

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

May 20, 2008

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

Following a motion by Commissioner Gulyas, seconded by Commissioner Purnell, the Commissioners unanimously voted to meet in closed session at 9:30 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; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Director of Human Resources. Topics discussed and actions taken included: promoting Duane Bias to Plant Operator Trainee within the Water and Wastewater Division of Public Works; appointing Mike Hegarty to the Water and Sewer Advisory Council (WSAC) for the Ocean Pines Service Area, Alma Seidel to the WSAC for the Mystic Harbour Service Area, and Ralph Shockley to the Economic Development Advisory Board; reviewing potential and pending litigation; receiving legal advice from counsel; and performing executive actions.

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

The Commissioners reviewed and approved the minutes of their May 6, 2008 meeting, as amended.

The Commissioners presented commendations to Pocomoke High School Valedictorian Matthew Donald Gladding and Salutatorian Lap Cong Nguyen, and Stephen Decatur High School Valedictorian Keith Robert Spangler and Co-Salutatorians Katelyn Joanne Knapp and Summer Ann Bunting.

Chief Deputy Doug Dods and Captain Stuart Murray of the Sheriff's Office introduced the Commissioners to their department's newest K-9 team, Deputy First Class (DFC) Bethany Ramey and two-year-old Labrador Retriever Dino. Captain Murray explained that the Sheriff's Office purchased Dino, a trained narcotics detection and tracking dog, from the Lacrosse Police Department in Virginia which recently cancelled its K-9 program. He advised that during the two months the team has been working together, they have already been responsible for the confiscation and seizure of money and narcotics and made several drug related arrests.

Bill Middleton, President and past Campaign Chair of the United Way of the Lower Eastern Shore, and staff member Lynn Huson met with the Commissioners to review the United Way of the Lower Eastern Shore's (UWLES) 2007 Annual Report. Ms. Huson informed the Commissioners that County employees contributed \$18,252 last year (ranking as the 14<sup>th</sup> largest company campaign) and raised a total of \$116,106 since 2000. Mr. Middleton stated that in a year of economic uncertainty, funding for UWLES had increased to \$1.5 million last year and already exceeded \$1.6 million this year. He thanked the Commissioners and County employees for their continued support. Ms. Huson recognized the efforts of Volunteer Services Manager Cyndy Howell who headed up the 2007 UWLES Campaign for Worcester County Government.

The Commissioners reviewed a letter from Doug Trimper, Vice President of Trimper Rides in Ocean City, recognizing the efforts of the State Department of Assessments for revising Trimper Rides' 2007 assessment to a more realistic level and advising that Trimper Rides will not be asking for a tax credit from the County for FY09.

The Commissioners met with Budget Accountant Kim Johnson to review and discuss a letter from Susan Taylor, Administrator of the Berlin Heritage Foundation (BHF), Inc., advising that the BHF has the opportunity to have a period design cloth made and installed in the front entrance of the Calvin B. Taylor House in Berlin, and asked the Commissioners to amend their original FY09 funding request to include an additional \$1,500 to cover half the cost of the cloth. Upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to consider the request during upcoming budget deliberations.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized staff to waive the formal bid process and award grants in excess of \$10,000 for certain properties under the Bay Restoration Grant Septic Upgrade Program, which would be impractical to bid. County Attorney Sonny Bloxom verified that County law permits the Commissioners to waive the bidding requirements for purchases in excess of \$10,000 when they determine that bidding would be impractical or not in the best interest of the County, as are these situations referenced by Mr. Mitchell.

Pursuant to the request of Ms. Johnson and upon a motion by Commissioner Church, the Commissioners unanimously authorized Commission President Shockley to sign the Maryland Board of Public Works Bond Bill reimbursement forms for funds of \$300,000 and a Memorandum of Agreement outlining the fulfillment of the County's matching fund portion of the Bond Bill. Ms. Johnson stated that the Worcester County Developmental Center applied the funds toward the planning, and design of a new building in Newark, Maryland.

