

**Open Work Session**  
**Connelly Mill Property Donation**  
**October 2, 2018**

Mr. Weston Young, Assistant Director of Administration, Mr. Steve Smethurst, Attorney for Connelly Mill Limited Partnership, and Mr. Steve Miller, Director of Recreation, Parks, and Tourism, came before Council. Mr. Young said, at the last meeting, they presented an update for reconsideration of the donation, and he provided a memo to Council in an attempt to address some of the concerns and questions brought up during that meeting. He said he also had a chance to read the informal legal opinion provided late last night by Council Attorney Taylor, and, if Council is okay, he will go down the list of the memo.

Mr. Young said the first item is in regards to surface mining and questions regarding that. He said, as explained, the County is exempt from a surface mining permit. He said, however, they still need to fill out information to let the State know what they are doing. He said the site was previously mined to provide soil to the Bypass, so that has been permitted previously, and they were mined in a shape to, basically, address proposed stormwater ponds for a development back in 2000 that never came to fruition. He said they also learned that, with the property owner's approval, they can obtain approval from the State to mine the site ahead of time, so they can get that permit approval even though they are exempt from approval. He clarified, they can get State approval to mine it as long as they have the property owner's approval in the event they want the permit or the approval prior to accepting the donation, so that can be addressed.

Mr. Young said the second item brought up in the memo was in regards to the nearby Paleo channel. He said part of the 235-acre parcel falls within the Paleo channel, and that is called the sourced water protection boundary, which is the southern tip where the two creeks of the site, which are the property lines, meet. He said the current pits are over 1,000 feet away from this boundary, so digging them would affect other aquifers, but not the Paleo channel. He said County-owned land use, specifically parks, is not prone to contamination by pollutants. He said, as was frequently mentioned by the citizens during the Public Hearing earlier that evening, there are a lot of ATVs and dirt bikes, and kayaks are cleaner than dirt bikes in terms of the use of those pits, so they would see, presumably, less pollutants from converting those to ponds.

Mr. Cannon said Mr. Young said the mining would not impact the Paleo channel, but it would affect other aquifers. He then asked what he means by that, to which Mr. Young responded, as they dig down and put wells anywhere in the County, they are, typically, tapping into an aquifer. He explained, if they dig a shallow well, it is going to be more groundwater, and groundwater tends to be more contaminated, hence that is what septic systems discharge into, and then they clean over time. He said, when they drill a well, they tend to go down deeper to a different aquifer. He said the Paleo channel just happens to be really clean, and most of the City's municipal wells tap into that. He said, again, anywhere they dig or create a pond, such as the borrow pit at the landfill, it is impacting groundwater if something were to be spilled in that pond.

Mr. Dodd said Mr. Young mentioned kayaks versus ATVs. He then asked how the County would stop the ATVs if they cannot be stopped now, to which Mr. Young responded, one of the reasons it is happening is because the County is not policing it. He said, if it were the County's property, Mr. Miller can touch on how all the other parks are protected. He clarified, they are not going to be able to stop somebody from

doing illicit activities at night at Pemberton after-hours if they go past the fence, but, if the County is aware of the activity, they can then enforce them. He said, from his understanding, it was not until recently that the City of Salisbury had a vehicle that could go off road and address that. He said it sounds like the issue is, to get to the site, they have to go significantly into the County to address the issue. Mr. Dodd said that happens all over the City jurisdiction now, to which Mr. Young responded, he sees that too with dirt bikes on roads, and he is not sure how they are fully addressing that. He said he will let Mr. Miller comment on how the other parks are patrolled, to which Mr. Dodd responded, he knows how they are patrolled. He then asked how the County is going to stop ATVs and motorcycles when they cannot stop them now. He said they are on the streets, and they cannot even get them off the streets. Mr. Young said maybe they need to bring in the Sheriff to talk about his strategy because he knows they do confiscate quite a few along the way, and they could talk to the Sheriff about how they would specifically handle this property.

Mr. Kilmer said there is a dirt road that runs north and south parallel to the railroad tracks. He then asked if they could cut off access on the north and south side of that, to which Mr. Young responded, they could try, but then again, it is not being frequently monitored. He said they remove the signs that are there, and they will remove the boundaries if they are in their way. He said, if it is being actively mined every day, they would have a set of eyes going out to the property while it is being mined, and that would help.

