

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

May 18, 2010

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

Following a motion by Commissioner Gulyas, seconded by Commissioner Purnell, the Commissioners unanimously voted to meet in closed session at 10:00 a.m. in the Commissioners' Meeting 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; Kim Moses, Public Information Officer; George Bradley, Director of Human Resources; Reggie Mason, Chief Deputy with the Sheriff's Office; and Fred Webster, Deputy Director of Emergency Services. Topics discussed and actions taken included: transferring Travis Donaway and Donald Hardy from the Roads Division of Public Works to fill a vacant Water and Wastewater Plant Operator Trainee position and a Maintenance Worker II position in the Water and Wastewater Division of Public Works, respectively; appointing Dr. Dia Arpon to the Adult Public Guardianship Board; reappointing Mary Yenny and Dr. Nancy Dorman to the Social Services Board; reviewing potential and pending litigation; receiving legal advice from counsel; and performing administrative functions.

After the closed session, the Commissioners reconvened in open session. Commissioner Church 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 4, 2010 meeting, as presented.

The Commissioners conducted a public hearing to receive public comment on the proposed inclusion into the inventory of County Roads of the following public roads, all of which are located off of Old Bridge Road (Maryland Route 707) east of Keyser Point Road in West Ocean City in the Tenth Tax District of Worcester County, Maryland as shown on Worcester County Tax Map 26 as Parcels 185, 186 and 187 and Tax Map 27 as Parcels 129 and 130 and known as the West Harbor Village Residential Planned Community: Harbor Master Boulevard being approximately 0.23 mile in length; Bay Buoy Court being approximately 0.04 mile in length; and Sea Buoy Court being approximately 0.09 mile in length.

Commissioner Church opened the floor to receive public comment.

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

Upon a motion by Commissioner Gulyas, the Commissioners unanimously approved Resolution No. 10-17 amending the inventory of Public Roads of Worcester County, Maryland to add public roads in the West Harbor Village Residential Planned Community.

Pursuant to the written recommendation of Housing Program Administrator Jo Ellen Bynum, and upon a motion by Commissioner Busick, the Commissioners unanimously awarded the low bid for the general rehabilitation of an existing single-family home in the Pocomoke area to Thermal Exteriors, Inc. of Hebron, Maryland at a cost of \$26,050.

Pursuant to the written recommendation of Ms. Bynum, and upon a motion by Commissioner Purnell, the Commissioners unanimously awarded the low bid for the lead abatement and general rehabilitation of an existing single-family home in the Snow Hill area to Shoreman Construction of Delmar, Maryland at a cost of \$24,725.

Pursuant to the request of Cheryl L. Nottingham, Vice President of Finance for Atlantic General Hospital (AGH), and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to subordinate the County's Grant Agreement with AGH to Wilmington Trust Company, a Delaware banking corporation. Chief Administrative Officer Gerald T. Mason reviewed the request, noting that in 1992 the County issued its general obligation bonds in the amount of \$5 million to AGH to develop, construct and equip the existing hospital facility. In 2002, the County approved a similar subordinating agreement in conjunction with a \$5 million bond issued by the Mayor and Council of Berlin. This Agreement will be subordinate to any and all liens securing repayment of the 2010 Bond Series of \$12,200,00 issued by Wilmington Trust for the purpose of, among other things, financing the acquisition and installation of certain equipment and the construction and renovation of certain areas of AGH, all of which are located or to be located in the existing hospital facility located at 9733 Healthway Drive in Berlin, Maryland.