The Commissioners met with Public Works Deputy Director John Ross to review the results of the annual Citizens Scrap Tire Drop Off Day held on Saturday, April 19, 2008. Mr. Ross advised that 213 residents participated in the event by bringing in 3,906 tires for recycling, weighing a total of 125.48 tons. Mr. Ross stated that the event helps keep tires from being dumped in streams, ditches and along County roads. In response to a question by Commissioner

Gulyas, Mr. Ross stated that the State funds this free annual program with funds collected throughout the year from monies generated by the Scrap Tire Fund within the Maryland Department of the Environment.

Mr. Ross updated the Commissioners on the results of the County's Household Hazardous Waste (HHW) & E-Cycling Day, which was held at the West Ocean City Park and Ride on Saturday, April 26, 2008. He advised the Commissioners that 286 vehicles responded to the event, dropping off 93 HHW products or 8,640 pounds (lbs.) and 193 electronics items or 14,000 lbs. Mr. Ross stated that this year's event was a success. Commissioner Gulyas expressed her delight that residents are recycling these items rather than disposing of them in the landfill.

The Commissioners met with Mr. Ross to review and discuss bids for the elevated water tower and interconnecting pipeline in Newark. Mr. Ross reviewed the low bids as follows: purchase of an elevated water storage tower at a cost of \$613,600 for a new multi column tank, \$667,000 for a new pedestal tank (Alternate A) or \$506,400 for a used multi column tank (Alternate B), all from Utility Service Co., Inc. of Elkton, MD; and interconnecting pipeline submitted by Bunting and Murray of Selbyville, DE in the amount of \$78,886. Mr. Ross stated that the bids for the project exceeded the estimated cost for the project by nearly \$200,000 for the following reasons: the original estimate was completed more than three years ago, and the price of steel had increased dramatically since that time, and the project now included a significant amount of waterline to complete the Mill Street loop. Mr. Ross noted that the County could save \$150,000 by purchasing the used tank. He further advised that project costs would cause a significant impact on those living in the Newark Sanitary Service Area, with a worst-case-scenario of residents' water bills increasing by \$160 to \$235 annually per equivalent dwelling unit (EDU). However, the County would continue to pursue additional funds from the Maryland Department of the Environment (MDE) to possibly lower the cost. In accordance with County law, Mr. Ross recommended the Commissioners schedule a public hearing on the issue, before awarding the bids. In response to a question by Commissioner Shockley, Mr. Ross stated that the used tank is available for purchase from Utility Service Co. should last indefinitely provided it is properly prepared, assembled and maintained. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to schedule a public hearing on the cost of the project on June 17, 2008.

Brian Garrett, Executive Director of the Delmarva Discovery Center (DDC), requested authorization to reallocate a portion of the \$110,000 FY08 grant from the County originally intended for infrastructure connections as well as \$50,000 for consulting fees to cover operating expenses, including project management, staffing and programming at the DDC. Mr. Garrett advised that the museum is working with no positive cash flow, and reallocating \$50,000 in consulting fees and \$12,000 in savings from the purchase of an entry sign would help correct this situation. He further stated that plans to open the museum are on track and the exhibits are being installed. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously approved the request as presented to reallocate a total of \$62,000 in County grant funds for operating and opening expenses.

The Commissioners reviewed and discussed a proposal by Hugh Cropper, IV, attorney

for area developer Jack Burbage, to attempt to resolve a situation at Castaway's Campground, formerly known as Eagles Nest Campground, caused by the installation of an above-ground, concrete equalization tank 98 feet from the County property line instead of the required 100-foot setback. The tank's location is in violation of County law, and cannot be used for its intended purpose until it is in compliance, and Mr. Burbage has attempted to resolve the situation without moving the tank by proposing a Boundary Line Agreement between the Ocean City Mayor and Council and Castaway's Campground, with the Town to exchange 65 square feet of airport property abutting Castaway's Campground (which is located on Tax Map 33 as Parcel 313) with 65 square feet of property at Castaway's Campground in order to meet the setback requirement. The Commissioners previously discussed the matter on May 6, 2008 and at that time had advised Mr. Burbage that he must either move the tank by June 13, 2008 or at the very least obtain a written contract to have the tank moved. The Commissioners further agreed at that time that if Mr. Burbage obtained approval from the Federal Aviation Administration (FAA) for a land swap to adjust the right of way of Eagles Nest Road, the Commissioners would consider that proposal at that time. Commissioner Cowger recused himself from the discussion due to a possible conflict of interest.

