

COMMISSIONERS OF OXFORD
Regular Meeting Minutes
April 10, 2018

The Commissioners Meeting was held in the meeting room of the Community Services Building on April 10, 2018. Commission President Gordon Graves called the meeting to order at 6:00 p.m.

PRESENT

Attending the meeting were Commission President Gordon Graves, Commissioner Gordon Fronk, 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 Fronk motioned to adopt the minutes of March 27, 2018 as distributed. Commissioner Pepe seconded the motion, all were in favor and the motion carried.

A motion was made by Commissioner Fronk to approve and file for audit the disbursements for the month of February 2018, the motion was seconded by Commissioner Pepe, all were in favor and the motion carried.

Prior to this evening's meeting an executive session was held at 5:30 p.m. to receive legal advice from the attorney regarding personnel matters. Commissioners Graves, Fronk and Pepe, along with Attorney Booth and Administrator Lewis were in attendance.

MAINTENANCE REPORT

Superintendent Delude reported the following:

- The public works department has repaired seven of the winter street/water leaks patched in the past week at a cost of \$4,000. The public works crew has also started pothole filling for the spring and will continue to make the repairs thought the month of April.
- The town's new stormwater wash down trailer is done and the department is using it to perform maintenance on the town's lift stations. The trailer will also be used as a watering trailer for the town's newly planted trees and bio-swale until they can thrive on their own.
- The broken windows at the front of the Mews have been replaced at a cost of \$700.
- Three of the public works crew will be in class over the next three weeks as part of training for the new wastewater treatment plant. Brush will be picked up on Monday, April 23, when a full crew will be available and also on Tuesday, April 24.
- The town will have a car for the Oxford Day parade if it is a dry day, with the Humvee as a backup.
- The public works department has hung the tennis wind-nets, turned on the fountains in all the parks, and have started mowing.

A question was raised as to how the Mews windows were broken. Both Superintendent Delude and Administrator Lewis reported that it was nothing obvious and did not appear to be a malicious act.

POLICE REPORT

Chief Maxwell reported the following:

- 16 – Police information-service
- 1 – Assist fire department
- 7 – Patrol checks
- 1 – Assist other police agency

- 1 – Suspicious person

Chief Maxwell reminded everyone about telephone scams and the need to be cautious with any unusual phone calls.

PUBLIC HEARING

Attorney Booth presented **Ordinance 1801 – AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND CHAPTER 11 OF THE TOWN CODE TITLED “HARBOR MANAGEMENT ORDINANCE,” SECTION 11.12 TO CLARIFY THE STANDARDS FOR DETERMINING USABLE WATERWAY AREA FOR CONSTRUCTION OF WATERFRONT STRUCTURE**. Booth explained that when the town ordinances were codified in 2013, wording that was relevant to the construction of piers was taken from the Harbor Management Plan of 1983 and incorporated into the town code. It has been determined that the wording that was incorporated in the codification is not the standard method that has been historically used for the construction of piers on narrow lots in Oxford, is confusing and difficult to use. This amendment would not change the existing authority that the Oxford Board of Port Wardens already have, but it will eliminate a lot of complicated language dealing with latitude lines that has not been traditionally applied. Booth noted that some other jurisdictions use language that is similar to what is being proposed, which will clarify that the Port Wardens have maximum flexibility for approving piers based upon the specific circumstances. The Port Wardens would still have the option of using lateral lines extended, but they could also use lot lines extended using several methods. The ordinance would also clarify that private piers cannot extend more than 150’ out into the water.

Attorney Booth noted that the Board of Port Wardens had reviewed this ordinance at their last meeting on April 5th, and had made the following recommendations:

1. Page 3, Section 11.12.A.2d – in explaining the methods in which lot lines extended should be determined, the section had written *“from the side lot lines generally parallel with the existing piers located on adjacent lots.”* The board recommended that the words **“or consistent”** be added after the word *“parallel”*.
2. Page 5, Section 11.12.C.1 – the board recommended that the words *“at any time”* be added to the end of the sentence so that it reads --- *Harbor Line Setbacks. Any piers, “T” heads, “I” heads, mooring piles, moorings and/or anchorages must be set back from the harbor line an appropriate distance to assure that no moored vessel or permanent or temporary structure extends beyond the harbor line “at any time”*.
3. Page 5, Section 11.12.A.5 – The board recommended that the words **“not”** and **“beyond”** be added to this section and that the words **“or less in length”** be removed so that it would read --- *“Length of private piers. Unless already defined by the Harbor Line, new private piers, or any portion thereof, including outboard pilings, finger piers, catwalks, boat or personal watercraft lifts, platform areas or floating docks shall (not) extend (beyond) 150 feet ~~or less in length~~ measured from the mean high-water line.*

Attorney Ryan Showalter, present at the meeting on behalf of town resident Megan Hauck, stated that he understood this language will correct the code by including the long-standing practices used by the Port Wardens. He noted that at a recent Board of Port Wardens meeting there had been a lot of debate regarding their prior practice and whether they should apply the language of the code to his client’s detriment in a manner that was contrary to what the Port Wardens had done in the past 20 years. He added that he thought the ordinance was a simple clean-up and appreciated the Commissioner’s support.

