

COMMISSIONERS OF OXFORD
Regular Meeting Minutes
July 14, 2020

Due to the Covid-19 pandemic, the Commissioners Meeting was held virtually in a Zoom Meeting Room on Tuesday, July 14, 2020. The public was provided call in information for the purpose of listening, watching, and participating in the meeting, notice of which was posted on the bulletin board and the website. President Pepe called the meeting to order at 6:00 p.m.

PRESENT

Attending the meeting were Commission President John Pepe, Commissioner Gordon Graves, Commissioner Gordon Fronk, Police Chief Pat Maxwell, Public Works Superintendent Scott Delude, Administrator/Clerk Cheryl Lewis and Town Attorney Lyndsey Ryan. Citizens Brian Wells, Art Murr, Barbara Ranson, and Dale Benson were in attendance by phone or video.

President Pepe made note of the following special meeting: The Commissioners of Oxford held a special meeting on July 2, 2020 at 9 am for the purpose of holding a Closed Session to discuss personnel and public security including implementation of an emergency plan and to obtain legal advice regarding the same.

APPROVAL OF MINUTES

Commissioner Fronk motioned to approve the June 23, 2020 meeting minutes, Commissioner Graves seconded the motion, all were in favor, and the motion carried.

REPORT OF DISBURSEMENTS

Commissioner Graves motioned to file the June report of Disbursements for audit, Commissioner Fronk seconded the motion, all were in favor, and the motion carried.

MAINTENANCE REPORT

Water/Wastewater Supervisor Delude gave a brief update for Public Works: pilings with rope have been installed at the Strand Beach to provide some separation between beach goers and traffic and to reduce vehicles pulling up on the beach. Three of the lift stations have been rehabilitated. PW is working on refurbishing the townhouse following the last three tenants. The most recent water bills were successfully read with the new meter reading computer, having had to replace the old unit, which failed during the last readings. Thorough a donation from a nursery, over a dozen new trees were planted in town. We are currently working on an extended service contracted for the new generators, which will run \$35,000 for a five year period. The water main project on Morris Street has started and the first two blocks of water meter connections replacements have taken place and the project is moving along. Following a citizen request, an estimate was requested to build a concrete block wall for a tennis backboard, to replace the former wood one that was removed after fence damage due to winds. At a cost of \$20,000, it may be something we will need to look for future funding for, alternatives are still being sought. The new wastewater treatment system is operating and the final cutover is expected to take place this month.

POLICE REPORT

Chief Patrick Maxwell gave a brief update for the Police Department: The police have been monitoring the beach, following up on parking issues, and providing social distance reminders. Sea nettles are continuing to be a problem in the area. There has been an uptick on check the welfare calls, when out of town family members become concerned when they unable to reach anyone by phone. There have been several assist to the Sheriff's department on Oxford Road. It was noted that there have been some break-ins throughout the county and citizens should be cautious and keep doors locked. Officers have

been keeping an eye on the restaurants and all seem to be in compliance, sound curtains have gone back up at Pier Street. There have been a few incidents of cooking at the street end beaches and it was suggested park signs be placed to remind people of our regular park regulations. Commissioner Fronk asked if the Police Bike was back in use yet. Chief said the bike is now in the office and Officer Phillips is qualified to ride it. The Commissioners would like to see more community policing on the police bike, especially around the beach area.

FIRE COMPANY

Lewis reported information sent to her by Chief Norbury: The last couple of weeks have been exceeding busy for both fire and medical. Data is for calls since last meeting on 6/23/2020. Fire/Rescue: 15 calls (8 first-due, 7 mutual aid). 1 first-due motor vehicle accident with wires down, 5 structure fires, 3 automatic alarms, 5 cancelations; 311 miles traveled; 82 hours worked; 101 member responses. Medical: 18 calls (11 patients transported, 6 assists, 1 cancelation), 259 miles traveled, 68 hours worked, 78 member responses.

UNFINISHED BUSINESS

Lewis stated that there had been some concerns expressed about the use of masks and proper social distancing around town. She stated that the County has been experiencing an increase in cases county-wide and there is general concern for the health of all residents. She noted that although social distancing is being practiced at the Beach, there are concerns as the cases go up and people are found gathering at the beach. Additionally concerns have been expressed with restaurant dining. She stated that all towns, including Oxford have more restrictive masks ordinances and all agreed that there seems to be general compliance within the town. There has been a noticeable reduction in crowds at the beach and people appear to be sitting in groups distanced from others. The Commissioners have also reached out to restaurant management, discussing the regulations and compliance, and all are aware and are doing their best to manage their customers. Attorney Ryan stated that the Governor's order does give the town the ability to enforce stricter regulations within their Emergency Declaration should there become a need. For the time being, it was requested that the Police Department continue to remind those that are not distanced to put on masks. Citizen comments were solicited and all agreed that generally, the beach is less crowded this year and people are in compliance. Lewis reminded the Commissioners the current Emergency Order is in effect until the end of July and she recommended extended another thirty days at the end of this month.

