

COMMISSIONERS OF OXFORD
Regular Meeting Minutes
September 19, 2018

The Commissioners Meeting was held in the meeting room of the Community Services Building on September 19, 2018. Commission President Gordon Fronk called the meeting to order at 6:00 p.m.

PRESENT

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

APPROVAL OF MINUTES

Commissioner Gordon Graves motioned to adopt the minutes of August 28, 2018 as distributed. Commissioner John Pepe seconded the motion, all were in favor, and the motion carried.

A motion was made by Commissioner Graves to approve and file for audit the disbursements for the month of August 2018. The motion was seconded by Commissioner Pepe and unanimously carried by all in favor.

MAINTENANCE REPORT

Superintendent Delude reported the following:

- Public Works has finished the yearly valve exercises on the water system and there are still 4 valves that we are waiting on to seal up in the next week.
- We have installed a 4' x 12' bridge between the Community Center and Fire Department.
- The sod at the dog park has taken root and looks good. The sprinklers will be removed later this week and the area will reopen soon.
- Public Works has a new employee, Tony, who started last week and will be training on PW duties.
- The storm preparations went very well and everything was ready even though we were not impacted by the hurricane. It was a good training exercise, taking all employees through what might happen in the event of a storm, as many of them have not worked through a major storm.

POLICE REPORT

Chief Maxwell reported the following:

- 1 - Warrant service (Held on no bond)
- 1 – Criminal Summons Service
- 23 – Police Information – Service
- 2 – Check the Welfare
- 1 – Behavioral Emergency (Emergency Petition & Transported to Easton Memorial)
- 40 – Patrol Checks
- 1 – Alarm
- 1 – Assist other Police Agency
- 1 – Motor Vehicle Accident (Exchanged info & no injuries)

Chief Maxwell reported that the regatta went off without any issues, the weather played a big part. A vehicle had been stolen and returned to its owner. One of the two suspects has been charged and the second suspect is currently being sought. Chief reminded residents to lock their vehicles and remove valuables from them.

FIRE COMPANY

Lewis stated she did not have a report at this time and would provide any submitted info at the next mtg.

OATH OF OFFICE

Commission President Fronk issued the Oath of Office to Brian Wells as the newest member of the Oxford Board of Appeals.

UNFINISHED BUSINESS

President Fronk requested that Attorney Booth give an update on the Wastewater Treatment Plant Sludge Removal Bid that the Town recently received. Booth explained the history, stating that as part of the WWTP upgrade, the Town was decommissioning one of the WWTP Lagoons ("Lagoon #2). Booth mentioned that the WWTP contract required that the contractor remove the sludge, which would be paid on a per cubic yard basis for the amount of sludge actually removed. Once the work was underway, it became apparent that the estimated quantity of sludge was significantly underestimated. Booth mentioned that while lagoons are often cleaned out and remain as storage, very few projects have involved completely decommissioning a lagoon, and for this reason it has been a bit of a learning curve for all involved. At this time, Pact had removed sufficient sludge to allow for the start of construction, but a significant quantity of sludge remains on site, and in a location that will impact the progress of construction if it is not removed. In discussions with MDE, MDE suggested putting the remaining sludge removal work out to bid. If a successful bidder proposed a price which is less than the prime contract, it could be approved as a subcontract and a change order. Booth explained that by putting the sludge removal out to bid as a separate subcontract, it would allow the prime contractor, Pact, to continue with the new construction at the same time that the remaining sludge is removed by a separate subcontractor. Booth stated that she and Lewis have been working with the funders and have secured additional funding for this work. The work was put out to bid and the Town has received one responsible bid from Synagro, a company that is experienced in this type of work and who has been actively reviewing the necessary process to complete the work in a timely fashion. The submitted bid was for \$2,875,423, with some contingent funds in the event the new sludge quantity estimates are not completely accurate, although Booth added that in preparing this subcontract RFP the engineers have undertaken laser analysis to more accurately determine the remaining sludge quantity. The engineers have reviewed the submitted bid and are forwarding to the Commissioners with their recommendation that the Commissioners approve the bid. Booth offered to answer any questions before requesting that the Commissioners consider awarding the bid to Synagro. Commissioner Graves inquired as to whether there would be sufficient disposal facility within 150 miles as stated in the offer. Booth responded that Synagro is currently investigating multiple options in Maryland, Virginia and Pennsylvania and Delude added that he has recently signed request for disposal facilities for Synagro. Commissioner Fronk asked for an explanation of the two contingent items, to which Booth explained that per MDE's request the two items, sludge and clay, are measured in different quantities having to do with the density of the product. Fronk also asked what would happen if sludge was in excess of the bid amount. Booth stated that we would continue to work with MDE who is in support of this decommissioning and it is anticipated they will continue to work with us at the prior committed grant percentage. Booth added that we would be discussing the funding that has been committed for this work under new business, with the majority of funding from grants and an additional loan of \$493,000. Lewis reiterated the importance of awarding this contract to allow the sludge removal to be completed simultaneously with the new construction, which is currently taking place, in order to reduce any further project delays. Booth added that we would have always had this volume of sludge to remove and the problems and cost associated with it, it just may have been a little easier if the real volume had been known in the beginning. Commissioner Graves motioned to accept the bid from Synagro for \$2,875,423, with contingency of \$405 per cubic yard of sludge and \$405 per cubic yard of clay, beyond the estimates presented in the RFP, Commissioner Pepe seconded the motion, all were in favor and the motion carried.