Mr. Joe Holloway asked how they secure the mining at the landfill now, to which Mr. Young responded, they have it posted, and they have gates and fencing in some areas. He clarified, it is not fully fenced, but the access points are fenced, and on weekends, the County has given the Department of Natural Resources (DNR) access to patrol. He said they really do not want people at an active construction site, and that is what mining operations are. He said they have not gone to the level of cameras yet, but they have had dirt bikes around the borrow pit, and they traced who it was and addressed that. He said, typically, like with the people who dump illegally, once they nail a few of them, word gets out that they are enforcing it. Mr. Dodd said, if this is 235 acres, he would suggest involving DNR in patrolling it as well, to which Mr. Young responded, he thinks they would. He added, plus, if they are mining it, they are going to have at least an excavator sitting out there that they would want to protect. He said, again, that is assuming they are mining it.

Mr. Young said the next item is environmental liability, which is one of the bigger issues and concerns, and rightfully so. He said, regarding environmental liability and a potential insurance policy, in the memo, and as discussed at the last meeting, they sent the State Maryland Department of Environment (MDE) Land Restoration Program Division all the studies they had associated with the site. He said the County funded a Phase 1 and a limited Phase 2, which included surface water samples in the pits, and that is where there was an alarming amount of lead, specifically, and other heavy metals. He said they also submitted an owner-funded Phase 2, which included 38 soil samples around the site. He said 15 of those samples were in the pits, 21 were in undisturbed areas around the 235-acre parcel, and 2 were by the City of Salisbury's shooting range backstop because they had concerns whether the contamination could be from the firing of firearms, although, after listening to the citizens, it very well could be what is being fired by folks there. He said the owners also tested two groundwater monitoring wells, one of which was on site previously, and they installed another one and tested the groundwater there. He said the State reviewed the documents the County submitted and, as mentioned, they, essentially, came back that it was not a clean bill of health, but it does not pose a threat to public health. He reported, they did find trace amounts of metals across the site. He said initially they said it could be from old

steam engines with the railroad running right next to the property, but, then again, they are also talking probably 15 years of illicit ATV dirt bike use out there, so that should be considered.

Mr. Young said it was suggested that the County consider acquiring an environmental insurance policy to protect the County from a possible cleanup. He said it is the Administration's view that, given the site has a long history of being farmland, and with at least the last 15 years being illicit ATV use, combined with the series of tests and studies they performed, the risk of a cleanup is low, if not very low, and the suggested pollution legal liability insurance would be expensive and overkill. He said they would be willing to look into it and talk to professionals to get a better gage, but, given the history of the site, the studies that have been done, and the multiple soil samples around the site, there would be a red flag. He summarized, that is where they are with legal liability.

Mr. Cannon asked if children will be able to go out there and play in the sand, and whether there would be any health hazards for people who are kayaking in the water, to which Mr. Young responded, what was tested in the soil was 1 percent or less from what would be a concern for the State, so, if they play in the sand, it is trace amounts that would probably be found anywhere along that railroad, and, again, the State said no public health risk. Mr. Kilmer said it seems to him that, if the risk of cleanup is low, then the environmental insurance should be pretty low too because the insurance risk should reflect that. He said he thinks it is important for some Councilmembers to look into the insurance, to which Mr. Young responded, they can talk to somebody. He said it is not a type of insurance that they could get locally, but they would need to talk to somebody who specializes in environmental insurance. He said the question then is if they want to protect against ever possible contaminate because that is going to jack the price up. He said the other question is how long they would protect for.

Mr. Hall asked whether the County has any other environmental insurance policies on any of its other properties, to which Mr. Young responded, not that he knows of. He said, really, any potential property the County looks to buy has that risk, and that is why they do a Phase 1 and Phase 2. Mr. Hall then addressed Mr. Smethhurst, and asked if he knows of any properties on the Eastern Shore that have environmental insurance, to which Mr. Smethhurst responded, yes, but what Mr. Young said is correct. He clarified, they cannot go over to Avery Hall and get an environmental insurance policy, to which Mr. Joe Holloway responded, but they can go over to Avery Hall and find somebody who can send them to the person to get an environmental insurance policy. Mr. Smethhurst said, in fact, he and Mr. Taylor had a situation a couple of years ago that involved a very serious environmental risk. He explained, this was an industrial site, though he is not going to say who it was, or where it was on the Shore. He said it was a company that was involved heavily into chemicals, pharmaceuticals, and all sorts of stuff. He said they did manufacturing in different forms of chemicals and pharmaceuticals for 30 or 40 years, and then shut it down, and he and Mr. Taylor were representing the people who wanted to buy the property. He said the manufacturer had done a pretty diligent job of cleaning up after themselves over the years, but, nonetheless, given the severity of the risk, they insisted on having environmental insurance. He said they can get it through Lloyds of London, and that is, basically, where it comes from, and it is expensive. He said, if his memory serves him correctly, that policy cost \$150,000 for a 10-year policy, but, the comparison of that situation there to here is between night and day, and there really is no risk here. He explained, although the Phase 1 report suggested that there might be a problem because of the high concentration of lead and a couple of other metals, that was not in the groundwater, but in the surface water that was just lying in pools on the bottom of these pits. He clarified, it was not water one would ever bathe in or ever drink, so there is no parameter for that. He said, nonetheless, that is the purpose of a Phase 1 study, which is to identify something, so they had the Phase 2 studies done on both the soils and the water. He said they had the soil samples, and Mr. Young mentioned how many water