Pursuant to the request of Recreation and Parks Director Sharon DeMar Reilly and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the posting for a Recreation Intern, a volunteer position within Recreation and Parks, on the National Recreation and Parks Association (NRPA) website. Ms. Reilly explained that posting this position on the website is free and would help reach a larger audience than just posting the position locally. In response to a recommendation by Commissioner Gulyas, Ms. Reilly stated that this internship opportunity could also be posted at the University of Maryland Eastern Shore and Salisbury University. At the request of Commissioner Boggs, Ms. Reilly agreed to post the position at Wor-Wic Community College as well.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to discuss adopting a local policy regarding the implementation of the Conservation Reserve Enhancement Program (CREP) in Worcester County. Mr. Tudor reminded the Commissioners that the CREP was discussed by the Commissioners on September 15, 2009 when it was determined that the CREP could serve to replace the loss of State funding from the

Maryland Agricultural Land Preservation Foundation (MALPF) and Rural Legacy Area (RLA) previously used to purchase conservation easements. At that time, the Commissioners directed staff to pursue land preservation funding opportunities and to solicit properties for inclusion in the program.

Mr. Tudor reviewed the purpose of CREP, which is to protect water quality by removing marginal agricultural land from production and replacing it with perennial vegetation. He noted that \$12.5 million in CREP funding is available to nine counties, including Worcester County, for the next five years, with easements to be co-held by the Maryland Department of Natural Resources (DNR) and the County. Participation by landowners in CREP is entirely voluntary. Mr. Tudor stated that the County received seven CREP applications, two of which were unable to qualify for participation in the program due to parcel size and the existence of prior conservation easements. Of the remaining five applicants, some have sought to exclude portions of their parcels from the easements. Mr. Tudor stated that staff has some genuine concerns that placing only a portion of each parcel in the program will present easement monitoring and enforcement problems, and could result in inflated easement valuations when compared to the RLA and MALPF programs which extinguish development rights on entire parcels. He stated that while the State designates money for CREP, it is local taxpayers who fund the program. Therefore, the County should seek the most cost-effective use of public funds for land preservation efforts. He concluded by recommending the County adopt a local policy for CREP participants that includes the following: encumbering an entire parcel with the easement at the price offered for the CREP Permanent Easement (the crop land may remain in crop land but future development must be limited by conservation easement to one residential unit per parcel); or obtain two independent appraisals (at the landowner's expense), with the landowner to be paid the lesser of either the appraised value or the value generated by the State's Easement Valuation System (EVS) for the CREP area only.

Commissioner Gulyas commended staff for recognizing that, ultimately, it is the taxpayers, not the State, who fund CREP; and, therefore, it is vital that the County make the best use of such funds. In response to a question by Commissioner Church, Katherine Munson, Planner IV within DRP, advised that the homeowners would select the appraiser and bare the cost of the two appraisals. Commissioner Church expressed concern that doing so could result in inflated land values, and suggested instead that the landowner and the State each select an appraiser and fund the cost of one appraisal. Commissioner Shockley stated that the County is likely to lose a number of properties along the water that should be protected simply because of the language requiring entire parcels to be placed within permanent easements. Following much discussion, the Commissioners concurred with the need to implement a local CREP policy, but agreed to temporarily table the matter, directing staff to revise the policy regarding the appraisal process to ensure that reasonable appraisals are received to determine the value of the easement area to be purchased and to solicit input from the Worcester County Farm Bureau with regard to the proposed local policy.

Pursuant to the request of the Ocean City Chamber of Commerce (OCCC) and the recommendation of Tourism Director Lisa Challenger, the Commissioners unanimously granted the OCCC authorization to construct an interpretive sign of up to 3'x4' in the West Ocean City (WOC) Harbor that would interpret the history and heritage of the commercial and recreational

fishing industry in Ocean City.

Pursuant to the request of Public Works Deputy Director John Ross and upon a motion by Commissioner Busick, the Commissioners unanimously approved bid specifications for the replacement of Wastewater Pumping Station A in Mystic Harbour. Mr. Ross advised that this project is estimated to cost \$500,000 and represents the first step of the project to replace the Mystic Harbour Wastewater Treatment Plant (WWTP). He advised that both grant and loan funding is available through the United States Department of Agriculture to replace the WWTP and this pumping station.

