

TRANSCRIPT OF MIKE GOLDBERG TESTIMONY WICOMICO COUNTY COUNCIL MEETING 3/19/24

Good morning, my name is Mike Goldberg and I live in the Shadow Hills subdivision located in northern Wicomico County near Delmar. I am speaking today on behalf of the Shadow Hills Homeowner's Association.

Shadow Hills is located right next door to the Connelly Mill Sand Quarry site, at which certain off-road motor sports events are scheduled to take place. The quarry site consists of three parcels totaling 234-acres. Other than the quarry itself, the site remains mostly undeveloped, heavily forested land with abundant natural resources.

The County Executive, Julie Giordano, unilaterally entered into a Memorandum of Understanding, or "MOU," with Live Wire Media to stage a variety of off-road motor sports events at the site. Contractually, these events may include many types of vehicles including Jeeps and Broncos, as well as various loud, unlicensed vehicles such as quads or ATVs.

Ms. Giordano entered into this agreement without the knowledge of Shadow Hills or other nearby residential communities.

- There was no public notice.
- There was no opportunity for public comment to express concerns.
- Neither was the County Council consulted or advised of the agreement.

Knowing that these events would be strongly opposed, the County Executive signed the MOU under the cloak of darkness, completely blindsiding the citizens of Wicomico County-- the most affected stakeholders--and the County Council.

You may ask--why is Shadow Hills so concerned about the MOU and the off-road events?

First, it must be understood that the MOU is an umbrella contract, under which any number of events involving many different kinds of off-road vehicles can be held. The first event involving Jeeps is to be held on May 4th and 5th, which is only the first of many other events that will follow thereafter. Notably, the County Administrator, Bunky Luffman, publicly represented that the May Jeep event would be a "*singular event.*" But you only need to view Live Wire's "*Safari at the Quarry*" website or Facebook page to see that other events for a variety of vehicle types are being planned, including an Open-Wheel event, which is already being advertised to take place in July.

Furthermore, Brad Hoffman, the principal of Live Wire, has repeatedly stated that he has no interest in staging events for ATV type vehicles. But this is belied by the fact that such events are specifically provided for in the MOU and are already being promised on their social media site. Thus, the intent is clear--and it is equally clear that we are being intentionally misled.

Keeping in mind that Shadow Hills is a mere 300 feet away from the event site, the noise generated by these events will disturb the peace and tranquility of our neighborhood. Up to 200 vehicles will participate at any given time--some with custom exhaust systems. These

vehicles may legally emit up to 80 decibels each. Multiplied by 200 vehicles, the noise levels will far exceed the 30-35 decibels publicly asserted by Mr. Hoffman, which will be a major disruption to the quiet enjoyment of our homes. Once again, we are being intentionally misled.

Furthermore, Live Wire has no viable plan to control traffic on Connelly Mill Rd. during the events.

- Connelly Mill Rd. is only two lanes, carries a great deal of commercial traffic, and has a frequently used railroad crossing and switching yard immediately adjacent to the event site entrance.
- The site has no staging or parking areas to accommodate the participating vehicles and there is no on-street parking. So, their plan is to simply keep vehicles circulating on and around Connelly Mill Rd. until they can enter the site. Many will undoubtedly continuously circulate through the cul-de-sacs in Shadow Hills, thus creating a dangerous situation for our children, generate excessive noise, and impede accessibility. I pray that none of my neighbors need Emergency Medical Services on May 4th and 5th.
- And astonishingly, Live Wire's traffic management plan calls for only one--perhaps two law enforcement officers to direct traffic, assisted by volunteers who are untrained, uncertified and unauthorized to control traffic on a county highway. This is an accident waiting to happen.

The combination of these disruptions leads to our greatest concern: **THE IMPACT ON OUR PROPERTY VALUES.** As one who has spent most of his working life in commercial real estate banking and related industries, I can tell you with all assurance that high noise, high congestion events like these, regularly taking place right next door to a residential community, will suppress home values.

As with most of you, our homes are the biggest investment we'll make in our lifetimes. We cannot afford to lose the value of our homes to provide a disruptive playground for out-of-area, off-road enthusiasts. Participants in these events come from all around the region. Most do not reside or pay taxes in Wicomico County. But they get to use this county property for disruptive events by paying a fee to a private company, while the rest of us, who simply want to take a walk in a natural area, are prohibited from entering. But we are the ones who must live with the financial and other consequences—**not them!** The inequity is palpable.

One of the biggest reasons people choose to live our community is because it's next door to these wooded parcels, which are now to become an off-road motor sports track. When the County acquired this land in 2018, it was with the understanding that it would be used for low-impact recreational uses such as hiking and biking, etc. The property has many environmentally sensitive areas, wildlife--including bald eagles, and other natural resources that either have been, or will be disturbed.

These events are inconsistent with the character of our quiet neighborhood. They are not economically sustainable. They are disruptive. They will diminish the value of our homes. This is not the highest and best use of publicly-owned land. It should be for all the people of

Wicomico County--not just a select few—particularly when the impacts are so destructive. If we wanted to live beneath a circus tent, we'd be living in Ocean City, rather than making our homes in a quiet corner of Wicomico County.

