

## Minutes of the County Commissioners of Worcester County, Maryland

October 16, 2007

James L. Purnell, Jr., President  
Louise L. Gulyas, Vice President  
Judith O. Boggs  
Linda C. Busick  
James C. Church (absent)  
Robert L. Cowger, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Boggs, with Commissioner Church absent, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(1), (7) and (8) of the State Government Article of the Annotated Code of Maryland and to perform executive actions. Also present at the closed session were Gerald T. Mason, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Edward H. Hammond, Jr., County Attorney; Kim Moses, Public Information Officer; Deedee Rouse, Director of Human Resources; Charles T. Martin, Sheriff; and John Tustin, Director of Public Works. Topics discussed and actions taken included: discussing personnel matters; approving creation of a new position entitled County Engineer; appointing John Ostrander to the Lower Shore Workforce Investment Board; reviewing potential and pending litigation; receiving legal advice from counsel; and performing executive actions.

Commissioner Church was absent from the meeting.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their October 2, 2007 meeting, as presented.

Pursuant to the request of Sharon Beyma of the Health Department and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign the lease agreement for an apartment at 403 6<sup>th</sup> Street in Ocean City to be utilized by the Health Department from November 1, 2007 - October 31, 2008 at a cost of \$13,500.00 to provide temporary housing for seasonal sanitarians who assist with the Environmental Health program during the summer months and for medical students during the remainder of the year.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign the Intergovernmental Agreement between Maryland Environmental Service (MES) and Worcester County for the Citizen Scrap Tire Drop-Off Day project on April 19, 2008 at the Worcester County Central Landfill. County residents will be able to drop off up to 10 tires

each between the hours of 9:00 a.m. and 2:00 p.m. This event is not open to any area businesses or for commercial tires.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to schedule a public hearing on December 4, 2007 to receive public comment on the proposal to add the following public easement roads in The Pointe at Ocean Pines into the Inventory of Public Roads of Worcester County: Ocean Parkway, Pine Forest Drive, Breezy Creek Court and Sunrise Court in Phase 1; Tidewater Cove and Bluewater Court in Phase 1A; Park Side Circle in Phase 2A; and Point's Reach in Phase 2B.

Pursuant to the recommendation of Mr. Tustin in response to the request of Bruce Holland and upon a motion by Commissioner Cowger, the Commissioners unanimously agreed to schedule a public hearing on December 4, 2007 to receive public comment on the proposal to change the name of a road in the County Roads Inventory from Sparrow Road to Holland Road, located north of the Virginia State line south of Pocomoke City, Maryland. Mr. Tustin stated that neither the Department of Public Works nor Emergency Services Director Teresa Owens has any issues with changing the name to Holland Road. He stated that though there is a Holland Drive in Berlin, this road is located in Pocomoke and the two would not be confused with one another since the fire departments are separated by quite a distance. This request by Mr. Holland was made to help ease confusion for truckers coming from the north and trying to find Holland Road off of U.S. Rt. 13.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously waived the formalities and awarded the low bid for the Board Walk Replacement and Shoreline Stabilization Project at the Public Landing Marina to Hi-Tide Marine Construction, Inc. and Ray Nornes, Inc. - joint venture - of Snow Hill, Maryland in the amount of \$411,000.00. Mr. Tustin explained that this joint venture is currently completing a similar project in Salisbury under the design engineer, Davis, Bowen and Friedel, which advised him that their work has been excellent. Mr. Tustin further explained that there were irregularities in the bid documents related to the joint venture, but agreed to work out these issues prior to beginning construction.

