

Minutes of the County Commissioners of Worcester County, Maryland

November 17, 2009

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

Following a motion by Commissioner Purnell, 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 administrative functions. Also present at the closed session were Gerald T. Mason, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; and Kim Moses, Public Information Officer. Topics discussed and actions taken included: considering appointments to the Local Development Council for the Ocean Downs Video Lottery Facility; reviewing potential and pending litigation; receiving legal advice from counsel; and performing administrative functions.

Commissioner Church was absent from the meeting.

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

The Commissioners reviewed and approved the minutes of their November 3, 2009 meeting, as presented.

The Commissioners presented a proclamation to Ed Montgomery, Co-Director and Chair of the Local Management Board - Worcester County's Initiative to Preserve Families, recognizing the week of Thanksgiving, November 22-28, 2009, as National Family Week and urged all citizens to join together in honoring and protecting the institution at the heart of life in America, the family, and to recognize the special connections that support and strengthen families year-round.

Health Officer Debbie Goeller provided the Commissioners with a status report on the efforts of Health Department officials to combat the H1N1 (Swine Flu) and seasonal flu viruses. She pointed out that H1N1 is the predominant strain of virus this season, with infection levels surpassing those of the standard flu season. Ms. Goeller reviewed a PowerPoint entitled *H1N1*

Pandemic Flu Update, which included the following: Surveillance Report of Flu Activity; H1N1 Vaccine Availability; H1N1 Center for Disease Control Target Groups; Vaccination Efforts; Response/Community Mitigation; Seasonal Flu Vaccination Update; Community Education; and Information about the Worcester County Public Health Line. Ms. Goeller stated that in addition to a number of other H1N1 clinics conducted locally by the Health Department and Atlantic General Hospital (AGH), both organizations have collaborated to provide an H1N1 vaccination clinic at the Roland E. Powell Convention Center in Ocean City on November 19, 2009 that will be open to the public. In response to a question by Commissioner Boggs, Ms. Goeller stated that prior H1N1 clinics offered through the Health Department were by appointment only to target group individuals due to the limited number of vaccine doses on hand.

Commissioner Gulyas commended Ms. Goeller and her staff for their professionalism and highly organized vaccination clinics. Commissioner Boggs concurred, noting her understanding that Health Department officials took caution to distribute limited doses of the vaccine to priority groups, namely school-age children and their care givers, healthcare and Emergency Medical Service (EMS) providers and pregnant women, prior to offering vaccination clinics to the general public. In response to a question by Commissioner Gulyas, Ms. Goeller stated that a recently signed National Incident Management System agreement permits trained paramedics to administer H1N1 vaccines to EMS and public safety workers as well as perhaps the general public if needed as more doses become available in the coming weeks. She confirmed that the Health Department is scheduled to receive another 700 doses within the next week, and tentative plans are in the works to host another H1N1 clinic at their offices in Snow Hill on December 1, 2009. In response to a question by Commissioner Shockley, Ms. Goeller confirmed that the Health Department had been conducting seasonal flu clinics until doses of the vaccine were no longer available once pharmaceutical companies stepped up their efforts to provide doses of H1N1 vaccinations. However, the Health Department recently received about 100 doses of seasonal flu vaccine and conducted a clinic that served 60 seniors on November 13, 2009. She stated that staff has been told that 700 doses of seasonal flu vaccine are in shipping to the Health Department at this time with another 700 to follow. After much discussion, the Commissioners thanked Ms. Goeller and her staff for their organized efforts to provide H1N1 and seasonal flu clinics to the public.