NEW BUSINESS

Ordinance 2006 Removing Special Exception for Fences in the Oxford Zoning Code had been forwarded to the Commissioners by the Planning Commission. Lewis explained that currently the Code calls for a Special Exception if a citizen finds they have a situation where they believe they need a fence higher than the permitted 48". For most purposes in the Zoning Code, a request for a variance from the strict application of the Code would be handled as a Variance and the Special Exception requirement for fences is awkward and does not really meet the intent of a Special Exception. The recommendation from both Planning and the Appeals Board is that a request to build a fence higher than 48" should be treated as a Variance and should have to meet the Board of Appeals criteria for a Variance. Attorney Ryan stated that the proposed change is simply a matter of striking the Special Exception language from the Code which then by default will require a Variance. Lewis stated that a letter from both the Planning Commission and the Board of Appeals was provided to the Commissioners in favor of the change. President Pepe read Ordinance 2006: AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTION 32.12 OF THE OXFORD ZONING ORDINANCE ENTITLED "FENCES" TO ELIMINATE THE ABILITY TO OBTAIN A SPECIAL EXCEPTION FOR THE CONSTRUCTION OF FENCES HIGHER THAN THE HEIGHT ESTABLISHED BY THE ZONING ORDINANCE. Commissioner Graves motioned to introduce Ordinance 2006, Commissioner

Fronk seconded the motion, all were in favor, and the motion carried. There will be a Public Hearing on Ordinance 2006 at the regular Commissioner meeting on August 11, 2020 at 6 pm.

Resolution 2007 Fee Schedule was presented by Lewis, who reminded the Commissioners that when the last Fee Schedule was adopted she had requested consideration of increasing the Water/Sewer connection fee for the town based on the amount being invested in the WWTP and Water upgrades. She recommended that when someone comes in to town to build a new home on a vacant lot there should be some buy in into the system that the citizens have been paying into all along. She stated she was proposing two tiers, the first would be a combined \$5000 for a Water/Wastewater connection on a lot the town has already determined to be a buildable lot and for which the property owner has been paying an allocation fee for on a quarterly basis to reserve their ability to build; and a second tier of a combined \$10,000 for a Water/Wastewater would be for lots that are not already distinguished by paying a vacant lot fee, generally this would be new development or subdivision of an existing lot, adding a new lot to the inventory. Connection rates were presented from neighboring towns and counties, demonstrated that \$10,000 would still be less than the average charge for a new hookup and far lower than the cost of a septic/well system outside of a municipal system. The Commissioners agreed that it was only fair, based on the charges current citizens were paying, that a new user would have to pay a reasonable connection fee. The third change on the fee schedule was increasing the cost of a new meter from \$1000 to \$1500 based on the increased cost of metering equipment. Commissioner Fronk motion to introduce Resolution 2007, Commissioner Graves seconded the motion, all were in favor, and the motion carried. A Public Hearing was scheduled for August 11, 2020 at 6 pm.

Lewis stated that she had included Ordinance 2008 Amending Short Term Rental Requirements as a draft for discussion. The Short Term Rental Ordinance when originally introduced was a controversial ordinance and the language was simply stated to allow for them, but as it is being implemented, it is becoming obvious that we need to incorporate additional standards and requirements prior to approving a licenses. She is recommending that there be an approval procedure utilizing existing Planning and Historic Board members, allowing a board to be called together when needed. Additionally she is recommending that request be reviewed quarterly rather than on demand. Generally, Short Term Rentals are not a by-right use of a property, but a privilege or luxury, and not something that should take away from the rights of neighboring property owners. In creating the recommendations, she did review Talbot County regulations, which would add some consistency to the process within the county. These recommendations included items that she felt should be reviewed prior to a determination that the property would make an appropriate Short Term Rental, like available parking, property condition, existing congestion, surrounding properties, and the number of occupants. Examples of past concerns included use of fire pits around historic wooden homes, the inability to reach an emergency number when needed, excessive occupancy, and parking issues. Ryan stated that she would be including language to both add a violation notice policy to notify owners of issues and an appeals process for applicants who maybe turned down. The Commissioners acknowledged Lewis's concerns and that consideration of changes to the current ordinance is worthy of review and will take the discussion up at future meetings and will provide ample time for public input.

Commissioner Fronk requested discussion on the RFP negotiations for the MEWs, which the Commissioners had been considering, and expressed his concerns regarding several items they have presented, including the possibility of expanding the building, which the town already knows will be a problem, and the proposed extended time for investigation for a building that is basically ready for buildout, pushing the project further down the road. Commissioner Pepe expressed his concerns that there is not a clear funding mechanism or a guarantee structure for the town, which Commissioner Graves agreed with. Ryan stated that if the bidder was not willing to follow through on the requirements

of the bid, the Commissioners might have to consider not accepting the bid and look at other alternatives. Ryan will follow up with the bidders and further discussion will be held.

LETTERS AND REQUEST

Talbot Interfaith Shelter sent a nice letter in response to the donation sent in the prior month, thanking the town for their contribution.