Mr. Tustin met with the Commissioners to review a letter from Tom Aydelotte from Choptank Electric Cooperative requesting to utilize the Berlin and Pocomoke sports fields parking lots for their staging operations in the event of a natural disaster. Mr. Tustin stated that the Department of Public Works and other County agencies planned to use the Berlin sports fields parking lot as primary staging areas and should not relinquish rights to this County property to other organizations. However, he stated that Public Works would not need to use the Pocomoke area for staging. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously granted Choptank Electric Cooperative's request to use the Pocomoke sports fields parking lot as a staging area in the event of a natural disaster, but denied their request to use the Berlin Little League field parking lot unless the Department of Public Works could make arrangements for shared space in certain emergencies.

The Commissioners met with Recreation and Parks Director Sharon DeMar Reilly to review plans for the proposed Parks Maintenance Building to be located at John Walter Smith

Park at 6022 Public Landing Road in Snow Hill, which would replace the existing office and workshop and more closely resemble the new Recreation Center. Ms. Reilly stated that the cost to construct the 40' x 64' steel structure would be \$355,500. She advised that the Commissioners previously approved the encumbrance of \$331,000 in FY07 for the project, however the cost had increased by \$24,500 due to escalating construction costs. She further stated that the additional funds for this project are available within the Recreation budget due to anticipated cost savings from other park improvement projects and could be reallocated to complete this project. Ms. Reilly stated that 90% of the construction costs for this project are eligible for reimbursement through the Maryland Department of Natural Resources Program Open Space (POS). Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized staff to move forward with developing construction drawings and bid specifications for construction of the project.

The Commissioners met with Edward A. Tudor, Director of Development Review and Permitting, to discuss the Town of Pocomoke City's proposed Annexation Resolution A-07-02. Mr. Tudor informed the Commissioners that by virtue of the above-referenced Annexation Resolution, the Town of Pocomoke is proposing to annex approximately 8.1 acres located on the easterly side of U.S. Rt 13 to the south of Sheephouse Road and north of Brantley Road and shown on Tax Map 92 as Parcel 97. He stated that the land is currently zoned B-2 General Business District under County zoning. The Town is proposing that "When the Annexation is effective, the zoning of the property will be B-2." Thus there is no rezoning per se involved in this annexation proposal. Mr. Tudor advised that Article 23A, Section 9 of the Annotated Code of Maryland provides that no municipality annexing land may for a period of five years following annexation permit development of the annexed land for land uses substantially different than the use authorized, or at a substantially higher density, not to exceed 50%, than could be granted for the proposed annexation without the express approval of the board of county commissioners or county council of the county in which the municipality is located." Mr. Tudor stated that after examining the applicable sections of the Town of Pocomoke's Zoning Ordinance, it is his opinion that the proposed B-2 zoning classification for the site to be annexed is consistent with existing zoning in the area and in fact is not a change in zoning. He further stated that though the annexation is not shown in one of the designated growth areas for Pocomoke City, the site is within an existing, developed commercial corridor. In consideration of the State's Smart Growth initiatives, he stated that the proposed zoning upon annexation is consistent with its recommendations relative to growth in areas adjacent to existing municipalities and established growth areas. Mr. Tudor concluded that the proposed annexation is consistent with the land uses recommended by the Comprehensive Plan and with existing zoning and land use in the area. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to send a letter to the Town of Pocomoke expressing their concurrence with the rezoning upon annexation.

The Commissioners met with Erin Ross, Planner II within Comprehensive Planning, to review the Planning Commission's findings on a Comprehensive Water and Sewerage Plan amendment application submitted by the Town of Snow Hill to expand the Snow Hill sewer planning area and to request the County Commissioners hold a public hearing and take action on this proposal. The applicant requests an expansion of the Snow Hill S-1 sewer planning area to designate Shad Landing State Park (Tax Map 71, Parcel 28) for public sewer service from the

Snow Hill Wastewater Treatment Plant (WWTP). The Shad Landing property is owned by the Maryland Department of Natural Resources (DNR) and is proposed for 33 sewer equivalent dwelling units (EDUs) to correct a public health issue resulting from the failing septic tanks at the Shad Landing State Park. Ms. Ross noted that the Planning Commission had reviewed the proposal and found that it would be consistent with the Comprehensive Plan because the abandonment of the onsite septic system would improve water quality. Upon a motion by Commissioner Gulyas, the Commissioners agreed to schedule a public hearing on the proposed amendment to the Water and Sewerage Plan to expand the Snow Hill sewer planning area proposal on November 20, 2007.

