

COMMISSIONERS OF OXFORD
Regular Meeting Minutes
December 12, 2023

The Commissioners Meeting was held in the Oxford Commissioners meeting room on Tuesday, December 12, 2023.

PRESENT

Attending the meeting were Commission President Tom Costigan, Commissioner Susan Delean-Botkin, Commissioner Katrina Greer, Police Chief Eric Kellner, Town Manager Cheryl Lewis, and Attorney Lyndsey Ryan, with Planner Maria Brophy attending virtually. Approximately 40 people were in attendance and approximately 30 virtually.

The meeting opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Greer motioned to approve the minutes of November 14, 2023 as distributed, Commissioner Delean-Botkin seconded the motion, all were in favor, and the motion carried.

Commission Delean-Botkin motioned to approve disbursements for the month of November 2023 to be filed for audit, Commissioner Greer seconded the motion, all were in favor, and the motion carried.

PUBLIC WORKS REPORT

Supervisor Matt Ozman presented his report. Public works replaced a new culvert pipe that had collapsed at Hel's half acre; jetted out several culvert pipes that have been clogged with leaves. They have responded to and fixed 3 water leaks in the past month, each due to a leaking service line from the main to the meter pit, and there was also 2 leaking meters that turned out to be leaking washers inside the meter pit. A sink hole near a stormwater grate on Bonfield was repaired. There were two after hours calls for the wastewater lift stations; a clogged pump and faulty electrical capacitor and a faulty transducer level indicator at the Bachelors Point station. Equipment was repaired and put back in service. The third call was for the ENR pump station at the wastewater treatment, with one pump clogged and the other pump having a relay issue which will need to be sent out for repair. A temporary pump will be wired in while this one is being repaired. Valve exercises have been completed through town. Public Works will be inspecting meter pits over the next two months. Work continues on upgrading of the town's older road signage. Christmas lights have been placed in town parks, town hall, and at the causeway. The tree stump remaining from the downed tree from a few months ago has been removed from the town park.

POLICE REPORT

Chief Kellner provided the report of calls for the prior period, attached here. They have been using the speed trailer to notify residents of the new stop signs on Tilghman and Bonfield and issuing warnings when drivers do run them. The Citizen Police Academy is reaching the end and they will be taking a break over the holidays. The Chief expressed thanks to the citizens and also to Chooch Oristian of Doc's for contributing to the toy drive, filling the box and more. Department members attended the Christmas Tree lighting, Shop with a Cop, the OCC Pot Luck Dinner, and assisted with a Hunter Safety Training program for youth. The Chief attending the County Law Enforcement Steering Committee where a presentation from the Alcohol, Tobacco and Cannabis Commission covering the new regulations and the new plan for enforcement was provided. The Chief noted that fraud and phone scams are still taking place, do not give out personal information, and if something seems the least bit suspicious contact the department.

FIRE COMPANY

Josh Coder provided a report, with 2 medical, 1 fire, and 9 mutual aid calls. With the holiday season he reminded citizens with real trees to keep them watered to prevent fire and to not overload electric outlets.

He also reiterated the recent training on rechargeable batteries and reminded people not to leave them charging unattended and to always use the charging cable that came with the battery.

UNFINISHED BUSINESS

President Costigan stated, with regards to the Financial Advisory Committee and Investment Opportunity Task Force resolutions, at the last meeting it was determined that this issue would be voted on this evening, but before the vote he wanted to thank all of the people who had provided written comments regarding the proposals, assisting the commissioners in coming to a conclusion on the resolutions. Commissioner Greer thought that the level of engagement and thoughtfulness expressed by the community on this topic was exactly what you want from the citizens. Commissioner Delean-Botkin expressed that a great deal of thought and input went into the letters, and she was ready to move forward. President Costigan noted that there were three options listed on the website, two resolutions, and a third option to do nothing, and he wanted to clarify that he did not intend to do nothing. As the President, he meets face to face nearly every day with the Town Manager discussing how the town is run, which he intends to do as long as he serves on this commission.