The Commissioners congratulated Tourism Director Lisa Challenger and tourism partners Delmarva Low-Impact Tourism Experiences (DLITE); Ann Hillyer of OceanCity.com and Maryland.com; Michael Day, representing the Town of Berlin Main Street Program, for taking home two awards at the 29th Annual Maryland Tourism and Travel Summit for the Host Our Coast program. Ms. Challenger also thanked Emmet McGovern, Full City Media President; Dan Kuennen, Rural Development Center Director; and Scott Thomas, Southern Delaware Tourism Director for their assistance. She stated that Governor Martin O'Malley presented the Host Our Coast partnership with the prestigious *Visit Maryland* award for demonstrating creativity and consistency in promotional efforts to showcase Maryland travel, and the Maryland Tourism Council (MTC) presented the *Impact Award* to Worcester County and Host Our Coast for leading a new initiative that has had a major impact on Maryland Travel. Ms. Challenger stated that the Host Our Coast program was conducted by contest winners Paul Cox and Melanie McLean from April through August 2009, and the two spent the summer exploring Delmarva

parks, small towns, museums and heritage sites. Each day they posted stories and images of their travel on Facebook, YouTube, Flickr, Twitter, and www.hostourcoast.com. Ms. Challenger advised that by the end of August 2009, Host Our Coast had more than 3,000 regular online followers and 616 Facebook fans. She stated that the program was a huge success, generating articles valued at more than \$50,000, and the partner organizations will launch Host Our Coast II in February 2010. Ms. Challenger was pleased to report that agencies within Worcester County stole the show at this year's summit, with Greater Ocean City Chamber of Commerce Events Director Lisa Dennis receiving the Professional of the Year award; Hotel-Motel-Restaurant Association Executive Director Susan Jones receiving the Tourism Person of the Year award; and the Harrison Group's Hilton Suites at 33rd Street receiving the AAA Four Diamond award, the only hotel in Ocean City to hold such a distinction.

Mr. Rapp advised that credit for the Host Our Coast project goes to Ms. Challenger who developed the idea. He stated that Mr. Cox and Ms. McLean were chosen from among 74 applicants from around the United States to become seasonal travel journalists for DLITE and won \$10,000 along with a free stay in a condominium in Ocean City for the summer. Mr. Rapp also announced that the MTC considered the Host Our Coast program to be the most effective use of new media for tourism purposes in the State to date. Following much discussion, Commissioner Gulyas applauded the success of each of the individuals and organizations representing Worcester County for standing out from among their peers in the tourism industry.

Finance Officer Harold Higgins and Assistant Finance Officer Phil Thompson presented the Commissioners with the updated County and Board of Education's (BOE) FY09 Actuarial Valuation for the Worcester County Government Postretirement Health Insurance Plan, more commonly known as Other Post Employment Benefits (OPEB). Mr. Higgins stated that the County's three trusts - Retiree Benefit Trust of Worcester County, Retiree Benefit Trust of the Worcester County Board of Education (BOE) and the Worcester County Master Retiree Benefit Trust Agreement to establish an OPEB Trust for County and BOE employees - were established prior to June 30, 2009 in accordance with the requirements of the Governmental Accounting Standards Board (GASB) Statements 43 and 45. He advised that the calculations used in the Actuarial Valuation are based on census, plan information and health care related information. Mr. Higgins then reviewed the liability and expense information for FY09, comparing it with the prior study dated March 1, 2006. Mr. Higgins noted that the Actuarial Accrued Liability (AAL) had not fallen as expected, but rather had increased 16.6% from 2006 to 2009 to \$141,822,532. Mr. Higgins stated that this increase was caused by a new liability referred to as stacking, which occurs as older employees retire and are replaced by younger employees with families, effectively doubling the costs of the OPEB liability. He stated that even with the employee changes, the County's early funding of the accrued OPEB liability in the prior three fiscal years had a significant impact on reducing the Annual Required Contribution (ARC) from \$17 million to an ARC of \$15.3 million. The fund is currently only earning a 1% return, based on existing Treasury Bill rates, the AAL results are based on a discount rate equal to the target rate of return for the trust (7.5%), which should be realized once the investment committee is formed and the trust funds are invested into higher yield investments. In response to a question by Commissioner Boggs, Mr. Higgins stated that it is too early to predict how a national health care system would impact the AAL. He stated that while the County had no solid numbers upon

