

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2019-23

RESOLUTION NO. 73-2019

Title of Resolution: Supplemental Appropriation – Grant Funds – Roads Maintenance Department – Road Damage

Synopsis: A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2020 in order to provide a total of \$1,228,018.30 to the Special Revenue Other Grants Fund - Roads Maintenance Department to record the payment from the Delaware Department of Transportation (DelDot) for the purpose of making repairs on Wilson Street, Sassafras Road and Edgar Price Road due to the opening of the new US 301.

Introduced by: Council President on behalf of the County Executive

Introduced and order posted on: December 3, 2019

Consideration scheduled on: December 17, 2019

By: 
Council Manager

Notice of time and title of Resolution having been posted by December 3, 2019 at the County Administrative Building, 200 Chesapeake Blvd, Elkton, and consideration by the County Council of Cecil County having been scheduled on December 17, 2019.

By: 
Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.
~~Strike through~~ indicate matter deleted from existing ordinance.
Underlining indicates language added by amendment.
~~Double Strike through~~ indicates language deleted by amendment.

Supplemental Appropriation – Grant Funds – Roads Maintenance Department – Road Damage

1 **WHEREAS**, in accordance with Section 505 of the Cecil County Charter, on April 1, 2019, the
2 County Executive submitted a proposed budget to the County Council for Fiscal Year 2020; and

3 **WHEREAS**, in accordance with Section 506 of the Cecil County Charter, the County Council held
4 public hearings on the proposed budget submitted by the County Executive for Fiscal Year 2020; and

5 **WHEREAS**, in accordance with Section 507(b) of the Cecil County Charter, on June 4, 2019, the
6 Budget for Cecil County was adopted for Fiscal Year 2020; and

7 **WHEREAS**, the County Executive is revising the Fiscal Year 2020 Special Revenue Other Grants
8 Fund – Road Maintenance revenue estimate for Cecil County to establish the following amount: the
9 addition of \$1,228,018.30 in program revenue and expense to the Special Revenue Other Grants Fund
10 – Roads Maintenance operating budget to provide for the payment from DelDot to County; and


11 **WHEREAS**, such appropriation is necessary to provide \$1,228,018.30 in program funding in
12 order for the County to make repairs on Wilson Street, Sassafras Road, and Edgar Price Road, due to
13 the damage and additional wear and tear from truck traffic diverting off of the new US 301 in Delaware
14 to avoid the toll.

15 **NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
16 **MARYLAND**, that the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for Fiscal
17 Year 2020 is hereby amended for the supplemental appropriation and by amending the Current Budget
18 to appropriate \$1,228,018.30 to the Special Revenue Other Grants Fund-Roads Maintenance
19 Department to record the payment from DelDot for the purpose of repairs on Wilson Street, Sassafras
20 Road and Edgar Price Road.

21 **AND BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND**, that
22 this Resolution shall take effect on the date of its passage.

INTRODUCED: December 3, 2019

ADOPTED: December 17, 2019



President of the Council

ATTEST:


Council Manager



CECIL COUNTY, MARYLAND
DEPARTMENT OF FINANCE

FISCAL IMPACT NOTE

SUMMARY OF LEGISLATION

SPONSOR: Council President at the request of the County Executive

RESOLUTION NO. 73-2019-BUDGET AMENDMENT - SPECIAL REVENUE OTHER GRANTS
MEMORANDUM OF UNDERSTANDING BETWEEN THE DELAWARE DEPARTMENT OF
TRANSPORTATION AND CECIL COUNTY, MARYLAND.

SYNOPSIS: A resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2020 in order to provide a total of \$1,228,018.30 to the Special Revenue Other Grants Fund-Roads Maintenance Department to record the payment from the Delaware Department of Transportation (DelDot) for the purpose of making repairs on Wilson Street, Sassafras Road and Edgar Price Road due to the opening of the new US 301.

FISCAL IMPACT SUMMARY: Net fiscal impact to the County will be zero for Fiscal 2020. The MOU between DelDot and the County states the funds will be used to repair Wilson Street, Sassafras Road and Edgar Price Road. Within 90 days after the completion of the repairs, the County shall provide a final accounting of the repairs to DelDot. Should the repairs cost less than the funds provided, the excess shall be returned to DelDot within 60 days.

FISCAL ANALYSIS:

The new US 301 toll road in Delaware opened to traffic on January 10, 2019. Immediately after the opening of the road, the residents that live in the area of Wilson Street, Sassafras Road and Edgar Price Road noticed an increase of truck traffic using County Roads to avoid the new US 301 toll in Delaware. As the months went by, the traffic continued to increase. County officials met with Delaware Department of Transportation as well as residents to try and mitigate the effects of the new toll road. After months of negotiations, an MOU was executed and DelDot wrote a check to the County in order for the Roads Department to fix the damage caused by the increased traffic. The language of the MOU is attached.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE DELAWARE
DEPARTMENT OF TRANSPORTATION AND CECIL COUNTY,
MARYLAND**

THIS MEMORANDUM OF UNDERSTANDING, (hereinafter referred to as "MOU") made as of the 21 day of November, 2019, between the **Delaware Department of Transportation**, an agency of the State of Delaware (hereinafter referred to as "DeIDOT") and **Cecil County, Maryland, a body corporate and politic of the State of Maryland** (hereinafter referred to as the "County").