Ms. Giordano has publicly asserted that these events will be “low-impact.” But let me tell you, repeatedly disturbing a residential neighborhood--impeding access--hammering property values--and disturbing a large natural area is anything but “low-impact.” **So, I say to the County Executive, if you want these events so badly, and if you believe them to be “low-impact,” then have them in YOUR backyard—NOT MINE!**

Many of you may ask, “I don't live near Connelly Mill, so why should I care?”

You should care because this could happen to your neighborhood next!

You should care because the MOU is legally unsound and an unmitigated disaster. As someone who has spent the better part of his life negotiating contracts, drafting contracts, reviewing and approving contracts, and administering contracts for complex commercial construction loans, construction services, and engineering-design services, I can tell you that this MOU is among the worst contracts I have ever laid eyes on--filled with many dangerous ambiguities, inequities, and pitfalls--thus exposing Wicomico County taxpayers to significant financial liabilities.

Any rookie financial analyst looking at this MOU will immediately understand that it's a money loser for the County. The County is to receive 10% of net profits. This means that Live Wire can apply a proportional share of its corporate tax liabilities and overhead expenses such as salaries, etc. against gross profits. As such, the net profitability is likely to be zero or less. In contrast, for similar events in Ocean City being promoted by Live Wire, they pay up-front permit fees that ensure that the City's costs are covered.

The County will also incur direct costs, including preparation of the event site, and deputy sheriffs to control traffic (which will ultimately become necessary since the traffic control plan is unworkable). Thus, we ask the County Council to use it's authority to ensure that all county expenditures in relation to these events are properly and publicly accounted for—rather than being buried in an obscure budget line item. We must have the transparency Ms. Giordano promised during her campaign! But that promise has already been broken.

It appears that the only ones who are likely to profit are Live Wire and the vendors at the related entertainment venue at Kylan's Barn in Delmar. Furthermore, tax revenues generated will likely be insufficient to cover the County's costs. Perhaps these events will generate some revenue for hotels or restaurants, but **they** will benefit at the expense of the value of **our** homes and tranquility of our neighborhood! This is inherently unfair!

It must also be noted that the County Executive's Attorney, Paul Wilber, publicly claimed to have reviewed the MOU. If so, the review was grossly inadequate, and by all appearances, it was simply rubber-stamped. The County Executive's Attorney had a duty to protect the interests of the citizens of Wicomico County, but clearly, he has failed miserably in this obligation and should be reprimanded accordingly.

I must also point out that the the terms of the MOU are already being violated.

The agreement only allows Live Wire to use 111-acres, which is the sum of just two of the three parcels owned by the County. But on their Facebook page, Live Wire is advertising that the event site consists of 274-acres. Therefore, this must encompass the third, contractually excluded, 123-acre parcel--and that still leaves 40-acres unaccounted for! Furthermore, the trail map posted on Live Wire's internet sites even clearly depicts that the trails deeply encroach into the environmentally sensitive, 123-acre parcel, which they are contractually prohibited from using!

And there's another impending contractual violation. The MOU requires that the events end at 5:00 pm. But Live Wire is advertising that they'll last until 6:00 pm, thus extending the disruptions well into the dinner hour.

Therefore, we ask Mr. Luffman, the County Administrator, to fulfill his duty of enforcing the terms of the MOU—particularly those few tidbits that provide the most minimal of protections to our community and this environmentally sensitive site.

Among the other things that renders the MOU unsatisfactory, is that the requisite due diligence was either grossly inadequate or not undertaken at all. “Due Diligence” is like studying before an exam. Or being sure that there's not a big rock beneath the water before you dive in, head-first.

Before signing the MOU, the due diligence should have included the submission and careful review of proforma financial projections, community impact statement, economic impact statement, Live Wire's financial statement, wetlands investigations, traffic management plan, conceptual trail plan, and review of insurance requirements, among other things. There is no indication that these things were done, but if any were, they were done poorly and incompletely.

Equally as important, the due diligence process should have included public outreach—particularly to affected stakeholders, as well as in-depth consultation with the County Council, and the various law enforcement and EMS units having jurisdiction. But we were never advised.

We, therefore, ask the County Council to obtain all documents relating to the MOU, including addenda, contracts, impact studies, evidence of insurance, and financial documents, etc., and make them available to the public. The secrecy in which these events have been shrouded must end!

The County Executive cannot claim ignorance of the many deleterious issues related to the MOU or these events, or blame such ignorance on her lack of experience in either business or governing. She has been **thoroughly informed in writing** of the contractual deficiencies and the consequences thereof, and now has a unique opportunity to correct her egregious errors by canceling these events for convenience, and abandoning the MOU in its entirety. Knowing what she undeniably knows now, to do otherwise would simply be reckless and irresponsible!

Thus, we ask the County Council to take appropriate measures to amend the County Charter in such manner as to restrict or obviate the County Executive's authority to enter into

contracts unilaterally and without the legislative body's consent. Clearly, too much authority has been vested in the office of the County Executive and it is being abused. As history indisputably proves, too much power concentrated in the hands of too few people invariably results in the misuse of such power, thus benefiting the preferred few, while causing irreparable harm to others.

[Omitted] Ms. Giordano has publicly admitted that she goes “way back with Brad Hoffman” of Live Wire. Now, she is using the power of her office to benefit her friends and cronies--but at the expense of Shadow Hills, Breckenridge, and other nearby communities—while doing everything possible to suppress opposing voices. Her actions are simply unconscionable.

Thank you.