Pursuant to the recommendation of the Ocean Pines Water and Sewer Advisory Council and upon a motion by Commissioner Boggs, the Commissioners unanimously adopted Resolution No. 10-18 adopting policies and procedures for adjustments to water bills. Mr. Ross explained that the new Water Bill Adjustment Policy formalizes the procedure used for many years to adjust inflated water bills because the customer had a significant water leak that did not enter the sewer system, such as underground service line; and proposes a policy for adjusting bills for water leaks entering the sewer system that is negatively affected as a direct result of the adopted conservation rates. He advised that the revised policy would help protect customers with no prior incidence of high water usage from paying a higher tier rate for excessive water use caused by documented leaks. In response to a question from Commissioner Church, Mr. Ross confirmed that this policy would be in effect for all service areas operated by the Water and Wastewater Division of Public Works.

Pursuant to the recommendation of Mr. Ross at the request of George King, Agency Procurement Specialist for the Health Department, and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to waive the standard bid requirements and piggyback on a State bid from Hertrich Fleet Services, Inc. of Milford, Delaware to purchase one 2010 Ford Expedition 4x4 at a base price of \$25,845, with an additional cost of \$435 for running boards for a total contract price of \$26,280 for use by the Health Department. In response to a question by Commissioner Gulyas, Mr. King advised that the vehicle would be used by Medical Assistance Transportation to provide non-emergency medical transportation for eligible Medicaid recipients to facilities providing Medicaid billable services and would be helpful during snow storms when other vehicles are not sufficient.

The Commissioners met with Human Resources Director George Bradley to consider offering an early retirement incentive for the second consecutive year to full-time County employees who are age 62 or older and are vested in the Maryland State Retirement Plan, with the exception of those in the Law Enforcement Officers Pension System (LEOPS) and the Correctional Officers Retirement System (CORS) plans who already have an enhanced retirement package. This incentive is designed to help the County reduce expenditures through staff reductions. Mr. Bradley recommended offering 33% of an eligible employee's annual salary in a lump sum payout for retiring on or before June 25, 2010. He stated that based on an informal survey it appears that only a small portion of the 36 eligible employees have expressed interest in the proposed retirement incentive. Eligible employees will have until June 11, 2010 to

accept or decline the offer. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the retirement incentive program as presented.

The Commissioners met with Budget Officer Kathy Whited to review FY11 Budget expenditure savings of \$67,007, which include savings in the Elections office of \$3,000 for the return of flash cards after polls close, \$30,000 for optical scan ballots, \$10,000 for new voting equipment and \$11,000 for on demand printers that will not be needed; and savings in the Treasurer's Office of \$13,007 by eliminating vacancies. Ms. Whited reviewed the proposed expenditure additions of \$67,007, which include a one-time grant of \$32,295 to fund the Local Management Board as it transitions into the Health Department, \$14,500 to restore cuts in the Economic Development budget for the NASA Internship Program, and \$20,212 for the Budget Stabilization Fund. Ms. Whited stated that even with these proposed changes the budget is still in balance with revenues at \$163,155,811. Following some discussion, the Commissioners conceptually concurred with the proposed expenditure savings and additions as presented.