which to base figures in the 2006 study, the County now has three studies, each with a three-year history, to draw from. Commissioner Boggs thanked Mr. Higgins for his far-sighted recommendations during prior budget years. In response to concerns raised by Commissioner Shockley, Mr. Higgins stated that the yearly contribution should go down once the OPEB trusts are put into long-term investments, and it is not unreasonable to expect the long-term accounts to earn at least 7.5% annually over the next 10 to 20 years, creating a positive cash flow to fund future payments. However, the County must first establish an investment policy. This policy is to be drafted by a five-member Investment Committee (consisting of the County Chief Administrative Officer, Budget Officer, Human Resources Director, an “at large” employee member appointed by the Commissioners and a member nominated and appointed by the BOE) and should be presented to the Commissioners for their approval within the next 60-120 days. Mr. Higgins confirmed that he had been alarmed that the County’s annual contribution had decreased by far less than first anticipated; however, 90 BOE employees had retired in the last three years and been replaced by individuals in their 20s. County Attorney Sonny Bloxom confirmed that the key to realizing a positive cash flow lies in establishing the long-term investment policy. In response to concerns raised by Commissioner Cowger with regard to the County’s ability to fund OPEB at the existing level, Mr. Higgins stated that the ARC will be \$15.4 million, which includes \$2.9 million for County employees and \$12.5 million for BOE employees. Mr. Mason stated that due to the state of the economy the County will not likely be able to fund the entire OPEB ARC liability in FY11. Mr. Thompson stated that currently OPEB funds are in the Maryland investment pool, which are very safe investments, and the next step is to develop the long-term investment policy, so the County can establish the long-term investment goals over a 30-year period, rather than looking at any individual year. Following much discussion, Commissioner Gulyas thanked Mr. Higgins and Mr. Thompson for the update.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing on Bill 09-8 (Public Works - Public Easement Road Bridges), which was introduced by Commissioners Boggs, Church, Cowger, Gulyas, Purnell and Shockley on October 17, 2009. Mr. Bloxom review the proposed bill that would expand the definition of a Public Easement Road to place any bridge or bridges that the road crosses over, including the bridges located within Ocean Pines, within the classification of “public easement road” in the Inventory of Public Roads of Worcester County. Mr. Bloxom explained that with the passage of this bill the Ocean Pines Association (OPA) should be eligible to receive federal and/or State funds to repair or replace their bridges.

Commissioner Gulyas opened the floor to receive public comment.

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

Upon a motion by Commissioner Boggs, the Commissioners unanimously adopted Bill 09-8 as presented. In response to a question by Commissioner Busick, Mr. Bloxom stated that once the bill takes effect 45 days from now, the next step would be to amend the agreement with the OPA to clarify that the following three bridges in Ocean Pines are eligible for State maintenance funding: Clubhouse Drive, Ocean Parkway just south of the intersection with Clubhouse Drive and North Gate.

Commissioner Gulyas closed the legislative session.

Pursuant to the recommendation of Development Review and Permitting (DRP) Director Ed Tudor and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Gulyas to sign Amendment No. 1 to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (CACB) Grant-in-Aid Program for FY10, which reduces the previous grant award from \$31,000 to \$14,000 following State budget cuts last month. Mr. Tudor stated that the annual grant is used to assist DRP staff in carrying out their responsibilities under the CACB Critical Area Protection Program.

Pursuant to the request of Mr. Tudor and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded three Independent Contractor's Agreements to complete appraisals for a conservation easement on a property owned by Holland/Gladmar Dairyland Co., Inc. and located within the Dividing Creek Rural Legacy Area as follows: Lefort Appraisal and Consulting, Inc. of Salisbury, Maryland at a cost of \$2,350.00; W. R. McCain and Associates of Salisbury, Maryland at a cost of \$2,700.00; and Cadell and Associates, Inc. of Easton, Maryland at a cost of \$2,500.00. Mr. Tudor advised that the property is located on the southeast side of Whitesburg Road and shown on Tax Map 69 as Parcel 31, is adjacent to State owned conservation land and other lands under varying types of easements and is furthermore identified as a Priority 1 site for protection. He stated that funding for the appraisals and subsequent easement purchases would come from Rural Legacy grant funds in combination with Federal matching funds obtained by the Lower Shore Land Trust under the Federal Farm and Ranch Land Protection Programs.

