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COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

Council Work Session  
With the Planning Commission  
Regarding the Lakeside Project

February 15, 2022; 5:00 p.m.

Via Webex Events

COUNCIL MEMBERS:

- Chuck F. Callahan
- Pete Leshner
- Frank Divilio
- Corey W. Pack
- Laura E. Price

Reported by  
Diane Houlihan

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1 TRANSCRIPT OF PROCEEDINGS

2

3 MR. CALLAHAN: Well, let's get started. I

4 want to welcome everybody. I'm excited that

5 we're all together.

6 Like me and Ms. Ghezzi met, I don't know,

7 a couple of months ago; didn't we, Lisa? We

8 were talking that it's long overdue. We

9 probably should do this more often so we can

10 try to see things eye to eye and see where each

11 other is at on some tough subjects for Talbot

12 County, because I think all of us tonight are

13 trying to get to the finish line here and

14 trying to help each other understand the pros

15 and the cons and all of that. And we're trying

16 to all meet at the finish line here.

17 So I want to welcome everybody. And I

18 appreciate everybody being here, taking the

19 time, taking the effort, doing the research,

20 and just really being involved in what we think

21 is a good place in Talbot County.

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1 So what I'd like to do, I'd like to start

2 it off with Mr. Thomas. Just help us all

3 understand that MDE, you know, was looking for

4 us to get together and make some decisions so

5 they can get focused on what they need to do on

6 their end.

7 So Mr. Thomas, can you kind of get us

8 steered off in the right direction here,

9 please.

10 MR. THOMAS: Yes. So we, the County

11 Council and the Planning Commission, received a

12 letter from MDE dated February 3rd. And the

13 MDE stated, the letter was from D. Lee Curry,

14 water and science administration director. It

15 states that it was sent in response to the

16 Planning Commission's November 3rd decision

17 regarding Resolution 281 as well as the

18 Council's pending Resolutions 308 and 313.

19 And what MDE requests in the letter,

20 states MDE is unable to determine the actual

21 position of the county. Accordingly, MDE

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1 respectfully requests that the County Council

2 and the Planning Commission provide a

3 definitive position regarding the proposed

4 project, i.e., Lakeside, so MDE can continue

5 its science-based review to ensure compliance

6 with environmental and public health law.

7 So we're here to discuss that.

8 MR. CALLAHAN: So that's where we're at.

9 By the way, Ms. Morris, is Vice President

10 Leshner here? Is he on?

11 MS. MORRIS: Yes, Mr. Leshner is on as

12 well.

13 MR. CALLAHAN: He is. Can you hear us

14 okay, Pete? I can't see you.

15 (Cross talk.)

16 MR. LESHER: (Inaudible.)

17 MR. CALLAHAN: Great. I didn't see you.

18 So I apologize. There you go. Good. I just

19 wanted to make sure everybody was here.

20 So I guess what we'll do, I'll probably

21 hand it off to -- Ray, why don't you let us

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1 know about where you stand on some of this

2 information that you've gathered here in the

3 last few weeks.

4 MR. CLARKE: Sorry about that. I think

5 from our standpoint, as you're well aware, the

6 county I think from MDE's standpoint has

7 approved Resolution 281. They approved that

8 back in November 4, 2020.

9 At that point, things have moved forward.

10 They then moved with the tentative I guess

11 determination on the discharge permit. They

12 then held a public hearing in November of 2021.

13 And so MDE as of this point has not made

14 any determinations on the discharge permit at

15 this point.