Mr. Cropper presented the Commissioners with a boundary survey of the property, which identified that the tank was 21 inches too close to the property line. Mr. Cropper stated that previously the campground operated using on-site drainfields located in the Coastal Bays Critical Area (CBCA), all of which were removed and replaced with a drip irrigation system located outside of the CBCA. He stated that Mr. Burbage intentionally designed a system outside the CBCA, even though that area contains the best soils for this purpose. He then asked the Commissioners to support the following two requests: the proposed Boundary Line Agreement, with the Town to deed two feet of airport land as a right of way to the County, with FAA approval, thereby allowing the County to give up two feet on the other side of the road to Mr. Burbage, effectively providing him with the land needed for the tank to meet the 100-foot setback requirement and for Eagles Nest Road to maintain a 50-foot right-of-way throughout; and temporary approval to use the equalization tank throughout the summer season while awaiting FAA approval for the land swap. Mr. Cropper stated that the Ocean City Mayor and Council had agreed to the proposed re-alignment of Eagles' Nest Road, contingent upon County and FAA approval.

In response to a question by Commissioner Shockley, County Attorney Sonny Bloxom stated that the Commissioners can agree to the proposed boundary line adjustment, and pointed out that the legal name of the County was incorrect on the boundary survey and must be corrected. Commissioner Boggs stated that she could not support the requests, which were caused solely by the developer's failure to obtain a proper permit and follow procedures prior to beginning work on the project. In response to a question by Commissioner Boggs, Development Review and Permitting Director Ed Tudor confirmed that the developer did begin construction on the project prior to applying for a County permit. In response to a question by Commissioner Busick, Mr. Tudor stated that the proposed boundary line adjustment would remedy the immediate situation. Commissioner Busick stated that even though the developer had ignored past requests by County staff to provide them with a copy of the boundary survey and had begun working without benefit of a County permit, she would support the proposed re-alignment and temporary use of the tank in the spirit of cooperation. Commissioner Church stated that the developer had made an honest mistake, and the Commissioners should support both requests. In

response to a comment by Mr. Cropper, Mr. Bloxom stated that the developer should have completed a boundary survey first, assuring that the boundaries of his property were staked correctly and thereby avoiding the error. Following much discussion and upon a motion by Commissioner Gulyas, the Commissioners voted 5-1-1, with Commissioner Boggs voting in opposition and Commissioner Cowger abstaining, to conceptually approve the proposed re-alignment of the ROW as presented on the plat subject to formal approval by the FAA at the request of the Town of Ocean City.

In response to a question by Commissioner Shockley, Mr. Tudor stated that the County has not issued an occupancy permit because the equalization tank does not meet the required setbacks and to issue such a permit would cause him to violate County law. In response to a question by Commissioner Gulyas, Mr. Cropper requested authorization from the County to use the tank until October 15, 2008. He stated that if the FAA has not approved the proposed land swap by that date, his client would relocate the tank. Mr. Bloxom stated that legally the County cannot approve this request. Mr. Cropper stated that on numerous occasions the County had issued temporary occupancy permits while individual property owners worked to resolve similar issues. In response to a question by Commissioner Shockley, Mr. Bloxom stated that there are certain provisions in the law that allow temporary occupancy permits, but this is not one of them. He further stated that if Mr. Burbage uses the tank he could be cited every day that he is in violation of the law or he can pump and haul the effluent until such time as the FAA approves the proposed land swap or the tank is moved. Commissioner Purnell stated that the Commissioners are trying to help a County citizen and that they would be doing him an injustice if they did not approve this request. Commissioner Boggs objected, stating that this request is a violation of the law, and the Commissioners first duty is to uphold the law. Commissioner Church stated that if the Commissioners hold Mr. Burbage to the letter of the law, they must hold everyone to it.