The Commissioners met with Mr. Tudor to designate an Administrative Hearing Official (AHO) and establish an application fee for administrative adjustments as provided for in Section ZS1-117 of the newly enacted Zoning and Subdivision Control Article (the Zoning Code). Mr. Tudor stated that the Hearing Official would provide for a quicker and more cost-efficient means of dealing with minor adjustments to certain provisions contained in the Zoning Code. He stated that Subsection (d) provides that the County Commissioners shall establish, by resolution, a fee schedule for applications requesting administrative adjustments. Mr. Tudor concluded that even though the new Zoning Code is less than a week old, DRP has already received inquiries with regard to administrative adjustment applications. He recommended establishing a fee of \$75 if he is designated to serve as the AHO and perhaps \$100 if a non-staff member is designated for this position given the additional cost of time, mileage and training. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously adopted Resolution 09-26, designating Mr. Tudor as the AHO and establishing a \$75 fee for all applications for administrative adjustments from the requirements of the Zoning Code.

The Commissioners met with Mr. Tudor to review a proposed minor amendment to the Comprehensive Water and Sewerage Plan for Worcester County, Maryland to construct a new elevated water tower in West Ocean City for the Mystic Harbour Water Sanitary Service Sub-Area. Mr. Tudor stated that the Commissioners held a public hearing on October 6, 2009 relative to financial aspects of the proposed construction of a new 500,000 gallon elevated water tower, which is to be located at the site of the Ocean City Christian School, north of U.S. Rt. 50. He stated that the general language of the Water and Sewer Plan provides sufficient backup for

the proposed construction of the water tower. However, he noted, staff of the Maryland Department of the Environment and Maryland Department of Planning had advised that greater specificity is needed in the Plan for the proposed construction. As a result, former Planning Manager Sandy Coyman prepared a transmittal package to the Planning Commission to initiate the amendment to the Water and Sewerage Plan to have the tower site and adjoining parcel included in the Mystic Harbour Sanitary Service Area (MHSSA). Mr. Tudor advised that based upon Mr. Coyman's recommendation, the Planning Commission has suggested that the County Commissioners consider treating this amendment as a major amendment, thus requiring a public hearing, since they believed that it would involve an expansion of the service area. However, it was later determined by staff that the water tower site and adjoining parcel are already included in the Mystic Harbour Water Sanitary Service Subarea, as evidenced by Resolution No. 06-6 approving amendments to the MHSSA and Oyster Harbor Sanitary Service Area and creation of the Mystic Harbour Water Sanitary Service Subarea for public water service. Mr. Tudor concluded that, since it is not necessary to amend the MHSSA for the inclusion of the water tower property, staff concludes that this is indeed a minor amendment to the plan and addresses the condition that caused the Planning Commission to recommend that the Commissioners hold a public hearing on the issue. Therefore, Mr. Tudor recommended that the Commissioners review and execute a resolution acknowledging the inclusion of the water tower in the Water and Sewerage Plan as a minor amendment. Upon a motion by Commissioner Busick, the Commissioners unanimously adopted Resolution No. 09-27 amending the Comprehensive Water and Sewerage Plan for Worcester County to provide for the construction of an elevated water storage tank in the Mystic Harbour Water Sanitary Service Sub-Area.

The Commissioners met with Public Works Director John Tustin to review staffs' recommendation with regard to a proposal submitted to the County on October 16, 2009 by Captains Tyler and Logan Barnes to utilize the West Ocean City Harbor Public Boat Ramp to launch and retrieve a potential duck boat operation. Mr. Tustin reviewed the proposal, noting that it includes operating a 49-passenger, 19,000 pound duck boat operating on a schedule that would allow them to launch and retrieve their boat four times daily during the tourist season. He stated that each round trip would take approximately 75 minutes and would traverse from Hooper's Crab House down Golf Course Road to the boat ramp and throughout the waters west of Ocean City and Assateague Island. Mr. Tustin stated that he had contacted and been advised by Maryland Department of Natural Resources (DNR) staff that the proposed commercial use would create a conflict with the general boating public using this facility and could damage the ramp, as has occurred at other public boating facilities nationally. Therefore, DNR would be inclined not to support the County's request for federal grant funds of \$600,000 and State grant funds of \$200,000 to renovate this facility if the duck boat operation was approved. Commissioner Gulyas stated that the harbor must be protected and preserved. Commissioner Busick concurred, noting that such a use would be detrimental to the County's boating public. Following some discussion and upon a motion by Commissioner Busick, the Commissioners voted unanimously to deny the request and instead recommend the business owners contact a local marina and use a private boat ramp for their operations if need be.