The Commissioners met with Chief Administrative Officer Gerald T. Mason to review the draft Memorandum of Understanding between the Maryland Department of Business and Economic Development (DBED) and Worcester County, wherein the County would take over operations of the Maryland Welcome Center on US Rt. 13 in Pocomoke. Mr. Mason stated that although the State-run center is scheduled to close on June 30, 2010, the State is willing to turn the center over to the County and contribute matching funds of up to \$50,000 for FY11 only to help cover operating costs. Mr. Mason further advised that if the Commissioners are inclined to keep the center open on a part-time schedule, it will cost the County a net of approximately \$57,281 in FY11 as total expenditures are estimated at \$107,281. Commissioner Church stated that this is yet another example of the State handing off its responsibilities to the Counties. Commissioner Boggs agreed and stated that if the County agrees to fund operations at the Maryland Welcome Center the State will never take it back. In response to a question by Commissioner Shockley, Mr. Mason stated that cost estimates for continued operations at the Maryland Welcome Center are based upon operating the facility seven days a week for 26 weeks of the year and four days a week for the remaining 26 weeks. Commissioner Shockley stated that the Maryland Welcome Center is beneficial to County Tourism, but asked staff to determine the cost of maintaining operations at the facility for only three days per week, which he estimated could save the County \$15,000. County Attorney Sonny Bloxom reminded the Commissioners that the State grant is a matching grant of up to \$50,000, noting that if County funding for operations is reduced below \$50,000, the amount of State aid would be reduced as well, therefore negating any cost savings to the County. Commissioner Cowger stated that the Maryland Welcome Center is a valuable tourist resource that benefits Worcester County. Commissioner Gulyas concurred and suggested the County take over operations for a one-year period under the umbrella of the Department of Tourism. Following some discussion and upon a motion by Commissioner Cowger, the Commissioners voted 6-1, with Commissioner Boggs voting in opposition, to move forward with plans to fund operations at the Maryland Welcome Center for a one-year period. Commissioner Boggs stated that, while she supports the Welcome Center, she could not support the continued transfer of State obligations to the County.

Commissioner Church recognized Shirley Pilchard of Pocomoke. Ms. Pilchard reviewed the history of the Maryland Welcome Center, which was opened at the urging of her late husband, Delegate Mark Pilchard, and thanked the Commissioners for agreeing to keep operations going for another year. She stated that without the Welcome Center there would be no one to direct tourists to local attractions of which many visitors may be unaware. In response to a question by Commissioner Boggs, Ms. Pilchard advised that Charles County now operates the Maryland Welcome Center within its jurisdiction. In response to comments by Ms. Pilchard, Commissioner Purnell stated that the Commissioners have an obligation to the citizens of Worcester County to maintain operations at the Maryland Welcome Center in Pocomoke.

Pocomoke Mayor Mike McDermott informed the Commissioners that the Town of Pocomoke will partner with the County to keep the Maryland Welcome Center open by waiving all water and sewer costs at the facility and perhaps funding the operation for one day each week. He encouraged the other towns to help support the facility as well by funding operations for one day each week because operations therein are of great benefit to all towns in the County to promote tourism from Memorial Day through Labor Day. The Commissioners thanked Ms. Pilchard and Mayor McDermott for taking time out of their busy schedules to meet with them.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing on Bill 10-4 (Public Health - Tall Grass), which was introduced by Commissioners Boggs, Busick, Church, Cowger, Gulyas, Purnell and Shockley on April 21, 2010. Development Review and Permitting (DRP) Director Ed Tudor reviewed the draft legislation, noting that it would streamline the procedure for addressing tall grass complaints by eliminating the requirement that DRP must request the Commissioners' assistance in abatement of the nuisance. Mr. Tudor explained that under the existing law DRP staff must first send notification to the property owner identified on the tax roles of the Assessment Office and provide a specific time period in which corrective action must be taken. He advised that following this initial procedure, DRP then must request that the Commissioners declare a nuisance condition, after which similar notice must be given and a hearing offered. However, oftentimes the letters are returned as undeliverable with notations that the addressee is unknown or has moved and left no forwarding address. Additionally, due to the high number of foreclosures, many times control or title of a certain property has been taken over by a financial institution. He stated that all of these situations have added great amounts of time to attempts to get the grass cut. Mr. Tudor explained that the new language provides that staff send the notification as well as post the property seven days prior to taking any action. If the situation is not corrected within that time period, staff would then be able to cut the grass, at the owner's expense, without coming to the Commissioners for further action.