Mr. Cropper recommended the Commissioners issue a violation and stay enforcement until October 15, 2008. Environmental Programs Director Bob Mitchell stated that the developer could open the campground and remain in compliance with the law by pumping and hauling the sewage throughout the summer months. Mr. Cropper stated that to do so would be cost-prohibitive. In response to a question by Commissioner Shockley, Mr. Bloxom stated that the County could issue an initial citation, which the developer would have 30 days to pay, with additional citations being issued every 30 days until October 15, 2008 or upon FAA approval of the proposed land swap and recording of the plat adjusting the right of way. Commissioner Busick stated that she could support this action provided the developer agrees to pay the fee for each citation. Following much discussion and upon a motion by Commissioner Gulyas, the Commissioners voted 5-1-1, with Commissioner Boggs voting in opposition and Commissioner Cowger abstaining, to have County staff issue a citation every 30 days if Mr. Burbage uses the tank, with the understanding that the tank must be moved by October 15, 2008 if the FAA does not approve the proposed Boundary Line Adjustment.

The Commissioners met in Legislative Session.

The Commissioners met with Mr. Tudor to review proposed amendments to Bill 08-1 (Zoning - Spray Irrigation Facilities), as requested by the Commissioners after their public hearing on the bill on April 22, 2008 to extend the special conditions to privately operated facilities as well as governmental facilities disposing of class II effluent. Mr. Tudor explained

that the proposed revisions would amend Section ZS 1-318(c) by repealing and reenacting the opening paragraph only of this subsection of the Zoning and Subdivision Control Article to specify that the standard regulations for spray irrigation facilities shall not apply to spray irrigation facilities disposing of Class II effluent as defined by State Code and provided that the wastewater treatment facility is operated by an operator licensed by the State. Standards for all other facilities remain unchanged; and Section ZS 1-318(d) which Renumbers subsections ZS 1-318(d) and ZS 1-318(e) as subsections ZS 1-318(e) and ZS 1-318(f) respectively and adds a new subsection ZS 1-318(d) to establish special requirements for spray irrigation facilities for class II effluent in order to provide for the maximum utilization of highly treated wastewater effluent; establishes certain conditions which must be met in order to be regulated by these special requirements including conditions on the quality of effluent produced, the standards of the wastewater treatment facility, setbacks to the wetted perimeter, and required posting of the wetted perimeter if located within one hundred feet of a property line or structure intended for occupancy. The bill further adds certain spray irrigation fields and storage lagoons for class II effluent to the list of uses and structures permitted by right in the A-1 Agricultural, E-1 Estate, R-1 Rural Residential, M-1 Light Industrial and M-2 Heavy Industrial zoning districts and to the list of uses and structures permitted by special exception in the following zoning districts: V-1 Village, R-2 Suburban Residential, R-3 Multifamily Residential, R-4 General Residential, R-5 Mobile Home, B-1 Neighborhood Business, B-2 General Business and R-O Office District. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously approved the amendments as presented, including language requiring a licensed operator. Upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Bill 08-1 as amended.

The Commissioners conducted a public hearing on Emergency Bill 08-3 (Natural Resources – Atlantic Coastal Bays Critical Area), which was introduced by Commissioners Boggs, Church, Cowger, Gulyas, Purnell and Shockley on April 22, 2008. Mr. Tudor reviewed the bill, which would amend the law to recognize the use of both the State Wetlands Maps and the 1989 Department of Natural Resources (DNR) Wetland Maps for determination of the Atlantic Coastal Bays Critical Areas (ACBCA) boundaries.

Commissioner Shockley opened the floor to receive public comment.

There being no public comment, Commissioner Shockley closed the public hearing.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Emergency Bill 08-3 as presented.

The Commissioners adjourned the legislative session.