Mr. Tustin updated the Commissioners on the results of the County's Household

Hazardous Waste (HHW) & E-Cycling Day event, which was held at the Showell Elementary School Parking Lot on Saturday, October 31, 2009. He advised the Commissioners that 331 vehicles responded to the event, dropping off 16,157 pounds (lbs.) of HHW products and 520 electronics items totaling 8,820 lbs. Mr. Tustin stated that even with the effects of the depressed economy this year's event was a huge success, and pointed out that this high profile location drew attention from vehicle passers by.

Mr. Tustin, Emergency Services Director Teresa Owens and DRP Technical Services Manager Kelly Henry briefed the Commissioners with regard to the actions of County staff to address safety issues related to a Nor'Easter that deluged Worcester County and much of the Eastern Seaboard last week as remnants of Hurricane Ida passed by. Ms. Owens stated that unlike areas of Virginia and New Jersey, Worcester County fared rather well, with most 911 callers reporting flooding, downed trees and damage to landscaping in diverse areas. She stated that prior to the storm, public safety officials met in the Emergency Operations Center in the basement of the Government Center to review the County's Emergency Plan and prepare for the storm. She stated that wind speeds were very high, causing the rain to be whipped right out of the rain gauges and making it difficult to obtain an accurate reading on the amount of rainfall in the area. Ms. Owens concluded that officials from Federal Emergency Management Agency (FEMA) and Maryland Emergency Management Agency (MEMA), U.S. Army Corps of Engineers and Governor Martin O'Malley's office would be meeting at Ocean City Town Hall today at 3:00 p.m. to assess the extent of storm damage on Ocean City and all of Worcester County.

Mr. Tustin advised that sections of roadways in West Ocean City, including Keyser Point Road and Golf Course Road, were inundated with up to two feet of water and were temporarily impassible. He further advised that the following roads were impassible and had been temporarily closed due to flooding: Whiton Crossing, Porters Crossing, Purnell Crossing, Rum Gate, Old Bridge Road, Golf Course Road, Keyser Point Road. He stated that Public Works crews persevered through adverse weather conditions to clear some 15 trees that were brought down on county roadways and erect road barriers in flooded areas. Mr. Tustin noted that his staff is currently in cleanup mode, and all County roads have reopened with the exception of Purnell Crossing. Commissioner Boggs commended Mr. Tustin and his staff, noting that maintenance crews maintained a high profile throughout the storm, with residents informing her that County trucks were out in force during the storm. In response to a question by Commissioner Boggs, Mr. Tustin confirmed that even with 6.6 inches of rainfall in Ocean Pines, Water and Wastewater operations were not adversely affected. In response to a question by Commissioner Shockley, Mr. Tustin confirmed that staff will assess all of the County bridges for possible storm damage.

Ms. Henry presented a PowerPoint highlighting flooding, downed trees and damage to homes and other structures as a result of the storm. She stated that DRP sent out eight two-person teams, with one person driving and the other tracking the affects of the storm on every road and driveway in Worcester County. She stated that standing water flooded crawl spaces on Salisbury and Balte Roads, as well as other areas, and the North Shore Road pier and bulkhead were completely destroyed, with a large portion of the pier being ripped from its docking and washing up on a neighboring property. Ms. Henry confirmed that all stormwater management systems were working properly, but in some areas the water elevation was as high

as the tops of the drainage ditches and stormwater management ponds. She stated that three days after the storm subsided, the flood waters had receded from the roads. Ms. Henry stated that staff was able to learn quite a bit from this event, most notably, homes built to 1988 flood standards remained safe from flooding, but those built in the 1950s and 60s suffered water damage within the crawl spaces.