Attorney Ryan stated she had provided response to questions posed regarding the fiduciary duty and liability of appointed committee members and the elected officials, stating that a fiduciary duty can only be created by common law, contract, or statute. And although the resolution may state there was a fiduciary duty, it does not rise to the level of contract. She said it was possible to adopt a resolution requiring the committee members to sign a contract thereby creating a fiduciary duty, but cautioned volunteers would likely not be willing to sign a contract taking on the liability. She noted that volunteers would likely be protected from lawsuits under the Federal Volunteer Protection Act and Maryland Volunteer Services Act if they acted within that fiduciary duty assigned, met the proper certifications for the responsibility, and did not act in a deliberate, intentional, criminal or careless manner. Public officials are immune from civil liability under Maryland common law if they act without malice. Ryan explained that there was less coverage for government employees, who are immune unless they conduct negligent acts, with a failure to exercise reasonable care constituting negligence, and which would include acting at the direction of either a committee or the commission, where the employee is held to a higher standard of exercising reasonable care and could be held legally responsible for actions taken. Discussion ensued on how the need to exercise reasonable care would play out in other aspects of a clerk's position, identifying that financial decisions would likely be held to a higher standard, then permitting, etc.

President Costigan stated that a resolution "For the Purposes of Creating a Financial Advisory Committee" was before the commissioners. Commissioner Greer motioned to introduce the resolution, President Costigan seconded the motion to introduce, and called for a vote. Commissioner Delean-Botkin stated having read every letter and listen to opinions and comments regarding the proposed resolution her vote was no, President Costigan stated that having read letters right up until 5:45 pm this night, he had serious concerns about the proposed committee, and how it could impact the town and the manner in which it was governed and for that reason his vote was no, and the resolution failed.

President Costigan then proposed a resolution "For the Purpose of Creating an Investment Opportunity Task Force", Commissioner Delean-Botkin motioned to introduce, Commissioner Greer seconded the motion. Commissioner Greer voted yes on the motion to approve; Commissioner Delean-Botkin stated in referencing her prior statement, she had concerns about the opposition to the resolution, stating her guiding principle is what is best for the town now and in the future, and on that basis, she did not feel a citizen advisory committee was in the best interest of the town and vote no; President Costigan vote yes in favor of the resolution and the motion carried. Lewis stated, based on the resolution, she would create an application with the requirements for applying for the task force, which would then be posted online where an applicant process already exist.

NEW BUSINESS

None presented.

LETTERS AND REQUEST

Other than the many letters referencing the previously discussed resolutions, there was nothing further.

ATTORNEY

Attorney Ryan provided copies of the most recent drafted BayVanguard building lease. She stated following discussion in prior meetings including the desire to have in branch banking services, she spoke with BayVanguard representatives, and was now proposing a lease structured with a 7 year term; starting with annual rent of \$8568, and going to \$9684 in year 7; stating use of the property will be for bank related services, providing traditional branch bank services with face to face interaction during the term, open a minimum 15 hours per week, unless and until the bank places a remote full service ATM providing branch banking services; providing the bank the ability to terminate with 120 days' notice, and the town the ability to terminate after the first 5 years by providing 180 days' notice. Ryan stated the bank has reviewed the draft. President Costigan motioned to approve the lease between the town and the bank for the rental of the bank branch located at 104 Factory Street for a term of seven years, Commissioner Delean-Botkin seconded the motion, all were in favor, and the motion carried.

TOWN MANAGER

Manager Lewis noted that there was a sound issue for the first 12 minutes of tonight's recording, mainly the Public Works report, but after rebooting the system it appears to be working correctly. Lewis updated on the Shoreline project stating the basic in-water infrastructure was been completed and the new land would sit over the winter allowing it to settle. The contractor will be back late spring to analysis how it faired over the winter, make any adjustments, plant the shorelines, and incorporate signage, access, etc., along with the construction of the Strand Parking lot shoreline and the above ground elevation and paving improvements. Superintendent Ozman provided information regarding the above ground planters the shoreline contractor placed at the Public Works facility to grow the plants needed in the spring, noting that once the contractor was finished, the town would have the ability to reuse the planters for future town needs. Lewis requested a closed session for personnel discussion after the meeting.