borings they took all over the place, and they all came back fine. He said not a single metal was anywhere near the threshold of MDE or EPA, and it was the same thing with the water. He said the Hynes firm did all of this work, and they had Somerset Well come in and drill a brand new, roughly 90 to 100 foot well into an aquifer from which the State Health Department said they would draw their drinking water. He reported, the test results from that came back fine with no problems. He said also on the property there was an existing shallow well that went down about 25 feet. He said that well had been put in back in the 1990s during the time the proposal was made to excavate the dirt to create these pits to use on the highway. He explained, one of the parameters of that was the contractor and the State Highway Administration were not permitted to excavate down any lower than two feet above the existing groundwater elevation, and, on this particular piece of property, the groundwater is around 22 to 24 feet below the surface level. He said one cannot go out to Pittsville and find one like that, so this is an unusual situation. He said the first well was put in to, first of all, establish where their groundwater elevation was so they could then limit the contractor to excavating no deeper than two feet above that, and that was the way the contract was drawn, and that is the way it was excavated. Mr. Kilmer then asked if Mr. Smethhurst is saying they excavated the two pits that are there right now two feet above groundwater level, to which Mr. Smethhurst responded, yes. Mr. Kilmer said they are then not going to be able to dig those pits out, to which Mr. Young responded, they can dig them out. He clarified, what State Highway was requiring was different than what surface mining requires, and there is, actually, more soil there than he anticipated as he had assumed they were a foot above.

Mr. Kilmer said it had been stated that, instead of doing the insurance, they could possibly require the owners to indemnify the County. He then asked, since it is an LLC right now with the individual owners, how would that work if that were the case, to which Mr. Smethhurst responded, there is no way. He said the indemnity is really of no value to the County for a very simple reason, which he thinks Mr. Taylor eluded to this in his memo to Council, and that is because it is a limited liability partnership. He explained, the individual partners and their heirs are not going to be willing to indemnify on something they are giving away because, first of all, there is no reason for it. He said the Phase 2 study shows there is no problem, to which Mr. Davis responded, if that is the case, the insurance should not be that high. He repeated, if it is not that big of a risk, then the insurance should not be that high, as Mr. Kilmer said. He further said, if this is not that big of a problem, then the insurance should not be that big of a problem.

Mr. Young said he thinks they should pursue the conversation about insurance, although, given the history, they think the risk is very low, and it may be a waste of time, but he thinks they can come forward with what a policy would cost, and what is involved with it.

Mr. Joe Holloway said there are several things here he has issues with. He said Mr. Young stated it was used for farmland for a number of years, but it was also an industrial site because it became an industrial site when they started mining the dirt out of it. He clarified, any mine is considered industrial, and, although there was not a plant put on the property, it would be considered industrial to a certain extent. He then said he will give some history for everyone. He continued, a few years ago the airport acquired property at the end of the runway on Airport Road, and before they acquired that property, they made sure the Federal Aviation Administration (FAA) was going to pay for the cleanup of that property. He said it ended up being a lot more than they thought they were going to have to pay because it had radium, and a product that was buried under the ground. Mr. Young asked if that was an old Naval Base, to which Mr. Joe Holloway responded, no, it was from a fellow who bought old airplanes and restored them. He said the County does not know how much it cost because the FAA paid for it, but it turned out to be almost like a superfund site before it was over.

Mr. Joe Holloway said, when the County got ready to put the collector road in, they dug up trash, and Mark Whitelock told him yesterday that it cost over a million dollars just for that little place where they had to clean that trash up.