Commissioner Cowger stated that it is unfair to require private property owners to cut their grass below one foot in height when the County does not cut grass often enough to maintain that same height on the shoulders of the roads during the summer. Commissioner Church stated that cutting back on roadside trimming in rural areas of the County does not impact residential properties the same way tall grass in residential subdivisions draws mice and other vermin that unfairly prejudice property values and threaten public health. In response to concerns raised by Commissioner Shockley, Mr. Tudor advised that buffer strips are an accepted part of the standard agricultural process and are not subject to the proposed legislation. Mr. Tudor reiterated

that the proposed bill does not alter the existing law addressing tall grass, rather it simply cuts down on the time it takes to resolve such issues.

Commissioner Church opened the floor to receive public comment.

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

Upon a motion by Commissioner Gulyas, the Commissioners voted 5-2, with Commissioners Cowger and Shockley voting in opposition, to adopt Bill 10-4 (Public Health - Tall Grass) as presented.

The Commissioners conducted a public hearing on Bill 10-5 (Public Safety - Barking or Howling Dogs), which was introduced by Commissioners Busick, Church, Cowger and Purnell on April 21, 2010. Mr. Tudor reviewed the draft legislation, which would make it unlawful for anyone to own, possess, confine or harbor a dog that barks or howls in such a manner as to interfere with the peaceful enjoyment of neighboring properties. He stated that the language goes on to discuss just what constitutes continuous barking and, more specifically, what forms of barking are not included in the legislation. For example, continuous barking or howling means the uninterrupted barking or howling of any dog or group of dogs for 20 minutes or greater or for three or more periods of time in excess of 20 seconds in each given hour. However, it shall not include dogs barking or howling at trespassers on private property on which the dog is situated or any legitimate cause for which the animal is provoked by humans, other animals or situations of impending danger. Continuous barking also shall not include dogs participating or engaged in hunting activities or pursuits and under the control or direction of a properly licensed hunter or hunters. Mr. Tudor also reviewed two proposed amendments to the bill, as recommended by Commissioner Church, which would extend the time period of continuous barking or howling of any one dog or group of dogs from 20 minutes to 60 minutes or greater and eliminate the phrase "or for three or more periods of time in excess of twenty seconds each in any given hour."

In response to a question by Commissioner Busick, Mr. Tudor advised that if the Commissioners adopt Bill 10-5, Animal Control would be tasked with determining whether individual instances of barking constitute nuisance barking.

Commissioner Church opened the floor to receive public comment.

Ellie Diegelman of Ocean City expressed concern that the bill does not specify the fines imposed for violations. In response to comments by Ms. Diegelman, Mr. Tudor directed her to the section entitled fines and penalties, noting that if the Commissioners adopt Bill 10-5, nuisance barking would be recognized as a civil infraction and could incur a fine of up to \$500. Commissioner Church advised that Animal Control would not charge a \$500 fine initially. Rather, the fines would start at \$25 and could graduate on a case by case basis if warranted.

Mark Cropper, attorney from Ocean City, sympathized with residents who are subject to nuisance barking, and stated that he was not opposed to such legislation. However, he asked the Commissioners to expand the exemption for hunting dogs to include the following language, "or the training of dogs for such activities," because there is a very significant difference between hunting and training for hunting, which should also be exempt.

Jack Davis of Worcester County stated that there are 12 dogs in his neighborhood that bark and bark all day long. He stated that he approached the dogs' owners who addressed the situation temporarily, but the barking resumed a short time later. He stated that it's rough to be forced to listen to dogs barking all day long, and he asked the Commissioners to adopt Bill 10-5.

Shirley Aydelotte of Cedar Creek in Bishopville presented a petition with 27 signatures supporting the need for a dog barking ordinance in Worcester County. She stated that her neighbor has 5 to 8 dogs that bark constantly both day and night. She further stated that good faith attempts to resolve the situation with the owner were for naught, as the neighbor refused to discuss the situation with her.