Commissioner Pepe stated that he had been on the Board of Port Wardens when Ms. Hauck’s proposed pier had come under discussion and stated that the particular application did not spur this ordinance. This had become a matter of discussion because the Port Wardens have had a hard time deciphering the

existing language which was very complex and the board was dealing with small lots in areas that had been built up which created problems when attempting to implement lateral lines. The idea was to clean up the language in order to make it easier for everybody that was trying to build a pier and to provide the Port Wardens with the necessary options to do their job. Dale Benson, a member of the audience, asked for the reason that the words “or less in length” should be stricken from the ordinance. Both Booth and Lewis said it could be stated either way and would not change the intent. With no further public comment the Public Hearing was closed.

UNFINISHED BUSINESS

President Graves made a motion to adopt **Ordinance 1801 – AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND CHAPTER 11 OF THE TOWN CODE TITLED “HARBOR MANAGEMENT ORDINANCE,” SECTION 11.12 TO CLARIFY THE STANDARDS FOR DETERMINING USABLE WATERWAY AREA FOR CONSTRUCTION OF WATERFRONT STRUCTURE**, as amended by the changes as discussed by the attorney, the motion was seconded by Commissioner Pepe, all were in favor and the motion carried.

Commissioner Fronk reported that Cameron MacTavish and his crew are working on the drawings for the Mews and will have them done in time for the grant application due on May 15.

NEW BUSINESS

Attorney Booth presented **Ordinance 1806 – AN ORDINANCE OF THE COMMISSIONERS OF OXFORD AUTHORIZING THE EXECUTION OF A LAW ENFORCEMENT MUTUAL AID AGREEMENT IN ACCORDANCE WITH MD. COD ANN. CRIMINAL PROCEDURE ARTICLE SECTION 2-105** for the Commissioners to consider for introduction. Currently the town is a participant in a mutual aid agreement with the municipalities in Talbot County. The current mutual aid agreement did not include the Talbot County Sheriff’s Department. The agreement has been reviewed by all the town attorneys and police chiefs with other local towns introducing it at their meetings. Under state law there is a process for jurisdictions to enter into mutual aid agreements to provide assistance in emergencies as well as non-emergency situations and there are some legal requirements that are required to be in the agreement. Basically, a municipal police chief can request the assistance of other jurisdictions, but the request has to be made through the chief or commissioners, officers can’t just enter into another jurisdiction. This would also allow the Sheriff’s Department to help with non-emergency situations. The ordinance is very similar to what is already in place. Chief Maxwell commented that he did not see a problem with it and that it would be a good tool to have. Commissioner Pepe made a motion to introduce Ordinance 1806, the motion was seconded by Commissioner Fronk and unanimously carried. A public hearing will be scheduled for May.

President Graves announced that Administrator Lewis had put together a Proclamation of the Commissioners of Oxford Honoring Lewis Harris “Lew” Richards. Administrator Lewis noted that she had printed it out for the Commissioners to review and that she had gotten Bill Dial’s approval on it. Commissioner Fronk made a motion to adopt the proclamation honoring Lewis Harris “Lew” Richards for his service to the county during 1942 to 1945. The motion was seconded by Commissioner Pepe and unanimously carried. The Commissioners thanked Lewis for preparing the proclamation.

LETTERS

President Graves presented a letter from the Oxford Museum requesting the town prepare a letter of support for a grant application. Administrator Lewis explained that the museum is applying for the grant “Museums on Main Street” sponsored by the Smithsonian Institute and Maryland Humanities. She added that it was her understanding that they need to showcase that Oxford has a very strong water connection

and that one of the items they wanted the town to include in the letter was comments regarding what the town does to protect the water. This letter acknowledges that if the museum is successful in their grant the town would form a closer partnership with the museum as far as supporting the water story and the conservation challenges and the museum would provide resources to document. Commissioner Fronk made a motion to approve the President signing and sending the letter on behalf of the Commissioners, the motion was seconded by Commissioner, all were in favor and the motion carried.

Commissioner Comments

Commissioner Pepe asked Bixler for a ferry update. Capt. Bixler stated repairs were still being made to the ferry, which he hoped would be up and running for Oxford Day.

There being no further business, the meeting was adjourned by Graves.

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".