BACKGROUND

WHEREAS, US 301 plays a significant role in moving people and commerce along the East Coast of the United States; and,

WHEREAS, US 301 begins in Florida and terminates at Route 1 in the State of Delaware; and,

WHEREAS, the portion of US 301 in Maryland starts on Maryland's Eastern Shore as a four to six lane controlled or limited access roadway and continues to approximately twenty-five hundred (2,500) feet south of the Maryland/Delaware state line where it previously transitioned to a two lane roadway through Delaware to its termination; and,

WHEREAS, the portion of US 301 running from south of the Maryland/Delaware Border opened on January 10, 2019 as a four lane limited access roadway; and,

WHEREAS, this new roadway is a toll roadway and the toll begins at the Maryland border with Delaware; and,

WHEREAS, since the opening of the Delaware portion of new US 301 there has been a heavy increase in truck traffic diverting on to local roads in Cecil County from US 301 as those trucks seek to avoid the toll that begins at the Maryland/Delaware border; and,

WHEREAS, due to the increase in truck traffic diverting onto local roads in Cecil County from US 301, pavement on local roads in Cecil County including Wilson Street, Sassafras Road, and Edgar Price Road have been damaged; and,

WHEREAS, the County believes that the damage and additional wear and tear is a direct result of the opening of the new portion of US 301 along with the placement of the toll at the Maryland/Delaware state line; and,

WHEREAS, in an effort to mitigate the potential effects of diversion, DeIDOT has placed truck restriction signage on Middletown Warwick Rd, Warwick Rd, and Level's Rd in Delaware which directly connect to Wilson Street, Sassafras Road, and Edgar Price Road in Cecil County. Additionally, DeIDOT is currently funding targeted enforcement by the Delaware State Police on Middletown Warwick Rd, Warwick Rd, and Levels Rd to discourage truck toll avoidance; and,

WHEREAS, in addition to the enforcement actions and sign remedies set forth above, the

County has requested that DeIDOT provide the County with funds to cover the cost of repaving Wilson Street, Sassafras Road, and Edgar Price Road in Cecil County.

NOW THEREFORE, DeIDOT and the County, for and in consideration of the mutual promises and benefits set forth herein, agree, covenant, and promise with each other as follows:

TERMS

1. In full and final satisfaction of any and all disputes between DeIDOT and the County related to the opening of new US 301, including but not limited to additional wear and tear caused to local roads in Cecil County, DeIDOT shall, within ten (10) business days of the date hereof, make a one-time payment to the County in the amount of \$1,228,018.30 for the purpose of making repairs on Wilson Street, Sassafras Road, and Edgar Price Road.

2. The payment set forth in paragraph 1 shall be a one-time payment. DeIDOT shall not be obligated to make any further payments to County for repairs to County roads.

3. The County shall handle all procurement in accordance with local, state, and federal law related to the repairs, and shall pay all costs of the work directly to its contractor. DeIDOT shall not be a party to the County's arrangements regarding selection of or payment to the contractor and DeIDOT shall have no liability or responsibility in connection therewith.

4. The County shall perform any and all inspection and construction administration related to any repairs set forth in this MOU.

5. The County shall be responsible for the cost of any and all repairs to Wilson Street, Sassafras Road, and Edgar Price Road in excess of \$1,228,018.30.


6. Within 90 days after the completion of the repairs on Wilson Street, Sassafras Road, and Edgar Price Road, the County shall provide a final accounting of the repairs to DeIDOT. Should Wilson Street, Sassafras Road, and Edgar Price Road be repaired for less than \$1,228,018.30, any excess funds shall be returned to DeIDOT within 60 days.

[SIGNATURES ON FOLLOWING PAGE]

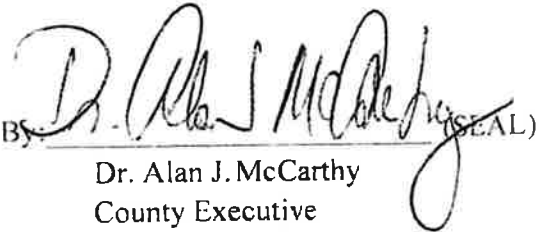
IN WITNESS WHEREOF, the parties hereto have executed this **Memorandum of Understanding** under seal, in quadruplicate by their proper and authorized officers. on the day and year first above written.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

CECIL COUNTY, MARYLAND



Witness


By:  (SEAL)

Dr. Alan J. McCarthy
County Executive

**DELAWARE DEPARTMENT OF
TRANSPORTATION**



Witness

By:  (SEAL)

Jennifer Cohan
Secretary