Mr. Joe Holloway said the chance of liability with the Connelly Mill property is great. He clarified, they do not know what it is, but they know what the tests show. He said, as he told Mr. Young yesterday, he would be in agreement with this if they would get an insurance policy, get the MDE permits, and if they have a letter of clearance for the Paleo channel because of what they need. He further said the MDE letter states in one sentence "As always, this letter should not be construed as a waiver or limitation of the Department's right to take enforcement or any other action with respect to activities not addressed herein or unknown to the Department at this time, including newly discovered contamination or the exacerbation of existing contamination," so they can come back any time. He said it is like when an oil tank is buried in the ground, and when somebody cleans it up, they are given a clearance letter, but that does not mean they cannot come back in ten years if they get a complaint, or if somebody says they have cancer. He said he thinks the insurance end of this would be the prudent thing to do, and he thinks what Mr. Young should do is bundle all of his information and send it to different insurance companies, and see what they come back with. He added, he does not think they should have to insure the whole property, but at least the northern portion of the property where the activity took place, although he does not know how the rest of Council feels about that. Mr. Smethhurst said the activity did not create any environmental harm, and the actual digging out of the dirt did not, to which Mr. Joe Holloway responded, something did because they were digging up parts of buildings and weather stripping, so there has been something going on there, and they do not know exactly what it is because they were not there when it happened.

Mr. Young said, even at \$150,000, when he gets to the cost-benefit of mining, he thinks that type of policy is completely affordable with what they are talking about when they compare it. He said, when he looks into it, he will bundle everything they have, talk to Lloyds of London or multiple brokers, and shop around, and they will see what the cost would be. He said he thinks they can totally look into that. Mr. Joe Holloway said, if they come back and say they are not interested in insuring it with the history it has, which he hopes they do not, they will then know they have gone in the right direction of not jumping the gun and just taking it, to which Mr. Smethhurst responded, or they might want some additional testing done.

Mr. Young said, in regards to the State letter, they are never going to fully waive their rights. He explained, there was a time when lead paint was acceptable, and asbestos was acceptable, but as more is learned, they may learn something else is a carcinogen and needs to be addressed. Mr. Joe Holloway said he thinks the insurance policy is the responsible thing to do for the citizens of the County.

Mr. Joe Holloway said he understands the problems the folks who live nearby the property are having, so, if the County acquires that property, he thinks it is going to take more than just the Sheriff's Department to deal with those problems. He said he thinks they will have to invest in some fencing at some point in time, especially if they start mining out there because that is a magnet for kids, to which Mr. Young responded, if they transfer Program Open Space from the West Metro Core, there would be money they could use to start improving the Connelly Mill property.

Mr. Young said he will move on to the cost-benefit of mining, and this is where he thinks the numbers can still justify covering an environmental insurance policy if it is \$150,000. He said one of the things he