The Commissioners met with Ms. Ross to review the Planning Commission's findings on a Comprehensive Water and Sewerage Plan amendment application submitted by the Town of Berlin to upgrade and expand the Town of Berlin's sewerage system and to request the County Commissioners hold a public hearing and take action on this proposal. The applicant proposes to increase the system's treatment capacity from 600,000 gallons per day (gpd) to 1.4 million gallons per day (MGD) for an increase of 3,200 EDUs over the planning period. Ms. Ross stated that the town uses 250 gpd per EDU as their Maryland Department of the Environment (MDE) approved EDU planning figure. She advised that the amendment would increase the capacity in two phases of 400,000 gpd each. Two plants would be developed/renovated to achieve this capacity. She stated that the Planning Commission had reviewed the proposal and found that it would be consistent with the Comprehensive Plan subject to certain conditions. Upon a motion by Commissioner Gulyas, the Commissioners agreed to schedule a public hearing on the proposed amendment to the Water and Sewerage Plan to upgrade and expand the Berlin sewerage system proposal on November 20, 2007.

Pursuant to the recommendation of Assistant Chief Administrative Officer Kelly Shannahan and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign a lease between the Mayor and City Council of Ocean City (Lessor) and County Commissioners of Worcester County (Lessee) for the Office of the Worcester County State's Attorney located at the Ocean City Public Safety Building on 65<sup>th</sup> Street in Ocean City beginning July 1, 2007 and ending June 30, 2010 at a total cost of \$63,300.00.

The Commissioners recessed until 10:30 a.m.

The Commissioners met with Beverly K. Swaim-Staley, Deputy Secretary of the Maryland Department of Transportation (MDOT); Neil Pedersen, Administrator of the State Highway Administration (SHA); and MDOT/SHA members Donnie Drewer, Samuel Minnitte, Jr., Doug Simmons, Diane Ratcliff, Gene Cofiell, Wayne Whitman, Jim Dooley and Ashish Salanti to discuss the Draft FY08 - FY13 Maryland Consolidated Transportation Program (CTP) as part of the MDOT/SHA Annual Consultation Meeting with each county throughout the State. Deputy Secretary Swaim-Staley thanked the Commissioners for meeting with them. She then announced that the Transportation Trust Fund (TTF) is woefully short of funds, with \$40 billion worth of unmet transportation needs over the next 20 years. She stated that to fund the proposed projects, the TTF requires an additional \$400 to \$600 million in funding each year. She stated that MDOT remains committed to maintaining high quality bridges, airports and local

transportation systems. She stated that no projects were removed from the prior year's plan, but MDOT is struggling to maintain the current projects with such a tight budget.