Bud Heim of Capetown Road stated that Worcester County needs a barking dog ordinance, because under the current law police are unable to take action to address this nuisance. He stated that his neighbor had a Doberman Pincher that barked at 11:30 p.m., 2:00 a.m. and 4:00 a.m. each night, waking him and causing him to become very disgruntled and very angry. He stated that the dog is now dead, but his neighbors will likely replace it. Therefore, he urged the Commissioners to adopt the proposed bill.

Constance Hughes of Bishopville stated that after retiring in 2003, she moved into a peaceful neighborhood on the Eastern Shore, which is now overrun by the constant chorus of dogs barking all day. She stated that at night the dogs wake her grandchildren, and during the day they hound her as she sits on the porch. She urged the Commissioners to adopt legislation that identifies a specific length of time in which uncontrolled barking is permitted in order to end the slow torture that she endures each day.

At the request of Commissioner Boggs, Chief Animal Control Officer Sue Rantz testified on the proposed bill. She stated that the proposed legislation and fines are unlikely to persuade dog owners to deter their animals from barking, as the bill does not address the root of the problem. She suggested that a no chaining and tethering law would be far more effective. Ms. Rantz went on to advise that issues, such as barking dogs, are considered civil matters and are best addressed by the courts. She also advised that the proposed bill as presented fails to make contingencies for the Animal Control Division, Humane Society and private boarding facilities, all of which house barking dogs. Commissioner Busick stated that in the past Animal Control Officers have advised her that they are unable to address barking dog concerns because the existing law has no teeth. Commissioner Church concurred, noting that Cape Isle of Wight residents have tried repeatedly to resolve the nuisance of barking dogs and been told by Animal Control Officers that they should contact their Commissioners to have legislation introduced that would give them the authority to intervene in such matters. He went on to advise that large communities are now situated in what was once large tracts of rural lands, and the law must be changed to address the changing character of these neighborhoods where humans and dogs interact with frequency.

Commissioner Boggs stated that she is philosophically opposed to the government controlling every issue of people's lives. In response to questions by Commissioner Boggs, Ms. Rantz advised that Wicomico County law mandates that neighbors must attempt to resolve nuisance barking issues amongst themselves, and when this fails they are directed to seek mediation through the courts.

Mr. Davis disagreed that no chain laws would be effective in reducing nuisance barking, since the five dogs that live next door to him are in an electrified, fenced yard where they are free to run and bark to their content.

Mr. Heim stated that Ms. Rantz should not have been allowed to give her opinion and alleged that because she is a dog owner she could not give an objective opinion on the matter. Commissioner Gulyas objected to the outburst, stating that Ms. Rantz is an expert witness asked

by the Commissioners to provide testimony. County Attorney Sonny Bloxom concurred, advising that Ms. Rantz was encouraged and proper to testify on such legislation to provide information on the practicality of enforcing legislation pertaining to Animal Control issues.

Chief Deputy Reggie Mason stated that both the Sheriff's Office and Animal Control are of the opinion that the proposed bill will fail to reduce instances of nuisance barking and would also be difficult to enforce, but both departments remain committed to enforcing the law if passed. He stated that those who make the initial accusations against their neighbors must also be willing to do their part and would be required to testify in court if such cases come to trial.

Commissioner Shockley questioned at what point government should intervene in such matters. He stated that most of Worcester County is rural, making a County-wide ordinance impractical. However, he stated that such regulations might best be implemented by homeowners associations. In response to a question by Commissioner Shockley, Ms. Rantz advised that Berlin, Ocean City, Snow Hill and Pocomoke City have ordinances in place that address barking dogs. Commissioner Cowger stated that the ordinance in Pocomoke City prohibits uncontrolled barking between the hours of 11:00 p.m. and 7:00 a.m., but from 7:00 a.m. to 11:00 p.m. they can bark all they want.

Commissioner Purnell stated that he had received about a dozen phone calls about the bill, and the overwhelming majority were opposed. Therefore, he could not support the bill.