explained in his memo was the need for soil for Solid Waste purposes. He reported, at current estimates, they have 22 years of landfill airspace left at the current disposal rates, but they have approximately 13 years of unmined soil, assuming they dig both of the Potts properties, so they are short there. He said they estimated 1.3 million cubic yards of material in the ponds, but, if they are two feet above groundwater, there is probably a little bit more than that; however, for math purposes, he will assume 1.3 million cubic yards of soil. He said they compared the cost of paying a sand and gravel company to provide that amount of material to doing it in-house, and there are other situations they could look into, such as paying individual dump truck drivers to haul it for the County. He said they could pay a company, such as what Mr. Baker presented with the Sharps Point dredge site, or they could have a private company manage it, but, instead of getting into all that, he just wanted to see what it would cost if they did it in-house. He explained, there are several assumptions, but a few of them included that they would utilize five dump trucks and one long reach excavator. He said the County does not currently own the standard dump trucks, but they have several off road dump trucks with Solid Waste that cannot go on the roads because right now when they mine they are right next to the landfill. He said they assumed 31 trips a day at 11-miles roundtrip, and that would provide the amount of soil they need to operate in a day, plus some. He said, when he reached out to various sand and gravel companies, the cheapest they could find at today's price was \$10 per cubic yard, so at 1.3 million cubic yards, which makes the math easy, that has a street value, so to speak, of \$13 million. He said, with the various assumptions in his memo, he estimated it would be a little over \$5 million dollars for Solid Waste to mine it in-house, and that would be at 31 trips a day. He said they are looking at a little over eight and one-third of a year to mine that at a cost of just over \$5.1 million, so there is a buffer there. He said he made assumptions about fuel prices and fuel efficiencies of the dump trucks, and costs of the dump trucks, so an insurance policy at even \$200,000 is still cheaper than buying that soil elsewhere. He said, again, the numbers will vary from what is assumed, but it does make some financial sense to mine this property if they accept the donation. Mr. Kilmer asked if that assumption is just using the footprint of the two ponds and not expanding the ponds, to which Mr. Young responded, yes. He said, if they expanded the footprint, one of the things that would make sense, just for safety purposes, is to take steeper slopes, and dig out and make it a shallower slope. He said that would make it easier to cut grass on, there would be no chance of falling, and that would provide more material. He said the long stick excavator can reach 35 feet below where it is sitting, so with 20 plus feet to groundwater, that is 55 to 60 feet that they could dig from virgin ground down, which is significantly more soil. He said he based this solely on digging out the ponds and going with the park benefit. Mr. Kilmer asked, if they did not do as much park, would there be more soil for the landfill, to which Mr. Young responded, correct. He said it is always going to be cheaper for them to utilize a site closer to the landfill, and use off-road dump trucks if possible because they can carry two and a half times what a standard dump truck can. He said they will buy those properties like they are proposing to do with the Potts properties, but their only expansion would really be to the south to Levin Dashiell, and that is also approaching the designated growth area. He said then it is a tossup of whether they want to dig up property that could be a subdivision, or some other residential benefit.

Mr. Young said that touched on the cost-benefit, but his memo has more details than what he has described here, and he will be glad to answer any questions. He said he thinks, as he mentioned earlier in the meeting, if they have conversations around the County about Solid Waste operations, they can dig into more of that, and look at other alternatives.

Mr. Young said, lastly, he wanted to make sure he came back to one of the benefits of having it as a park, which is its proximity next to the Henry Parker Athletic Complex. He said that would provide expansion opportunity as well as complimentary amenities. He said, ultimately, for a park, just as they

are doing for Pirate's Wharf, they would do a master plan process. He explained, they would get citizen input, and they would get stakeholder input to see what is wanted out there, such as whether they need more diamond fields, whether they want hiking trails, or other options, of course. He said they have had conversations with the State regarding Program Open Space (POS), and continue to. He said one of the things they looked at, and he mentioned this at the last meeting, was the West Metro Core property. He said this would be a six to twelve-month process, but, if they accept the donation, they can look at that, or other properties that have POS money tied to them that they feel they are not using and would have a good value. He said he thinks the West Metro Core probably has the most value to get back on the market and on the tax rolls, but they would be open to other conversations as well. He said, after hearing from the citizens during the public comments of the Legislative Session earlier this evening, with what those folks had to say, it does not surprise him there was metal found in the pits in the water samples. He clarified, when he saw the gentleman's video of all the four-wheelers, there were a half-dozen of them, and they are shooting guns, and riding ATVs around, so there is going to be brake dust, exhaust fumes, and atmospheric deposition from that. Mr. Joe Holloway said, if Council approves to take this property, then all that is going to be on the County's shoulders, to which Mr. Young responded, it is a problem in the County now, so that is something they would need to talk with the Sheriff about, and have a strategy for how to address it and stomp that out.

Mr. Joe Holloway said they are talking about two different things here. He clarified, they are talking about park land, and they are talking about mining. He said he remembers back when they were doing the collector road, they were using trucks and dirt from the landfill to build up the collector road. He then asked what would they do about separating the expenditures from these two activities because, for one thing, the landfill is an enterprise account. He then asked if that property should be subdivided at some point in time, to which Mr. Young responded, he thinks they would exclude the two ponds, which amounts to roughly 37 acres, so they could take 50 acres and subdivide that off, and put the POS restrictions on the rest of the mostly forested parcel, and Mr. Joe Holloway brings up a good point. He said, with the collector road, especially that last section going to Levin Dashiell, there actually were pockets of clay. He said for typical landfill operations, clay does not help, but for new cell construction and capping the landfill, that is where they need clay. He said, even though Solid Waste did the excavation for the collector road, they used that material, and it actually benefited them. He said they have to be careful from an enterprise fund standpoint, and they have to play it carefully. He explained, they do not want somebody working for Solid Waste to be working on a Roads project unless there is a direct benefit to Solid Waste because they are paid specifically with the Enterprise fund money. He said he would think if they kept the two ponds or pits purely Solid Waste, as well as the fencing that goes up to protect the Solid Waste assets there, the rest could then be in Mr. Miller's corner.