Mr. Pedersen of SHA presented the components of the CTP aimed at maintaining traffic and bridge safety. He stated that motor vehicle deaths increased from 614 in 2005 to 652 in 2006, which is unacceptable. He informed the Commissioners that MDOT has partnered with other agencies and will be conducting its Second Annual Traffic Safety Summit on November 30, 2007, which is tailored to working with local jurisdictions to produce strategic high safety plans to reduce traffic fatalities. In light of the recent bridge collapse in Minnesota, Mr. Pederson advised that Maryland bridges meet the most rigorous safety standards anywhere in the nation. He stated that MDOT has placed a high priority on securing funding to maintain adequate bridges. Mr. Pederson also reviewed the major SHA projects proposed in Worcester County as follows: dualization of US Rt. 113 near Snow Hill from US 113 Business (Market Street) to north of MD 365 (Public Landing Road) which opened this past year; dualization of US Rt. 113 south of Berlin from Hayes Landing Road to north of Goody Hill Road (2.5 miles), with engineering and right-of-way acquisition underway and construction to begin during the current fiscal year; study to replace the US Rt. 50 Bridge over the Sinepuxent Bay, with project planning underway and environmental studies to begin in 2008; the remainder of US Rt. 113 dualization in three phases from north of MD 365, Public Landing Road, to Goody Hill Road south of Berlin (10.3 miles), with partial engineering and right-of-way underway, with an additional \$6.8 million needed to complete engineering, an additional \$10.3 million needed to complete right-of-way acquisition and \$75.6 million needed for construction; phase V of the US Rt. 113 dualization project to construct an interchange at MD Rt. 12 and U.S. Rt. 113 with \$2.4 million needed for engineering, \$6.9 million for right-of-way acquisition and \$14.9 million for construction; and study to upgrade and widen existing MD Rt. 589 (Racetrack Road) from US Rt. 50 to US Rt. 113 to a multi-lane highway (4.7 miles). Mr. Pedersen advised that it would cost upwards of \$300 million to replace the US Rt. 50 Bridge. In response to a question from Commissioner Boggs, Mr. Pedersen stated that work on the US Rt. 50 Bridge to repair the West Bascule Pier Bull and Pinion gear sets on the north and south side beginning on January 15, 2008 was to be completed by a specialist who is kept on retainer with the SHA for this type of work.

Mr. Drewer reviewed a list of completed and ongoing safety, congestion relief, highway and bridge preservation projects in Worcester County. In response to a question from Commissioner Cowger, Mr. Pedersen stated that a flashing light will be installed at the intersection of Stockton Road and US Rt. 113 in Pocomoke. In response to a question from Commissioner Gulyas, Mr. Drewer advised that the SHA has offered incentives to the contractor responsible for overseeing the US Rt. 50 Bridge repair to encourage them to complete the project within 35 days or sooner.

Ms. Ratcliff of the Maryland Transit Administration thanked the Commissioners for their support of Shore Transit, which provided nearly 70,000 trips during the past year. She advised that MTA provided funding of \$400,000 along with an additional increase of 2% to Shore Transit and \$800,000 to Ocean City Transit, which provided nearly 3 million trips during the same time period. Commissioner Boggs advised that Shore Transit operates on a yearly deficit of nearly \$200,000, and advised that without additional State funding, they may be forced to raise fares. She advised that too much money is being filtered from the TTF to the metro systems. Commissioner Boggs stated that she understands that 40% of the TTF is designated to the two metro systems. Deputy Secretary Staley stated that the State is poised to pass a bill that would both increase and designate money from the TTF to the metro systems. Commissioner Boggs

asked Deputy Secretary Staley to convey the County's request that a portion of the funds allocated to the metro system, even as small as 1%, be reallocated to the rural transportation systems, which must transport individuals over much further distances.

State representatives answered questions from the Commissioners. Commissioner Shockley commended Mr. Drewer for availing himself to meet with the Commissioners on many occasions to help rectify safety concerns regarding the intersection of US Rt. 113 and MD Rt. 12. He advised, however, that traffic accidents at that intersection had increased dramatically following the dualization of that stretch of highway. He stated that the purpose of the dualization was to increase safety, but the opposite seems to be the result. In response to a question from Commissioner Shockley, Mr. Pedersen stated that projects that change traffic patterns require time for those traveling the roadway to adjust to those changes. Commissioner Shockley recommended accelerating the construction of U.S. Rt. 113/MD Rt. 12 intersection improvements to improve safety at this intersection.

Commissioner Boggs thanked Mr. Drewer and Mr. Cofiell for implementing increased safety measures at the intersection of MD Rt. 589 and Cathell Road in Ocean Pines.

