cross said she had a friend visiting and she said she was glad I was coming to this meeting because she could hear the recorded music and found it disturbing.

One person said he had come into Doc's parking lot in the evening to find the band members packing up and when he asked why, they said they had to stop the music at 9 pm, so apparently there is some self-regulating go on there.

Graham Norbury asked if the Commissioners were not opening Pandora's Box again, after hearing from the majority of the people last time who did not want a noise ordinance. What makes you think there is going to be any difference if you start regulating music?

Another person asked about the sound boards and curtains, saying apparently nothing has been done that they promised and how is that working with the town? Commissioner Fronk replied that they do have the sound curtains, but missed putting them up this weekend.

Gordon Graves made a motion to close the regular meeting and go into executive session for legal advice regarding a contract matter, Fronk seconded the motion, all were in favor, and the meeting closed at 7:31 pm.

“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”.