Mr. Miller said, as far as POS goes, if they considered a conversion from West Metro, or some other property, they can exclude parts of the property. He said, however, to qualify for a conversion, they have to meet equal or greater acreage, and equal or greater appraisal value, so it would depend on how the portion that is cut off appraises, and it would have to be greater than what they are giving up, so that is something they would have to calculate. Mr. Matt Holloway asked how many acres West Metro is, to which Mr. Miller responded, it is about 100 acres. He said that is something they would have to calculate if they go down that road. He said the third qualification is that it has to be of equal or greater recreational value, and that is somewhat subjective, but, in talking with the State about this possibility, he thinks the County could easily make that case.

Mr. Kilmer asked, if the County accepts the property and decides to mine it, what would the timeframe be? He said there is potential that they will be getting the Potts property and mine that, but this

property might be farther out where they would just have to sit on this property for years and years, and deal with the ATV use. He then asked whether they would consider mining this property first, and the Potts property later, and what the thought is there. He said it seems that once they start mining, they will start eliminating some of the problems on the property, to which Mr. Young responded, correct. He said the only real step they would need to start mining Connelly Mill would be the five dump trucks mentioned, and they could put those in as a Solid Waste purchase. He said they would have to look into whether they could use a standard excavator and off-road dump truck for work locally at the nearby Potts property sites, and then go with three dump trucks next year, and two dump trucks the year after that to hit the five and transition. He said they would have to look at that, but they could put five dump trucks, theoretically, in Solid Waste's budget next year, and pretty much start as soon as they purchase those. Mr. Joe Holloway said, if they acquire the Potts property, he thinks it would ease the minds of the folks on the Westside if the County started mining it so there would not be any questions from the citizens later on thinking it will turn into a landfill. He clarified, he is not trying to micromanage, but they could have an excavator and a couple dump trucks at Connelly Mill running back and forth keeping one or two guys busy, and they could stockpile it, he supposes. He then asked if they can stockpile dirt, to which Mr. Young responded, yes, they stockpile some material now adjacent to the larger Potts property. He explained, they have some dredge spoils there that they have tried to be experimental with. He said, if they could use dredge material somehow at the landfill, that would save them money, and save them from having to mine these sites across the County, but so far they have not been able to find a way to do that. He said, with the dredge material, as soon as it rains, it goes to slop. He said they could stockpile the dirt, but the other concern really gets into erosion and sediment control. He explained, if they are not actively using it, they need to, basically, throw some grass seed on it and get some stabilization so it does not run off. He said he thinks it would probably be best if they could work it out to be a gradual transition. He said he assumed five dump trucks, but maybe they could go with three, and use one excavator there, and one excavator and an off-road dump truck at the other site, so they would be getting it from both sites. He said they could look into that.

Mr. Matt Holloway asked, in the current pit where they are excavating now, do they still have some time left in there, to which Mr. Young responded, about five years, but, if they get the Potts property, that extends it to about thirteen. Mr. Joe Holloway said that seems to be going really fast these days, to which Mr. Young responded, yes, and he will tell them why. He explained, they used to pump the borrow pit down and dig deeper, and that is why parts of it are 50 or 60 feet deep, but they are no longer allowed to pump that amount of water down, so they can only go about 35 feet below groundwater. Mr. Matt Holloway asked, when they are done with that as an active mining site, does he envision turning that into a park, to which Mr. Young responded, yes. He said the thought is that as soon as it is no longer an active construction site they can start to stabilize what they need to. He said there are some slopes that go straight down, and there would be liability concerns if they let people loose and there are 50 or 60 feet of water right there where there could be drowning. He said they will work with Mr. Miller and his folks on that, and there is always money available to improve parks, so that is the thought.

Mr. Cannon asked what questions are left on the table, to which Mr. Young responded, he thinks they need to pursue the environmental insurance policy and see what they need, and it may require additional tests, like Mr. Smethurst mentioned. He said he does not know if there were questions regarding the other topics he brought up, but they could get the surface mining approval from the State just with their signature, to which Mr. Joe Holloway responded, that is what they need to do so they do not end up with this property, and then cannot do anything with it. Mr. Young said it would still have park value, which he does not want them to walk away from. He said one of the reasons he looked into



the mining was because it came up that there would be a loss of property tax revenue by accepting this parcel, and mining would counterbalance that, but it actually seems to overwhelm it to where, if they use it for Solid Waste purposes, the County would benefit. He said he thinks the environmental insurance is the biggest thing he needs to look at. He said, as mentioned before, from everything he has been told by the State, he just gets a signature from the owners' authorized entity, and they can be okay to dig.