16 However, I think as everybody is well

17 aware, you had I guess the introduction of

18 Resolution 308, which is to rescind Resolution

19 281. And then ultimately I think the Council

20 was also looking at they had I guess introduced

21 Resolution 313 to amend Resolution 281 to

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1 pretty much I guess require ENR, that the new  
 2 houses that are part of I guess the new  
 3 development for Lakeside would be connected to  
 4 an ENR plant.  
 5 That was presented to the Planning  
 6 Commission at their meeting in I believe in I  
 7 think it was January, maybe February. That  
 8 ultimately they found that inconsistent with  
 9 the Comp Plan. So ultimately that's kind of  
 10 sitting in limbo I think at this point or not  
 11 moving forward.  
 12 I think at this point what we have now as  
 13 it relates I think with the comp water and  
 14 sewer plan, the maps, I think there were  
 15 questions about the maps.  
 16 So with the maps, one of the things at our  
 17 work session I think was I was going to reach  
 18 out, and I have not had a chance to do that yet  
 19 with MDE, to basically see how we want to  
 20 proceed with dealing with the map situation.  
 21 I guess it was presented that one idea

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1 would be to have the maps go back to what was  
 2 just in the text. That's something that can  
 3 happen. But I need to confirm with MDE if that  
 4 can be done administratively or do we need to  
 5 do that through a comp water and sewer plan  
 6 process. So I would need to check with MDE on  
 7 that matter.  
 8 So at this point, I think if we talk with  
 9 Patrick Thomas, at this point I agree that  
 10 right now the comprehensive water and sewer  
 11 plan has been amended. It's been amended with  
 12 Resolution 281 basically adopting the maps and  
 13 the text, identifying the project with an ENR  
 14 plant with spray irrigation with the sites  
 15 being outlined on the sewer maps for the Town  
 16 of Trappe.  
 17 With that, I guess the question now  
 18 becomes I think MDE's been under that  
 19 impression as well.  
 20 Now, I do know, and again, I would have to  
 21 defer to Council on that, and I guess the

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1 Planning Commission took action I believe in  
 2 November I guess rescinding their finding I  
 3 believe in I guess November of 2021.  
 4 However, I don't know what the bearing is  
 5 on that as it relates to Resolution 281. At  
 6 this point in time, I'm under the impression  
 7 that Resolution 281 is part of the  
 8 comprehensive water and sewer plan and that any  
 9 efforts to I guess modify that would actually  
 10 have to happen through the comp water and sewer  
 11 plan.  
 12 MR. CALLAHAN: Appreciate it, Ray. Yup.  
 13 Appreciate it.  
 14 Miguel, you want to say a few words?  
 15 MR. SALINAS: Sure. Just to reiterate  
 16 that there was a vote by the Planning  
 17 Commission on Resolution 281. And I believe it  
 18 was July of 2020 (inaudible) that the  
 19 resolution was consistent with the  
 20 Comprehensive Plan.  
 21 There was, there were in I want to say

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1 September of last year, September and October  
 2 of last year, Chip, correct me if I'm wrong on  
 3 the months, but there was a discussion of  
 4 reconsideration of actions related to  
 5 Resolution 281. That failed two to three.  
 6 And then in November of last year, the  
 7 Planning Commission made a motion that they  
 8 felt that they stated that the connection of  
 9 the up to 120 homes was not consistent with the  
 10 Planning Commission.  
 11 And then, of course, as you know, there  
 12 were subsequent hearings on Resolution 308 in  
 13 front of the Council, County Council, in I  
 14 believe October and December of last year. And  
 15 here we are today.  
 16 Also, just to remind you that Resolution  
 17 313 did come to the Planning Commission in  
 18 January. And the commission made a, they made  
 19 a motion and approved a motion that stated that  
 20 Resolution 313 was not consistent with the  
 21 Talbot County Comprehensive Plan.

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1 MR. CALLAHAN: All right. I guess how  
 2 we'll work, Mr. Council, do you want to maybe  
 3 get us started off on your side.  
 4 MR. COUNCELL: Sure, sure. So to bring  
 5 the Council up to the speed, as you know, we  
 6 spent a couple of months going through this.  
 7 The October vote that we had, as Miguel  
 8 mentioned, failed. We didn't vote to find the  
 9 inconsistency with the Comprehensive Plan.  
 10 That was based on 281 in its entirety.  
 11 We revisited the situation in November,  
 12 and we looked at only the connection to the 120  
 13 homes. So I don't know if that is viewed  
 14 legally as a rescission of 281 or just part of  
 15 something that needed to be amended in the  
 16 Comprehensive Plan.  
 17 So I think the intent of the Planning  
 18 Commission was to give the Council some options  
 19 to not box them in.  
 20 There are some things we found out since  
 21 that November decision that may or may not have