ATTORNEY

Ryan stated she had received a letter from GMB after their recent inspection, which included a Preliminary Letter of Substantial Completion and including an 8 page punch list from the inspection. GMB is recommending Substantial Completion at this time and the town has 7 seven days to respond to the request. Ryan has reviewed the punch list with Supervisor Scott Delude to assure it was inclusive of any concerns and at this time, Ryan does not see any substantiated reason to deny the letter the request. The punch list is very detailed and long, noting that some of this is because of the project delays causing some items to be done out of order. Currently acclimation is scheduled to be complete in the next week or so, which then mean the plant would come fully online. Delude said he had reviewed the list and felt it was inclusive and acknowledged that additional punch list items could be added to items that had not been started yet, like the salt barn. The next step with Commissioner approval would be for GMB to send the Substantial Completion letter with the punch list to the contractor. With the release of the Substantial Completion letter is the releasing of retainage, which is currently \$ 628,000. The contract allows the town to hold back liquid damages due to delays, which are currently \$275,000 and two times the estimated value of the punch list, which would be \$291,000. This would leave \$ 58,000. In order to allow some monies for the contractor to pay the vendors, GMB was recommending that we reduce the punch list to 1.74 times the estimated cost, and release \$100,000 of the retainage at this time. If the Commissioners agree to releasing \$100,000, \$528,000 would remain in retainage and liquidated damages would continue to accrue until the project is completed. The increase to \$100,000 would simply reduce the punch list cushion from two times to 1.74 times the estimated cost. The Commissioners agreed that in order to keep the project moving forward in a timely manner \$100,000 in retainage could be released. Commissioner Fronk motioned to approve the Substantial Completion Certificate, Commissioner Graves seconded the motion, all were in favor, and the motion carried. Commissioner Fronk motion to release retainage of \$100,000, Commissioner Graves seconded the motion, all were in favor, and the motion carried.

Ryan presented an extension to the GMB inspection and project management agreement to serve the town until the end of July, with the current contract having expired at the end of May. The two month extension is for \$61,000. There will be a need for an additional extension to reach the completion of the project and she would like the authority for her and Lewis to negotiate a total that will carry to September 1, 2020. The purpose of the liquidated damages is to cover these additional cost. The Commissioners were in favor of the approach.

Ryan stated that she had submitted the application to USDA for backup loan/grant funding for the Morris Street Water project and was requesting permission to set up the required public hearing for the application for the August 11, 2020 meeting. Commissioner Fronk motioned to approve the public hearing, Commissioner Graves seconded the motion, all were in favor, and the motion carried.

ADMINISTRATOR

Lewis requested verbal approval to extend the National Wildlife Federation contract for an additional 12 months at no additional cost. They were part of the original grant award, have been working with the town in preparing the grant application to the NFWF, and have been assisting with the project work. Commissioner Fronk motioned to approve, Commissioner Graves seconded the motion, all were in favor, and the motioned carried.

Lewis noted that we were able to take advantage of the opportunity to retrieve the gifted trees Delude had mentioned earlier from the Clear Ridge Nursery in Union Bridge Maryland, which had been forwarded to the town through a DNR staff member.

Lewis responded to a prior meeting question regarding the website and the note of being an 'unsecured site' in the corner of the web browser, stating that it identified a site that you would not want to upload or enter personal information on. In the case of our website, we do not request information so it would not be an issue, but we have taken the steps of adding additional security and the warning no longer appears.

COMMISSIONER COMMENT

Commissioner Graves stated that the museum had been looking at alternatives for placing the Counting House at the Tilghman Street Dock and provided a picture of the proposed location to the left of the public deck. A second recommendation would be to the right of the ramp accessing the deck. Commissioners agreed to go down and look at the area in the morning and review the options and discuss further.

Commissioner Fronk stated that he had received a request from a citizen regarding the possibility of having free WIFI for the town. He said in an initial conversation with an AV specialist suggested startup cost of \$30,000 was mentioned, but he did not know if that was accurate. Lewis stated that we could possibly discuss an option with the current WIFI provider and see what type of response we could get, but would be concerned the cost would be higher than that. She expressed concerns regarding the feasibility for two reasons, the town has been struggling with the ability to have communications for the water billing system from one end of town to the other and the cost of implementing the project has steadily risen because of the difficulty spanning the area, secondly quite often once WIFI is offered, people begin to replace their paid service with the public service until the bandwidth is reduced and the system is overwhelmed. It was suggested that a better option might be to try to provide free WIFI off the town building in the commercial district to provide service for the library area, which would allow visitors to have a place to sit and access the WIFI. She would explore options with the contractor currently situated on the Tilghman tower.

PUBLIC COMMENT

Brian Wells stated regarding public WIFI his recommendation was not in favor of providing the service for a few reasons, starting with the fact the 5g will soon be available and will provide superior service, additionally public non-secure WIFI can unknowingly put users at risk, and he agreed once the bandwidth is used up it is not functional. His recommendation would be to encourage the businesses to provide access to free WIFI outside of their individual businesses and provide a password to their customers, which would offer a more secure alternative.

Art Murr echoed Brian's comments with regards to security and people not understanding that their personal information can be compromised, and recommended the local businesses be encouraged to extend their service.

Being no further business, Commissioner Fronk motioned to close the meeting at 7:55 pm, Commissioner Graves seconded the motion, and the meeting was adjourned.

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