Following much discussion, the Commissioners thanked staff for their report and expressed their sincere appreciation for the outstanding level of cooperation that existed between all of public safety personnel to address potential emergencies resulting from the severe weather.

The Commissioners reviewed a memo from Assistant Chief Administrative Officer Kelly Shannahan regarding the Commissioners' meeting schedule for 2010. Upon a motion by Commissioner Boggs, the Commissioners unanimously approved their schedule of meeting dates for calendar year 2010 as proposed. The Commissioners' meetings are generally held on the 1st and 3rd Tuesday of each month, except where such dates fall on a legal holiday or other conflicting event. In the year 2010, the only conflicting holiday is the General Election Day on Tuesday, November 2, 2010 for which the meeting is proposed to be held on the day after the holiday (Wednesday, November 3, 2010). Due to the freeze on out-of-state travel, no adjustment was made to the meeting schedule to accommodate the annual National Association of Counties (NACO) Conference in Reno, Nevada from Friday, July 16 through Tuesday, July 20, 2010.

Pursuant to the recommendation of Mr. Shannahan and upon a motion by Commissioner Purnell, the Commissioners voted unanimously to extend the contracts for legal advertising services for an additional year through December 31, 2010 from both Ocean City Digest/O.C. Today, which serves northern Worcester County and has a readership of roughly 16,000, at \$3.00 per column inch; and the Daily Times Group (The Daily Times, Worcester County Times and Ocean Pines Independent), which serves the entire County and has a readership of roughly 49,000, at \$8.00 per column inch. Mr. Shannahan explained that awarding bids to both organizations would allow the County to maximize exposure and ensures future competition.

The Commissioners met with Recreation and Parks Director Sharon DeMar Reilly and Human Resources Director George Bradley to consider whether to make an allowance to the hiring freeze to hire 11 seasonal certified lifeguards to continue offering youth swim lessons during summer 2010. Ms. Reilly stated that this program is the County's longest running recreation program, and last year alone 146 children participated. She stated that in order to hire the lifeguards needed to run the program it is necessary to begin recruiting for these positions in early January 2010. Commissioner Gulyas stated that in a seaside county it is imperative that children learn how to swim, and programs like this one serve that purpose well. In response to a question by Commissioner Gulyas, Chief Administrative Officer Gerald T. Mason stated that funds to hire the lifeguards were available in the FY10 Operating Budget. Following some discussion and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to make an exception to the County-wide hiring freeze and authorized the hiring of 11 seasonal lifeguards for the youth swim lessons program.

Pursuant to the recommendation of Ms. Reilly and upon a motion by Commissioner

Purnell, the Commissioners unanimously agreed not to fill a vacant Motor Coach/Recreation Program Manager position within Recreation and Parks at this time. Ms. Reilly stated that following the resignation of Chris Adkins from this full-time position in August 2009, the burden of overseeing motorcoach tour programs has become too much for remaining staff members to handle in addition to their normal duties. Furthermore, she stated that in the past this program had been well received by the community. However, in light of the economic downturn and because funding for newspaper advertising had been cut, five out of the 10 motorcoach tours offered this year did not break even. Commissioner Gulyas thanked Ms. Reilly for her recommendation.

Commissioner Boggs informed those in attendance that instances of rabies are on the rise in Worcester County, with 50 animals found to be infected with the disease this year. She stated that a rabid feral cat in the Berlin area had come into contact with six individuals, two adults and four children, all of whom were required to undergo rabies vaccinations. She strongly cautioned against feeding stray animals or pets outdoors and to contact the Health Department to report possible rabid animals.

Commissioner Gulyas informed the press that the County is drafting a long-term 25-year lease agreement between the Worcester County Commissioners and the Town of Ocean City to continue to lease the County-owned property on 3rd Street in Ocean City to the town for recreation purposes. She stated that doing so would enable the Town to redevelop the park area, and it would also serve to advance the cooperative relationship between the Town and County.

The Commissioners answered questions from the press, after which they adjourned to meet again on December 1, 2009.