The Commissioners conducted a public hearing to receive public comment on a request submitted by Hugh Cropper, IV, attorney, on behalf of Mr. and Mrs. Edgar Rios, for the removal of 35.74 acres of land from the ACBCA as a result of an asserted mapping error on Parcel 28 on Tax Map 10 affecting the inclusion of certain portions of properties in the ACBCA. The subject properties are located on the southerly side of St. Martins Neck Road, approximately one-quarter mile west of Salt Grass Point Road and shown as Parcels 28, 29, 48, 249, and 302 on Worcester County Tax Map 10. Mr. Tudor stated that County staff worked with the Critical Area Commission staff, the surveyor and staff of various other State agencies and determined that there does not appear to be any significant areas of disagreement between the State Wetlands

Maps and the 1989 DNR Wetland Maps, except in this instance where it appears that the pond in question is not tidally influenced. He stated that removing the aforementioned property from the Resource Conservation Area (RCA) of the ACBCA would reduce the County's Growth Allocation within the ACBCA by 1.7 acres, since Growth Allocation is computed at 5% of the total RCA acreage. In response to a question by Commissioner Boggs, Natural Resources Administrator Chris McCabe stated that the County has approximately 700 acres of Growth Allocation remaining.

Commissioner Shockley opened the floor to receive public comment.

Mr. Cropper stated that the pond in question is fresh water, not tidal, and asked the Commissioners to recognize that a mapping mistake had occurred. Mr. Cropper asked the Commissioners to incorporate staff reports and all other attachments into evidence and thanked County staff for working with them to resolve this matter.

In response to a question by Mr. Cropper, Environmental Consultant Spencer Rowe confirmed that the pond in question is non-tidal.

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

Upon a motion by Commissioner Church, the Commissioners unanimously adopted Resolution No. 08-6, modifying the boundaries of the ACBCA to correct the mapping error and remove the subject property from the ACBCA.

The Commissioners conducted a public hearing on a request submitted by Hugh Cropper, IV, attorney, on behalf of Todd Peterson and other adjacent property owners, for the reclassification of 8.73 acres of land from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). Mr. Tudor reviewed the application, stating that the applicant alleges that an error occurred in the original district mapping for Parcels 132, 133, 256 and 383 as shown on Worcester County Tax Map 26. The subject properties are located along the southerly side of U.S. Rt. 50 west of Herring Creek. Mr. Tudor stated that the department has worked with the applicants and the Critical Area Commission staff over the course of many months to refine the application and reach a consensus on the limits of the mapping error. He stated that County staff concurs that this was a mapping error and the properties in question should never have been included in the RCA. He stated that removing these properties from the RCA would result in a .436-acre reduction in the County's Growth Allocation.

Commissioner Shockley opened the floor to receive public comment.

Mr. Cropper concurred with staff's recommendations and asked the Commissioners to modify the land classification boundaries for the proposed properties from RCA to IDA.

In response to a question by Mr. Cropper, Land Planner Bob Hand agreed that there was a mistake in the map, and the subject properties should be designated IDA.

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

Upon a motion by Commissioner Purnell, the Commissioners unanimously adopted Resolution No. 08-7 modifying the land classification boundaries of certain properties in the ACBCA to correct the mapping error and designate the subject properties as IDA.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to schedule a public hearing for Rezoning Case

No. 391, which seeks to rezone approximately two acres of land located on the easterly side of MD Rt. 589 (Racetrack Road) to the north of Gum Point Road from A-1 Agricultural District to B-2 General Business District. The subject property is shown on Tax Map 21 as Parcel 15 and totals approximately 3.2 acres. The portion of Parcel 15, which abuts MD Rt. 589 is zoned B-2 for a distance of approximately 450 feet extending from the property line adjacent to the roadway toward the east. The remainder of Parcel 15 is zoned A-1 and is the area petitioned for rezoning in this case. Mr. Tudor stated that the application received a favorable recommendation from the Planning Commission. In response to a question by Commissioner Gulyas, Mr. Tudor stated that although staff is working on the Comprehensive Rezoning, they must continue to accept rezoning applications unless the Commissioners declare a moratorium.

Pursuant to the recommendation of Comprehensive Planning Director Sandy Coyman and upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the best proposal for preparation of the Sea Level Rise Local Response Study to CSA International, Inc. of Stuart, Florida at a cost of \$27,500.00.

Commissioner Shockley announced that the Commissioners would conduct a budget work session on Wednesday, May 21, and encouraged citizens to attend.

The Commissioners answered questions from the press, after which they adjourned for lunch.

After lunch, the Commissioners reconvened in open session.