Mr. Cannon said he is getting the impression that the mining is the issue, and he thinks the Recreation and Parks aspect is a longshot. He clarified, that is just the feeling he is getting because he has not really heard anything that he thinks is substantive about any type of park issues. Mr. Miller said, to the point about the park and the plan, he thinks Mr. Young touched on it earlier, and it is premature to say exactly what would be there if it is a park property. He said they just developed an athletic complex with additional ballfields, and they are in their first season of it, but he thinks, as time goes on, if they max that out, sell every weekend, and it exceeds capacity and they need to expand, there is opportunity. He said, to him, what this presents is opportunity from a Recreation and Tourism point of view. He said they could go in that direction, or, if what they have built is sufficient and meets the needs of both local and tournaments, they could transition it into a low leisure type recreational facility, which he often hears that is what people want, such as hiking, biking, trails, and those types of things. He said he thinks they would need to have a public process, and they would need to do a master plan. He said he does not think they can sit here tonight and say what it is going to be, but he thinks the opportunity of 200 acres next to a marquee facility the County already owns, to him, from a Recreation point of view, is a tremendous opportunity, although he understands there are other potential values to the County. He further said, certainly, if they want to look at converting other properties, they would be open to that, but, to him, there is a lot of value there.

Mr. Joe Holloway said the other thing is that Council hears about the Sheriff's Department and the State Police not having enough officers on the force to take care of what is going on now, so he thinks they will have to talk to the Sheriff to see how he plans on cleaning this issue up. He said, from what he hears now, they do not have enough officers to run their shifts properly as it is. Mr. Dodd said that is why he wants to hear a plan because everyone of the citizens who spoke during public comments talked about the negative, about people out there shooting, dirt bikes, motorcycles, and four-wheel drive trucks. Mr. Cannon said he thinks once the message is sent out, it can be made very clear.

Mr. Miller said he has one comment on the security portion of this. He said, in their regular park system, they have Park Rangers during the peak season who travel around and monitor parks, but they only do that until dusk. Mr. Dodd said they do not have authority, to which Mr. Miller responded, they have limited authority. Mr. Dodd said limited is a big word, to which Mr. Miller responded, but they are eyes and ears for the County. He clarified, they can see if there is activity going on, and whatnot, and, certainly, that would happen at a park like this. He said he will explain one of the reasons he would advocate for some type of Recreation and Parks element. He said sometimes in public places people will gather and things happen, and often times they are negative things. He said, for instance, at Shoemaker where they built the golf course years ago, they used to have a lot of security and drug issues, and things of that nature, but now the golf people are out there every single night, and they are dedicated and pick up trash. He said it is positive activity, and a lot of that negative activity gets chased away. He said it does not solve the overnight issues, and, certainly, after dark they are not there, so they would, obviously, need to work with the Sheriff's Office to address some of that. Mr. Dodd asked what time Park Rangers get off, to which Mr. Miller responded, dusk, so it depends. He said they are still going to

have to address that, and then, certainly, the Sheriff would have to be a part of that, but his point is that he thinks positive activity at a park, such as programs, helps chase away negative activity.

Mr. Smethhurst said there is another point too. He said, if the County owns this property, and they are the ones enforcing the no trespassing, it is not hard to catch them. He said he goes out there every once in a while himself, and sees these people and takes their tag numbers down. He said, if he is able to talk to them, he will ask what they are doing out there, and they always have some spiel that one of the owners gave them permission, or the owner's lawyer from New York said it was okay. He said the last one who gave him that line was informed he was not from New York, and that there was not a living soul on this planet who has permission to go on this property and do what those guys are doing. He said they tear down the signs and pay no attention. He said they do not get in through the 50-foot right of way that goes back to the property, but there is a Jersey wall section that blocks them, so they go in on the railroad right of way. He said every effort they have made to try to keep people out of there has been fruitless because, it may lessen for a few days, and they actually brought a couple of charges in court against them, but the District Court just gave them a slap on the wrist. Mr. Joe Holloway said that is what is going to happen if the County owns the land, to which Mr. Smethhurst responded, he does not think so, especially if the County owns it and there are signs up saying it is County property, and the Sheriff arrests a few of them and takes them to court. Mr. Davis said they are then going to go to the same court system that Mr. Smethhurst took them to, and it will be the same result. Mr. Cannon said, if the Sheriff will arrest them, word will soon get around, and he thinks it will be a deterrent.

