

COUNTY COUNCIL

OF

TALBOT COUNTY

2022 Legislative Session, Legislative Day No.: March 8, 2022

Resolution No.: 326

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, Ms. Price

**A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO AUTHORIZE TALBOT COUNTY, MARYLAND'S ACQUISITION OF THE WASTEWATER TREATMENT PLANT SERVING THE PRESERVE AT WYE MILLS WITH THE WASTEWATER TREATMENT PLANT BEING LOCATED AT RUSTLING OAKS DRIVE, WYE MILLS, MARYLAND 21679, DESCRIBED AS TAX MAP 01, PARCEL 98**

By the Council: March 8, 2022

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 12, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: Susan W. Moran  
Susan W. Moran, Secretary

**A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO AUTHORIZE TALBOT COUNTY, MARYLAND'S ACQUISITION OF THE WASTEWATER TREATMENT PLANT SERVING THE PRESERVE AT WYE MILLS WITH THE WASTEWATER TREATMENT PLANT BEING LOCATED AT RUSTLING OAKS DRIVE, WYE MILLS, MARYLAND 21679, DESCRIBED AS TAX MAP 01, PARCEL 98**

**WHEREAS**, the County Council of Talbot County (the "County Council") adopted Resolution No. 94 on January 22, 2002 for the purpose of amending the Talbot County Comprehensive Water and Sewer Plan (the "CWSP") to authorize a shared sanitary facility (the "Facility") for the benefit of the residents of The Preserve at Wye Mills subdivision (the "Preserve"); and

**WHEREAS**, the County Council adopted Resolution No. 100 on October 22, 2002 for the purpose of updating the CWSP through the 2002 Report of the Review, which identified the Facility in Table 28 and Figure 30; and

**WHEREAS**, the Maryland Department of the Environment ("MDE") approved Resolution Nos. 94 and 100 on June 13, 2002 and February 20, 2003, respectively; and

**WHEREAS**, pursuant to Chapter 152 (Shared Sanitary Facilities) of the Talbot County Code (the "County Code"), on March 16, 2004, the Talbot County Health Department (the "Health Department" or the "Approving Authority") and the Talbot County Department of Public Works ("DPW" or the "Controlling Authority") entered into a Shared Sanitary Facility Agreement (the "Agreement") with Dolvin's Farm, LLC and The Preserve at Wye Mills Property Owners Association, Inc. (the "POA") for the Facility, which Agreement is recorded among the Land Records of Talbot County, Maryland at Liber M.A.S. No. 1231, folio 912; and

**WHEREAS**, pursuant to Md. Code Ann., Envir. § 9-1110, Code of Maryland Regulations ("COMAR") Title 24, Subtitle 04, Chapter 05, § 152-12(C) of the County Code, and Section 9 of the Agreement, the County is authorized and empowered to purchase or acquire by gift any shared sanitary facility, or parts thereof, necessary for the purpose of providing adequate sanitary utility service for the residents of Talbot County, Maryland (the "County"), which acquisition shall proceed through the CWSP amendment process, and shall be executed under the terms of a Public Works Agreement (PWA) to which all owners are party; and

**WHEREAS**, the Facility is currently owned and operated by the POA; and

**WHEREAS**, the POA has raised concerns with the County regarding the state of the Facility due to a lack of maintenance and operation by their contract operators; and

**WHEREAS**, the Facility's existing rotating biological contactor system (the "RBC") was designed to comply with biological nutrient removal standards of 10 mg/l of total nitrogen, with effluent being disposed of through spray irrigation; and

**WHEREAS**, the RBC has been unable to comply with the Facility's MDE-issued discharge permit since 2006 or 2007 due to extremely low flows and a poor engineering design; and

**WHEREAS**, MDE has advised the County and the POA that the County would be eligible for grant funding to upgrade and replace the RBC with a new enhanced nutrient removal membrane bio-reactor wastewater system if the County were to acquire the Facility; and

**WHEREAS**, the Talbot County Engineer has evaluated and confirmed the feasibility of the County's acquisition of the Facility, through DPW as the Controlling Authority, and has requested that the Talbot County Office of Law prepare this amendment to the CWSP to facilitate the same; and

**WHEREAS**, in accordance with the requirements of Md. Code Ann., Envir. § 9-506(a)(1)(i), the proposed CWSP amendment set forth herein has been submitted to the Talbot County Planning Commission (the "Planning Commission"), as well as the Talbot County Public Works Advisory Board, for review for consistency with planning programs for the area; and

**WHEREAS**, on \_\_\_\_\_, 2022, the Planning Commission certified that the proposed CWSP amendment set forth herein is consistent with the Comprehensive Plan as required by Md. Code Ann., Envir. § 9-506(a)(1)(ii);

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND**, that the Talbot County Comprehensive Water and Sewer Plan shall be and is hereby amended as follows:

**SECTION ONE:** The above recitals are hereby incorporated as if fully set forth herein.

**SECTION TWO:** Subject to the terms and conditions herein, the Facility shall be transferred to the County as a gift from the POA, at no cost to the County.