NEW BUSINESS

Booth noted that the Commissioners had two related funding matters from USDA to consider concerning the WWTP. Booth addressed the new additional Grant/Loan Funding first, stating that USDA has offered the Town a new grant in the amount of \$1,735,000 and a new loan in the amount of \$493,000 to address the cost associated with the additional sludge removal. Booth presented a Loan Resolution for the loan amount of \$493,000, explaining that process requires the Commissioners approval of the resolution, noting the resolution does not include the terms as of yet because they are determined at closing, along with a Grant Agreement for the Commissioners to accept the grant offer of \$1,735,000. Commissioner Graves motioned to accept the Loan Resolution in the amount of \$493,000, Commissioner Pepe seconded the motion. Commission President Fronk requested confirmation of the current estimated project cost of \$17,800,000. Lewis stated that the original estimate was \$8,800,000 for the contractor and with the bid, engineering and admin the project total was \$11,800,000; now with the estimated additional cost for the excess sludge, removed and to be removed, of about \$6,000,000, the total project is at \$17,800,000. The question was called, all were in favor and the motion carried. Commissioner Graves motioned to approve the USDA Grant Agreement for an amount not to exceed \$1,735,000, Commissioner Pepe seconded the motion, all were in favor and the motion carried. Commissioner Pepe motioned to allow the President of the Commission to sign any further documents necessary to process the loan and grant.

Booth explained that USDA reached out to the Town recommending that the Town consider closing on the original loan component of this project while the rates were low. Booth stated she and Lewis had been working with Bond Counsel, and that in order to move forward with the closing, she was presenting a Loan Resolution authorizing the Town to borrow \$1,964,000, which is the original loan authorized prior to the start of the project. This will allow the bond counsel to proceed with the closing on the loan. Lewis stated that the loan we are currently closing on will have an interest rate of 2.37%. Commissioner Graves motioned to adopt the Loan Resolution for \$1,964,000 to pay off the current project interim financing. Commissioner Pepe seconded the motion, all were in favor and the motion carried. Commissioner Pepe motioned to allow for President Fronk to sign all documents necessary to close on the loan.

CLERK COMMENTS

Lewis presented a statement to the Commissioners for their consideration as a component of the town's application to the FEMA CRS program, reminding the Commissioners acceptance in the program allows for reduction to resident's flood insurance if the town meets certain higher standards. The statement provides that the town agrees to "maintain elevation certificates for all new construction and substantial improvements in the town's Special Flood Hazard Area (SFHA) from the date the town enters the Community Rating System (CRS) Program". Lewis state the authority to require this document already exist within the towns planning code, reading Section 3.5-A.9.a of the Oxford Floodplain Ordinance requiring an applicant to present a signed agreement to submit an elevation certificate with a permit request in the SFHA, adding that this document also requires that they will be maintained by the town. Lewis explained that the current policy is to require an elevation certificate with construction, and additionally to require three certificates for new home construction, with drawings, at foundation completion and final construction. Commissioner Pepe motioned to approve the statement as presented for the CRS application, Commissioner Graves seconded the motion, all were in favor and the motion carried.

Lewis stated that a majority of the stormwater retention pond construction has been completed and currently we are waiting for the tides to recede to better review how they are functioning. She said we have some successes and some failures, most notably there has been no flooding on South Morris in front of Popes, although there has been more water sitting in the ponds than anticipated, which again will be

reviewed once the tides have changed. The new tide gate across from Caroline will require some additional infrastructure to try to hold the tide back and she is currently researching the alternatives with Delude. It will remain an ongoing project as we work towards reducing the impacts from nuisance tidal and rain flooding. With regards to the two remaining piles of dirt, the intent is to use and or move the dirt at the soccer field and to allow the remaining dirt pile on the ballpark to stay for possible inclusion in the current WWTP construction project, as it is costly to move dirt in and out of town, especially if we know we may need it in the very near future.

COMMISSIONER COMMENTS

President Fronk commented on information from North Carolina with regards to the many people who were affected by Hurricane Florence who did not have flood insurance, stating the insurance commissioner referenced the 500-year flood. Fronk inquired as to whether flood insurance covered the 500-year flood. Lewis stated that if you have flood insurance, no matter where you are located, you are covered in a flood and if you don't have flood insurance, no matter where you are located, you are not covered. Insurance is required by mortgage companies if you reside in the SFHA known as the 100-year flood, but not in the area known as the 500-year flood. If you are outside of the SFHA, you may still buy flood insurance and usually at a reduced rate. She stated she shares with citizens the opportunity and advantage of having flood insurance even if they are located outside of the floodplain. Lewis reminded the Commissioners that in a prior meeting she had requested they consider the town setting a required elevation for the whole town, requiring all new construction be built to the higher standard of 8' above BFE, offering a level of protection for all properties, in and out of the floodplain. Over time this would build in a level of resilience for the town as more and more homes were elevated. In addition, this higher standard could result in lower insurance premiums. Lewis said this could be accomplished by ordinance. Booth added that a code change like this would require public hearings, and with the recent events in North Carolina, this may be a good time to present such an ordinance to the public. President Fronk stated that this does present an opportunity to educate the public on the idea and we should consider working in that direction.

Attorney Booth requested a closed session to provide legal advice following the meeting.

PUBLIC COMMENT

Brian Wells stated that, as an example, he would have to elevated his home by 4 feet and wouldn't this type of requirement alter the appearance of the historic nature of the town. Lewis stated that new homes in the historic district are already being constructed to this level and we have had several historic homes elevated recently. There are ways to construct foundations and porches so that the homes can maintain an historic appearance. Lewis also stated that, not all the time, but often and currently there is federal funding to assist with elevation of existing homes within the floodplain.

There being no further business, a motion was made to adjourn the meeting and go into a closed session for legal advice by Commissioner Graves, seconded by Commissioner Pepe and the meeting was adjourned at 7:11 pm.

Respectfully submitted, Cheryl Lewis, Town Administrator-Clerk/Treasurer

"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".