State Highway Administrator Neil Pedersen and District Engineer Donnie Drewer with the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) met with the Commissioners to discuss the remaining phases of the U.S. Rt. 113 dualization project. Mr. Pedersen reviewed the status of each phase. Phase 2A, consisting of 2.5 miles of roadway from Hayes Landing Road to north of Goody Hill Road, is underway with a design/build contract with construction to begin this summer and be completed by September 2009. Phase 2B, consisting of 1.8 miles from north of Goody Hill Road to north of Massey Branch, is estimated to cost \$22 million. Preliminary engineering is 90% complete and ROW acquisition is 50% complete. He stated that advertising for construction for this section could begin in late August 2008 with construction beginning by spring 2009. Mr. Pedersen stated that preliminary engineering for Phase 3, consisting of 4.0 miles of roadway north of Massey Branch to Five Mile Branch Road, is 60% complete; however, there is no construction funding for this \$46.6 million project. Engineering for Phase 4, consisting of 4.5 miles from Five Mile Branch Road to north of Public Landing Road, is 65% complete but there is no construction funding for this \$44 million project. Mr. Pedersen stated that Phase 5, the proposed MD Rt. 12 and U.S. Rt. 113 interchange improvements, would cost approximately \$29.3 million and is currently unfunded. Mr. Pedersen stated that the design calls for a diamond interchange with roundabouts, which have been shown to reduce accidents by 70% to 90%.

Mr. Pedersen stated that the SHA is prepared to move forward with Phase 2B of the dualization project, but had promised to come back to discuss the order of future phasing before moving forward with Phases 3, 4 and 5. He stated that SHA has no specific recommendations

with regard to which project to begin next. However, he stated that the number of accidents at the interchange, though still high, has dropped off significantly and no fatalities have occurred, while the areas covered by Phases 3 and 4 have a higher rate of fatal crashes.

Mr. Drewer stated that Bob Hulburd, Chair of County Residents Action for Safer Highways (CRASH), asked SHA officials to continue with Phases 3 and 4 prior to constructing the U.S. Rt. 113/MD Rt. 12 interchange improvements in Phase 5.

Mr. Pedersen stated that funding for the Maryland Department of Transportation had been cut by \$57 million in FY09, causing many Capital Improvement Projects (CIP) to be delayed or cut. He stated that, realistically, it could be some time before SHA is able to move on to the next proposed phase of the dualization project.

Commissioner Shockley referenced a petition signed by 745 area residents requesting a traffic signal be installed at the MD Rt. 12/U.S. Rt. 113 intersection. He stated that 14 accidents had occurred at that intersection following the completion of that portion of the dualization project, including a 7-year-old boy who was nearly killed last March. Commissioner Shockley stated he didn't know if they could afford to wait five years to receive funding approval for the intersection improvements.

Commissioner Boggs stated that the Commissioners remained committed to completing the U.S. Rt. 113 dualization project. In response to a question by Commissioner Boggs, Mr. Pedersen stated that roundabouts reduce personal injury accidents by up to 90% because they force motorists to slow down to about 15 miles per hour, giving them time to react. Mr. Drewer advised that SHA recently constructed a roundabout in Fruitland, and since that time there has been no report of accidents at that intersection. He stated that roundabouts have been so successful in reducing accidents that SHA is planning to construct five more on the Eastern Shore.

In response to a question by Commissioner Busick, Mr. Pedersen stated that SHA will not know for sure how State cuts will affect SHA Capital Improvement Projects (CIP) until late August but that they would be back to meet with the Commissioners in October and would keep them updated on funding for the project. He stated that SHA would proceed with preliminary engineering of the remaining phases and can decide which phase to construct next at a later date.

In response to a question by Mr. Bloxom, Mr. Drewer stated that SHA is looking at various options to deter the number of illegal highway crossings occurring on MD Rt. 13 in Pocomoke in the vicinity of WalMart, including the installation of a fence or thorny shrubbery. Following much discussion, Mr. Pedersen agreed to keep the Commissioners apprised of funding developments. Commissioner Shockley thanked Mr. Pedersen and Mr. Drewer for meeting with the Commissioners and stated that they looked forward to meeting again in October for their annual consultation meeting with MDOT.

The board adjourned to meet again on June 3, 2008.