**SECTION THREE:** The transfer of the Facility shall be set forth in a Transfer Agreement between the POA and the County and shall comply in all other respects with Chapter 152 of the County Code.

**SECTION FOUR:** The County shall work with the POA and MDE in preparing all the required documents and agreements to facilitate the transfer of the Facility's ownership from the POA to the County, and the appropriate County officials are hereby authorized to execute any and all such documents and agreements.

**SECTION FIVE:** The County shall establish a new sanitary district to be referenced as "The Preserve at Wye Mills Sanitary District."

**SECTION SIX:** Table 28 of the CWSP is amended to delete The Preserve at Wye Mills from Table 28. Shared Sanitary Facilities in Talbot County.

**SECTION SEVEN:** The CWSP is amended to add The Talbot County Region IV – Preserve at Wye Mills Sanitary District on page CHAPTER TWO 61-A, with Figure 30 being amended to show the S-1 (immediate priority status) sewer service area for Region IV – The Preserve at Wye Mills Sanitary District and the location of the Facility and spray irrigation field on page CHAPTER TWO 61-B.

**SECTION EIGHT:** All new lots to be connected to the Region IV – The Preserve at Wye Mills Sanitary District shall be assessed a connection fee of Fifteen Thousand Dollars (\$15,000.00) for the property to be connected to the Facility before commencing construction to connect the same. Such

connection shall be subject to periodic charges, tariffs, and policies as may be adopted by the County Council from time to time.

**SECTION NINE:** This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations.

**BE IT FURTHER RESOLVED,** that this Resolution shall take effect immediately upon the date of its adoption.

**TABLE 28. Shared Sanitary Facilities in Talbot County**

<b>1<sup>st</sup> ELECTION DISTRICT – Easton</b>					
<b>SUBDIVISION NAME</b>	<b>RESOLUTION NO. AND DATE</b>	<b>TAX MAP</b>	<b>PARCEL NO.</b>	<b>NUMBER OF LOTS</b>	<b>PROPOSED FLOW</b>
No shared sanitary facilities					
<b>2<sup>nd</sup> ELECTION DISTRICT – St. Michaels</b>					
<b>SUBDIVISION NAME</b>	<b>RESOLUTION NO. AND DATE</b>	<b>TAX MAP</b>	<b>PARCEL NO.</b>	<b>NUMBER OF LOTS</b>	<b>PROPOSED FLOW</b>
No shared sanitary facilities					
<b>3<sup>rd</sup> ELECTION DISTRICT – Trappe</b>					
<b>SUBDIVISION NAME</b>	<b>RESOLUTION NO. AND DATE</b>	<b>TAX MAP</b>	<b>PARCEL NO.</b>	<b>NUMBER OF LOTS</b>	<b>PROPOSED FLOW</b>
Northside Woods	79 – 2/11/2000	54	141	4	2,400 gpd
<b>4<sup>th</sup> ELECTION DISTRICT – Chapel</b>					
<b>SUBDIVISION NAME</b>	<b>RESOLUTION NO. AND DATE</b>	<b>TAX MAP</b>	<b>PARCEL NO.</b>	<b>NUMBER OF LOTS</b>	<b>PROPOSED FLOW</b>
Preserve at Wye Mills	94 – 1/22/2002	1	23	59	40,200 gpd
<b>5<sup>th</sup> ELECTION DISTRICT – BAY HUNDRED</b>					
<b>SUBDIVISION NAME</b>	<b>RESOLUTION NO. AND DATE</b>	<b>TAX MAP</b>	<b>PARCEL NO.</b>	<b>NUMBER OF LOTS</b>	<b>PROPOSED FLOW</b>
No shared sanitary facilities					

**PUBLIC HEARING**

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. \_\_\_ having been published, a public hearing was held on Tuesday, \_\_\_\_\_, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

**BY THE COUNCIL**

Read the second time:

Adopted: \_\_\_\_\_

By Order: \_\_\_\_\_  
Susan W. Moran, Secretary

Callahan -

Divilio -

Leshner -

Price -

Pack -

Effective: \_\_\_\_\_