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1 had a bearing. So we obviously we found out  
 2 maybe ten days, two weeks ago that the MDE had  
 3 issued a permit, a construction permit, based  
 4 off of 281, the developer had entered into an  
 5 agreement with the Town of Trappe based off  
 6 that, and the connection was actually made.  
 7 So I don't know where that lands us. I  
 8 guess we argue that could go both sides of the  
 9 coin.  
 10 But while we're talking about this, as you  
 11 know, we've had mountains of information. And  
 12 as we go through it, things crop up. So I know  
 13 Ray just talked.  
 14 And I don't know if you want to take  
 15 questions now as they come up or if you want to  
 16 wait a few minutes. And I have a question I'd  
 17 like to ask Ray and Patrick at some point. But  
 18 that's where we are now.  
 19 MR. CALLAHAN: Okay. So why don't you go  
 20 ahead and ask that. That may help the people  
 21 that are thinking the same question. So go

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1 ahead and ask. Go ahead.  
 2 MR. COUNCELL: My question would be for  
 3 either Ray or Patrick or probably both. But  
 4 the changes to the first amendment of the  
 5 development rights and responsibilities  
 6 agreement, and that was signed I think  
 7 November 30th and December 1st of 2021. And  
 8 does that change the intent of 281 or is that  
 9 not a substantive change to the spray  
 10 irrigation area?  
 11 MR. CLARKE: I don't have a real answer  
 12 for you on that.  
 13 I think at this point, I mean as long as  
 14 the spray irrigation area is set where it's set  
 15 to be placed, which, unless it's been changed,  
 16 I don't anticipate that there's any -- we did  
 17 provide that on the maps, where the spray  
 18 irrigation location would be.  
 19 MR. COUNCELL: Okay. Have you seen the  
 20 development rights and responsibilities  
 21 agreement dated that first part of December?

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1 MR. CLARKE: I have not, no.  
 2 MR. THOMAS: I have not, no.  
 3 MR. COUNCELL: How about the Council, have  
 4 they seen it?  
 5 Patrick, have you seen it?  
 6 MR. THOMAS: I have not, no.  
 7 MR. COUNCELL: So if you don't mind, and  
 8 I'm not -- Chuck, I'm trying to find where we  
 9 land. And I actually just saw this as I was  
 10 going through. It was probably around  
 11 three o'clock.  
 12 MR. CALLAHAN: No problem.  
 13 MR. COUNCELL: So on page 15, all the  
 14 spray irrigation language has been changed to  
 15 land application and the spray irrigation  
 16 easement area has been taken out. So I  
 17 don't --  
 18 MS. PRICE: (Inaudible.) Is this one of  
 19 the attachments that we can follow along with  
 20 you?  
 21 MR. COUNCELL: Yes. For the Planning

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1 Commission, it was in Granicus and it's under  
 2 the developer rights and responsibilities  
 3 agreement and it starts on page 15.  
 4 I can't imagine that this is a substantial  
 5 change without us knowing about it, but I don't  
 6 know --  
 7 MS. PRICE: (Inaudible.)  
 8 MR. COUNCELL: -- I just want to make sure  
 9 that we know where we are.  
 10 MR. CALLAHAN: Okay.  
 11 MS. PRICE: Do we have a copy of the DRRRA  
 12 in our Granicus?  
 13 SECRETARY: No. I do not recall having  
 14 seen it.  
 15 MR. SALINAS: Council President Callahan,  
 16 I think that might have been included in your  
 17 Granicus, packet in Granicus in your January  
 18 packet, one of the January meetings where  
 19 Resolution 313 came back after the  
 20 commission --  
 21 MS. PRICE: Take a peek.