ANNOUNCEMENTS

The town office will be closed from December 22, 2023 to January 1, 2024 for the Holidays, you can call the office for urgent needs and will get a response; the next Commissioner's Meetings will be on January 9, 2024 and January 23, 2024. There will be a CPR/AED training at the 911 Center on January 29, 2023. Caroling in the Park will take place this Saturday at 5:15 pm, with refreshments at the Oxford Museum afterwards.

COMMISSIONER COMMENTS

Commissioner Greer requested review of document control and retention, requesting the attorney and town manager provide information regarding what documents do have to be retained and how version control is maintained. Commissioner Delean-Botkin expressed her appreciation for all the fabulous events that have been held since Thanksgiving including the installation of the Dock Trees, the OCC Dinner provided by volunteers, the Fire Co Auxiliary Dinner, Holy Trinity events, noting how nice it is to see everyone, how much our community is family, and wished everyone a Happy Holiday. President Costigan thanked Kathleen and Skip Case and Doty and John Sutton for organizing the Dock Trees this year, noting that the process demonstrates exactly what Oxford Volunteering is all about. The trees will need to come down after the holidays and new volunteers are always welcome.

PUBLIC COMMENT

Clarification regarding the Strand beach portion of the project was requested, and Lewis provide additional information, including that the previous volume of public beach area would be available following completion, and accretion was anticipated. Liza stated a shred date would be held at the OCC on January 19th, from 9 am to 11 am. She said that 14 businesses had participated in the recent and very successful OBA Holiday Cookie Walk. Will Cawley asked why the tax department showed a private owner for the Post Office property, when the Town Manager had said the town was going to pave the parking lot. Ryan explained that basically in the past other parties were responsible for paying taxes and as such are listed in the tax records, but the town was in the process of updating the information. Lewis provided the background on the post office property and USPS lease, stating that the family that had held a long-term lease with the town on the property had decided last year they would not be renewing their lease with the Post Office, and the Commissioners in office at the time quickly negotiated a new lease with the USPS to maintain the service, adding that the new lease terms would offset the cost of the much-needed paving. Jan Greenhawk stated her disapproval of the Strand project and inquired as to how projects are prioritized to address flooding, stating that the Strand should not have been a priority. Lewis explained that which projects get done first is dependent on what grant funding is are becomes available, stating that the town does have a master stormwater and flooding plan identifying what projects are needed. The cost of the majority of projects exceeds the town's finances and will require grant funding to complete. So, although all the projects are identified, the town will go after grant funding as it becomes available for the identified projects. Specifically, when the State opened funding for shoreline improvements the town applied for funding. Previously when the State opened funding for stormwater quality improvements, the town applied and complete the series of stormwater retention ponds to reduce stormwater flooding at South Morris and Pleasant Street. The same applies for the Wastewater and Water Improvement Projects, when funding opened for small wastewater plants the town quickly went after funding resulting in substantial grant funding, after which one of the funders recommended the town seek grants for the water improvements. When the ARPA funds where distributed, the town waited until stormwater improvements were added as an acceptable use, and then contracted to investigate flooding at the South Morris/Pier Street and the Mill Street/Tilghman Street areas. Lewis stated the trick to getting funding for the town's needs is to be aware of your needs, watch for funding opportunities, and have information ready to apply. She noted that recent opportunities from the Federal government prompted applications to FEMA for residential housing elevations and to NOAA for studying sea level rise here in Oxford. Lastly, Lewis noted with respect to prioritizing the Strand, the risk of an impact to the town infrastructure, water, sewer, and electric, which runs between the Strand Road and the river, along with the road itself, from a serious weather event was significant not just because of sea level rise, but with increased storm events and continual erosion, and is certainly worthy of improvements now. Responses to other questions included, that it is anticipated that the materials used for the current roadways built to access the newly created islands will be removed and reused on the parking lot shoreline depending on how the area weathers through the winter; and utilizing rip rap instead of the natural living shoreline for this project was not an option that would qualify for this grant funding, and currently there does not appear to be a funding mechanism for substantial hardened structures.

With no further business, Commissioner Delean-Botkin motioned to adjourn into a Closed Session for personnel matters and to receive legal advice, Commissioner Greer seconded the motion, all were in favor, and the meeting was adjourned to go into a closed session at 7:01 pm.