Senator Lowell Stoltzfus thanked transportation officials for meeting with them. He agreed with Commissioner Boggs that too much money from the Lower Eastern Shore is being redirected to the metro systems due to Baltimore City's failure to regulate its own transit system properly. He advised that those funds should be redirected to the highways, which would allow for the completion of the US Rt. 13 dualization project and the start of improvements to MD Rt. 589. He asked Deputy Secretary Staley to express his concerns to appropriate officials in Annapolis.

Pocomoke Town Manager Russell Blake thanked SHA for recent improvements on US Rt. 113 in Pocomoke.

Snow Hill Mayor Stephen Matthews thanked MDOT officials but expressed concern that improvements are needed at the US Rt. 113/MD Rt. 12 intersection.

Bob Hulburd, Vice President of the Board of Education and Chair of County Residents Action for Safer Highways (CRASH) stated that more funds are needed to complete the US Rt. 113 dualization project and plans to lobby federal officials, particularly Senator Barbara Mikulski for re-authorization of the highway bill. He asked the SHA to consider completing the remainder of the US Rt. 113 dualization project in one phase. Mr. Hulburd also asked the SHA to be aware of the high volume of traffic that will enter and exit the new Worcester Career and Technology Center (WCTC), and asked them to keep the BOE involved in the process to develop the US Rt. 113 median in Newark for traffic to access the WCTC. He asked the SHA to look at more permanent solutions to increase traffic safety at the intersection of US Rt. 113 and MD Rt. 12 and perhaps install a traffic signal in the interim. In response to a question from Mr. Hulburd, Mr. Pedersen advised that the SHA would continue to evaluate traffic data regarding the safety of that particular intersection; however, placing a traffic signal at a high speed intersection would likely create a more dangerous and unsafe situation.

Joe Green, chairman of Safe Travel Along Route (STAR) 589, thanked SHA officials for beginning to develop a plan to adequately address improvements to MD Rt. 589.

Commissioner Purnell thanked MDOT officials for their cooperative efforts and encouraged them to complete the dualization of US Rt. 113.

The Commissioners answered questions from the press, after which they adjourned to attend a luncheon meeting with the Board of Electrical Examiners.

The Commissioners met with Board of Electrical Examiners Chair Kenneth Lambertson and members Carl Smith, Bob Arnold, Brent Pokrywka, Duane Duncan and Jamie Englishmen to receive guidance and advice on the Board's involvement in enforcement actions and specifically related to a case regarding possible violations of the Electrical Code. Mr. Lambertson summarized the violation, which involved two separate electricians working under the same permit without the first electrician's work receiving a final inspection. County Attorney Edward H. Hammond, Jr. explained that since its inception as referenced in the Code of Public Local Laws of Worcester County, Maryland in 1977, the Board has been responsible for the licensing of electricians while the Department of Development Review and Permitting (DRP) has been responsible for administration and enforcement of the Electrical Code. He directed the Board to work closely with DRP Director Ed Tudor and his staff to report and resolve such issues in the future. Commissioner Purnell thanked the Board for meeting with them.

After lunch, the Commissioners reconvened in open session.

The Commissioners met in Legislative Session.

The Commissioners held a public hearing on Emergency Bill 07-2 (Revenue - Hotel Rental Tax), which was introduced by Commissioners Boggs, Busick, Church, Cowger, Gulyas, Purnell and Shockley on September 18, 2007. Chief Administrative Officer Gerald T. Mason reviewed the proposed bill, which would enable the County to increase the rate of hotel rental tax in Worcester County from 4% to 4.5%.

Commissioner Purnell opened the floor to receive public comment.

Pocomoke Mayor Mike McDermott advised that Pocomoke strongly supports the proposed increase. He stated that 4% is incredibly low, and he would like to see it raised even higher. He advised that the increase from 4% to 4.5% would generate additional revenue to be used for advertising to promote tourism in Pocomoke.

Ellie Diegelman of Ocean City stated that increasing the room tax would not solve Ocean City's problems. She urged the town to instead work to lower prices in the resort and improve services.