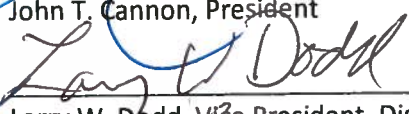
Mr. Cannon asked Mr. Young exactly what he feels is necessary so they can have a final idea on where they are, to which Mr. Young responded, he thinks they should approach Lloyds of London, or an environmental insurance broker, and come back to Council with the findings from that, such as what it will cost, and what the options are. Mr. Cannon asked if there is anything else they are leaving off the table tonight that needs to be clarified, to which Mr. Taylor responded, if it helps, he will be glad to give Mr. Young or Mr. Wilber the name of the agent they used who was quite helpful.

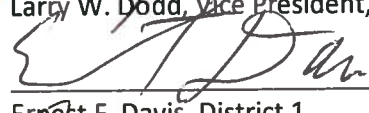
Mr. Kilmer thanked Mr. Young for all the help he has been on this. He said Mr. Young took a couple Councilmembers around yesterday to look at the property. He said he knows Council has raised a lot of objections, and they are not doing that to be a pain, but they are trying to be thorough. He said he was adamantly opposed to this, and now he has moved to the skeptical camp, so Mr. Young is moving him slowly in the right direction, and he appreciates the work Mr. Young has done. He clarified, Council is doing this in good faith to try to make sure the County is protected.


Mr. Cannon asked if they can put this on the Agenda for the next meeting in two weeks, to which Mr. Young responded, he thinks that would be too soon. Mr. Cannon said they could agree to meet in one month. Mr. Joe Holloway said they should just wait to see what Mr. Young finds out about the insurance, to which Mr. Young responded, if he can get that information sooner, they would like to be back before Council as soon as possible. Mr. Cannon asked if it should be a Work Session in a month, or a Resolution because they can still do a Work Session with a Resolution. He explained, technically, during the discussion of a Resolution, they can have a Work Session, so, if they feel they are close enough, he would schedule it as a Resolution as opposed to a Work Session. Mr. Young said that depends on the insurance. He clarified, if it comes back that it is complicated, he thinks they would want to talk about it. Mrs. Hurley said there is not a legal requirement for a Public Hearing, but that may be something Council would want to consider, to which Mr. Cannon responded, they had quite a bit of input tonight. Mr. Matt Holloway said he does not think they need a Public Hearing. Mr. Kilmer added, this has been in the media for quite a while.

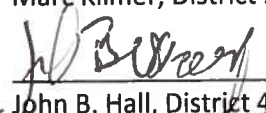
Mr. Young said he will see what he can do in four weeks starting tomorrow morning. He said he will let Council know as soon as he has a better idea of what it is going to take, and how long they think the environmental insurance folks will take to review what he has, and he will ask for a timeline when they start discussions. Mr. Hall said, assuming he gets a quote or a number of quotes, would they have to have a Work Session, or could it go out by email, to which Mr. Cannon responded, they will play it by ear and decide in the next couple of weeks whether they can go that far, but he thinks they are really close enough to put this in as a Resolution. Mrs. Hurley said, if the insurance policies come back affordable, she would think a Resolution, but if they come back way too high, then possibly a Work Session. Mr. Cannon said they can always vote a Resolution down, but he thinks they should be prepared to go as far as they can. He said, if it turns out they do not have what they want, they would vote it down. There was no further discussion.

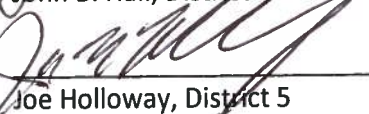
  
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John T. Cannon, President

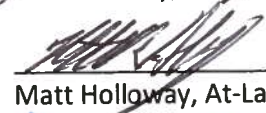
  
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Larry W. Dodd, Vice President, District 3

  
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Ernest F. Davis, District 1

  
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Marc Kilmer, District 2

  
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John B. Hall, District 4

  
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Joe Holloway, District 5

  
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Matt Holloway, At-Large

  
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Laura Hurley, Council Administrator