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

A motion by Commissioner Busick to adopt the amendments proposed by Commissioner Church as well as the language recommended by Mr. Cropper failed 3-4, with Commissioners Busick, Church and Cowger voting in favor of the motion and Commissioners Boggs, Gulyas, Purnell and Shockley voting in opposition to the motion.

A motion by Commissioner Busick to adopt Bill 10-5 (Public Safety - Barking or Howling Dogs) as presented failed 3-4, with Commissioners Busick, Church and Cowger voting in favor of the motion and Commissioners Boggs, Gulyas, Purnell and Shockley voting in opposition to the motion.

The Commissioners met with Mr. Tudor to review proposed amendments to Bill 10-2 (Natural Resources - Stormwater Management). On February 16, 2010 the Commissioners conducted a hearing on this bill, which would amend the Worcester County Stormwater Management Ordinance to implement changes mandated by the State Stormwater Management Act of 2007, as described in Title 26, Subtitle 17, Chapter 2 of the Annotated Code of Maryland. Following the hearing, the Commissioners unanimously agreed to table the matter until staff could address the issues surrounding the bonding requirements for agricultural structures.

Mr. Tudor advised that, since the Commissioners initial discussions on the matter, the Maryland General Assembly has shown some reluctance to address issues related to the Stormwater Management Act of 2007 legislatively and chose instead to assemble a work group, lead in part by the Maryland Association of Counties (MACo) in which both he and Natural Resources Administrator Chris McCabe took part. He stated that the work group was tasked with addressing the issue of grandfathering and resulted in the development of emergency regulations promulgated by the Maryland Department of the Environment (MDE) that are now in effect. He stated that, with this task complete, staff has drafted an additional set of amendments regarding the grandfathering of projects in the development pipeline in accordance with State regulations.

Specifically, Mr. Tudor reviewed Section NR 1-109 regarding enhanced language for bonding procedures and Section NR 1-107(f) regarding additional language to address the emergency regulations promulgated by MDE, with respect to the grandfathering of developments with existing approvals under previous regulations. He concluded that all other language in the draft bill remains the same. In response to concerns raised by Commissioner Shockley, Mr. McCabe confirmed that he oversees the permitting process for agricultural structures and would see to it that the stormwater management regulations are implemented properly. Upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the amendments to Bill 10-2 as proposed by staff. Upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Bill 10-2 (Natural Resources - Stormwater Management) as amended.

The Commissioners met with County Attorney Sonny Bloxom to review proposed legislation, which was drafted in response to House Bill 1309/Senate Bill 306 - Liquor Control Boards - Ethics, which was passed by the Maryland General Assembly and subjects the Worcester County Liquor Control Board (LCB) the State Ethics Law effective October 1, 2010. Mr. Bloxom advised that the County Government Article of the Code of Public Local Laws of Worcester County, Maryland should be amended to remove the LCB from the County Ethics Law as of that date. Following some discussion, Commissioners Boggs, Busick, Church, Cowger, Gulyas, Purnell and Shockley introduced the aforementioned proposed bill as Bill 10-6 (County Government - Ethics - Liquor Control Board) and agreed to hold the public hearing on the bill on June 15, 2010.

Commissioner Church closed the legislative session.

The Commissioners noted that the FY11 Operating Budget is balanced and considered whether to proceed with two work sessions scheduled to take place on May 25 and 26, 2010. Commissioner Cowger stated that there were remaining issues that needed to be discussed by the Commissioners before the budget was finalized. Upon a motion by Commissioner Gulyas, the Commissioners voted unanimously to meet on Tuesday, May 25, 2010 at 9:00 a.m. to discuss issues pertaining to the Maryland Visitor's Center in Pocomoke, the Discovery Center and other such issues.

The Commissioners answered questions from the press, after which they adjourned to meet again on June 1, 2010.