Snow Hill Mayor Stephen Mathews stated that the Town of Snow Hill fully endorses the proposed bill.

Ocean City Mayor Rick Meehan thanked each of the Mayors and the Commissioners for their support and urged the Commissioners to pass Bill 07-2. He stated that the request originated from the local tourism industry representatives to allow Ocean City to remain competitive with other nearby resorts. He stated that within five years, the tax increase will result in an increase in the Town's advertising budget from \$1.7 million to \$5 million for Destination Marketing. Mayor Meehan further stated that increased tourism advertising would benefit all areas of the County.

Susan Jones, Executive Director of the Ocean City Hotel-Motel-Restaurant Association (OCHMRA) asked the Commissioners to unanimously support Bill 07-2 as presented. She stated that the OCHMRA members reached a compromise with regard to raising the room tax by ½% to be used to promote destination marketing.

There being no further public comment, Commissioner Purnell closed the public hearing.

Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Emergency Bill 07-2 (Revenue - Hotel Rental Tax) as presented.

Commissioner Purnell closed the legislative session.

The Commissioners reviewed a draft Resolution to amend the Hotel Rental Tax Rate in Worcester County, Maryland from 4% to 4.5% effective January 1, 2008. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to schedule a public hearing on this resolution on November 6, 2007 at 10:30 a.m.

The Commissioners held a public hearing to consider a request to award 3.0 acres of growth allocation in the Chesapeake Bay Critical Area, which was submitted by the Town of Snow Hill on behalf of Saunders Hillyer relative to a proposed cluster subdivision within town limits known as Shipyard Alley, more specifically shown as Parcels 139 (Lot 1-4), 140, 141 and 142 on Tax Map 200. The subject property is proposed to be reclassified from Limited Development Area (LDA) to Intensely Developed Area (IDA). Staff members present at the hearing were Development Review and Permitting (DRP) Director Ed Tudor, Deputy Director Phyllis Wimbrow, and Natural Resources Administrator Chris McCabe. Mr. Tudor summarized the request, stating that the proposed plan is an infill project along the Pocomoke river waterfront east of Byrd Park to consist of 11 units situated in a cluster development outside the 100-foot buffer. He advised that no wetlands would be disturbed under the current plan and stormwater management would be addressed. He further stated that the Planning Commission found the request to be consistent with the Comprehensive Plan, the criteria for growth allocation contained in the Code and Smart Growth principles as they apply to infill development, and gave a favorable recommendation to the request. He explained that the County has a remaining growth allocation in the Chesapeake Bay Critical Area of 342.37 acres, which would be reduced by 3.0 acres if this growth allocation is approved. He concluded that if the Commissioners choose to grant the requested growth allocation, the staff recommends that it include a condition that the project be substantially complete within three years of the date of State approval as outlined in the County's local law.

Commissioner Purnell opened the floor to receive public comment.

Hugh Cropper, attorney for the applicant, summarized the plans for the proposed development. He stated that the growth allocation would not provide for greater density but would allow for the proposed impervious area coverage. However, under the proposed plan, the entire 100-foot buffer will be protected and the impervious surface that is there now will be removed to create a contiguous, open buffer. He asked the Commissioners to support their request, which has been unanimously approved by the Snow Hill Planning Commission, the Snow Hill Mayor and Town Council and the County Planning Commission.

Upon questioning from Mr. Cropper, Robert Hand, Land Planner, stated that the proposed 11-unit development would be clustered around a stormwater pond and include one community pier with one slip per unit rather than the three piers which would be permitted now.

In response to a question from Ellie Diegelman of Ocean City, Mr. Tudor advised that this project is more consistent with the intent of the Critical Area as proposed than if it were developed under the criteria of the LDA as currently permitted.

There being no further public comment, Commissioner Purnell closed the public hearing.