Respectfully submitted, Cheryl Lewis, Town Manager

*Citizen letters discussed in these minutes are available on the town website.
Commissioner Meetings are now live streaming and are archived on townhallstreams.com.*



Oxford Police Department
101 Market Street
P.O. Box 339
Oxford, Maryland 21654
“Maryland’s First Port”

Eric M. Kellner, Chief of Police

Reporting Period: 11/13 – 12/10/23

REPORTS	RP	YTD	ARRESTS	RP	YTD
Accident Report	0	5	Drug Arrests	0	0
Animal Complaint	0	3	DUI Arrests	0	0
Assault	0	1	On-View Arrests	0	0
Domestic	0	2	Warrant Arrests	0	1
Found/Lost Property	0	27	Criminal Summons	0	1
Fraud / ID Theft	2	5	Juvenile Referrals	0	1
Harassment	0	3	Other Arrests	0	0
Misc. / Other	1	12	Total Arrests	0	3
Suspicious Conditions	2	9			
Theft	0	7			
Total Reports	5	74			
CALLS FOR SERVICE	RP	YTD	COMMUNITY POLICING	RP	YTD
Alarm	2	22	Property Checks	157	1579
Animal Complaint	1	30	Special Events	4	33
Assist Other Agency	4	47	Foot Patrol	17	119
Check Welfare	1	10	Bike Patrol	0	32
Found/Lost Property	0	27			
Harassment	0	3	ASSISTS	RP	YTD
Misc. / Other	6	59	Other PD	0	9
Motor Vehicle Collision	0	10	Fire/EMS	4	39
Noise Complaint	0	1	Other Agency	0	0
Parking Complaint	0	21			
Rogue and Vagabond	0	4	ENFORCEMENT	RP	YTD
Suspicious Conditions	2	16	Parking Citations	0	31
Suspicious Person	0	8	Traffic Stops	32	226
Suspicious Vehicle	0	8	Traffic Citations	2	5
Traffic Complaint	0	14	Traffic / Parking Warnings	31	237
Trespassing	0	8	PC Searches	0	0
Verbal Dispute	0	3	Criminal Citations	0	0
911 Hang Up	0	2	Civil Citations	0	0
Total Calls	16	317			
TRAFFIC VIOLATIONS	RP	YTD	TRAFFIC VIOLATIONS	RP	YTD
Speeding	8	157	Cell Phone Violation	0	6
Stop Sign	23	47	Other Violation	1	18
Driving w/o License	1	3	Equipment Violation	0	8



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Eric M. Kellner, Chief of Police

Reporting Period: 11/13 – 12/10/23

Talbot County Sheriff’s Office Response Statistics

REPORTS	RP	YTD	ARRESTS	RP	YTD
DWI	0	2	Drug Arrests	0	0
Child Custody	0	2	DUI Arrests	0	2
Domestic	0	1	On-View Arrests	0	1
MDOP	0	1	Warrant Arrests	0	0
Misc.	0	1	Criminal Summons	0	0
			Juvenile Referrals	0	0
			Other Arrests	0	0
			Total Arrests	0	3
Total Reports	0	7			
CALLS FOR SERVICE	RP	YTD	COMMUNITY POLICING	RP	YTD
Alarm	0	2	Property Checks/Patrols	10	230
Animal Complaints	2	8	Special Events	0	3
Check Welfare	0	4	Foot Patrol	0	0
Suspicious Condition	1	5	Bike Patrol	0	0
911 – Hang-up	0	0			
Trespassing	0	3	ASSISTS	RP	YTD
Liquor Law Violation	0	0	Assist Oxford PD	0	5
Noise Complaint	0	2	Fire/EMS	0	1
Parking Violation	0	1	Other Agency	0	0
Suspicious Person	0	5			
Suspicious Vehicle	0	1	ENFORCEMENT	RP	YTD
Verbal Dispute	0	0	Traffic Stops	0	7
Found Property	0	0			
Motor Vehicle Collision	0	0			
Traffic Complaint	0	0			
Harassment	0	1			
Rogue and Vagabond	0	0			
Theft	1	1			
Misc. Calls	0	9			
Total Calls	4	42			