Upon a motion by Commissioner Busick, the Commissioners voted unanimously to adopt Resolution No. 07-29 awarding growth allocation to the Town of Snow Hill for the project known as Shipyard Alley to be located on property within the Chesapeake Bay Critical Area,



with the provision that the project must be substantially complete within three years of the date of State approval in order to retain the growth allocation.

Commissioner Shockley announced that he was disqualifying himself from discussion of the next item of business due to a potential conflict of interest. Commissioner Shockley temporarily left the meeting.

The Commissioners held a public hearing to receive public comment on 11 petitions for purchase of agricultural easements in Worcester County. Katherine Munson, Planner IV within Comprehensive Planning, met with the Commissioners to discuss the aforementioned petitions. Ms. Munson informed the Commissioners and the public that the petitions are for the purchase of Agricultural Land Preservation easements on the following properties: property owned by Doris Virginia East, consisting of  $\pm$  144 acres located at 3397 Stockton Road and shown on Tax Map 93 as Parcel 2; property owned by Greenbriar Swamp Farm, LLC, consisting of  $\pm$  70 acres located at 8130 Stevens Road, and shown on Tax Map 35 as Parcel 8; property owned by James Hammond, consisting of  $\pm$  117 acres located at 1733 Unionville Road, and shown on Tax Map 83 as Parcel 20; property owned by Anderson and Randy Hastings, consisting of  $\pm$  144 acres located at 9539 Goody Hill Road and shown on Tax Map 41 as Parcels 30 and 67; property owned by Howard Malone, consisting of  $\pm$  166 acres located on Sand Road and shown on Tax Map 61 as Parcel 37; property owned by Louise and Willard Outten, consisting of  $\pm$  141 acres located at 3615 Johnson Road and shown on Tax Map 100 as Parcel 85 and Tax Map 101 as Parcels 2 and 31; property owned by Barbara and John Shockley, consisting of  $\pm$  166 acres located at 1055 Whiton Road and shown on Tax Map 37 as Parcel 14; property owned by Larry Sterling, consisting of  $\pm$  217 acres located at 2622 Bunting Road and shown on Tax Map 100 as Parcels 52 and 144; property owned by Tucker Industries, consisting of  $\pm$  80 acres located on Libertytown Road and shown on Tax Map 30 as Parcel 48; property owned by Dorothy Widgeon, consisting of  $\pm$  333 acres located at 9108 Cedar Lane Road shown on Tax Map 24 as Parcels 47 and 48 and Tax Map 31 as Parcels 25 and 66; and property owned by Laura and Walter Widgeon, consisting of  $\pm$  84 acres located at 8936 Cedar Lane Road and shown on Tax Map 24 as Parcel 54.

In response to a question from Commissioner Gulyas, Ms. Munson stated that funding is available to purchase roughly three of these easements in FY07/08; however, the unfunded applications can be reconsidered in future years.

Commissioner Purnell opened the floor to receive public comment.

Ellie Diegelman of Ocean City asked the Commissioners why they were spending millions of dollars to buy easements on farmland when there are laws in place to protect the land. Ms. Munson stated that Worcester County has some of the most restrictive zoning in the State; however, agricultural lands are still subject to residential development. She stated that using funds from Agricultural Transfer Taxes collected specifically for this purpose, the County is able to purchase the property owner's development rights and therefore protect the land in perpetuity. Commissioner Gulyas advised that the County seeks to encourage development closer to the towns where the infrastructure is already in place, which promotes smart growth.

There being no further public comment, Commissioner Purnell closed the public hearing. Upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the aforementioned petitions and agreed to forward a favorable recommendation on these petitions to the State for their consideration.

Commissioner Shockley returned to the meeting.

Commissioner Cowger stated that some of his constituents have requested the Commissioners' support of a proposed State bill that would permit the use of slot machines in fraternal organizations in Worcester County. Following some discussion, the Commissioners stated that such a request should be submitted in writing by the Fraternal organizations requesting such authorization before being considered further.

The board adjourned to meet again on November 6, 2007.