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1 MR. SALINAS: -- that it was not  
 2 consistent -- that there should be -- because  
 3 it one of the attachments of the Planning  
 4 Commission (inaudible).  
 5 MS. PRICE: Thank you.  
 6 MR. SALINAS: Sure.  
 7 MR. CALLAHAN: So Mr. Council, I want to  
 8 make sure that I understand what you're asking.  
 9 So the responsibilities of the developer  
 10 on spray irrigation would be on the new system,  
 11 correct?  
 12 MR. COUNCELL: Correct. So as I was  
 13 looking back through everything this afternoon  
 14 just reading it, and I saw this, and I said  
 15 well, I've never seen that before. And I tried  
 16 to make some calls, but I didn't. It was so  
 17 late. Literally I saw this, it was probably  
 18 after three o'clock, around three o'clock.  
 19 MR. CALLAHAN: So I'm just bringing this  
 20 up to you. So at this stage, MDE has not given  
 21 the permit for that, correct? Am I right, Ray,

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1 on that?  
 2 MR. CLARKE: MDE has not issued the  
 3 permit, the discharge permit. Correct.  
 4 MR. CALLAHAN: So at that stage, I'm just  
 5 thinking out loud to myself that I don't see  
 6 how we can get too involved in the weeds with  
 7 that until they submit the permit and look at  
 8 the overall, what they're comfortable with.  
 9 I'm just thinking --  
 10 MR. COUNCELL: I respectfully disagree.  
 11 In the Planning Commission's hearings and  
 12 so forth even at the very beginning, we talked  
 13 about the easement area and where that easement  
 14 area would be located. Everything was referred  
 15 to as spray irrigation on the easement area.  
 16 In fact, we even tried to get them to  
 17 shift the reserve easement area to move away.  
 18 MR. CALLAHAN: Right. I remember that.  
 19 MR. COUNCELL: Right. Well, now my  
 20 question is as I read this, there is no  
 21 easement area. It just says land application

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1 area. And I just -- is that a substantial  
 2 change or not?  
 3 MR. PACK: We don't have that in front of  
 4 us. But anytime (inaudible). Any spray  
 5 irrigation field has to have 100-foot setback  
 6 from any residential property line. MDE knows  
 7 this. I'm sure that the builder knows this.  
 8 I'm kind of struggling with what your  
 9 question actually is. Is it concerning the  
 10 shifting of the spray field or do you believe  
 11 that the setback isn't properly displayed?  
 12 They have to have 100-foot setback.  
 13 MR. COUNCELL: I understand that. But  
 14 this says land application area.  
 15 So is it still a spray irrigation area and  
 16 is -- as I read this, the easement has been  
 17 taken off of that.  
 18 So my question, again, was either to Ray  
 19 or Patrick. I don't understand what it means,  
 20 and that's all I was trying to figure out, what  
 21 it means --

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<p>1 (Cross talk.)</p> <p>2 MR. COUNCELL: -- easement area mapped</p> <p>3 out. But evidently, there is no easement area</p> <p>4 anymore. So I don't know what it means.</p> <p>5 MS. MORRIS: Excuse me, Mr. Callahan.</p> <p>6 MR. CALLAHAN: Yes.</p> <p>7 MR. PACK: (Inaudible) you cannot have a</p> <p>8 spray irrigation field right up against a</p> <p>9 property line. By code, it has to have a set.</p> <p>10 MR. CALLAHAN: Okay. I'm sorry, guys.</p> <p>11 Ms. Morris.</p> <p>12 MS. MORRIS: Yes. I believe I found a</p> <p>13 copy of the DRRA, the first amendment that</p> <p>14 Mr. Council is referring to. I can share that</p> <p>15 on my screen if you would like.</p> <p>16 MR. CALLAHAN: That would be great.</p> <p>17 Appreciate it.</p> <p>18 MR. STAMP: She's doing that. Chuck, just</p> <p>19 for Council, in Granicus under the 1/25</p> <p>20 meeting, January 25th, under Resolution 313 and</p> <p>21 attachments, that's where you can find the</p>	<p>1 more knowledgeable about interpreting that</p> <p>2 section.</p> <p>3 MR. CALLAHAN: Ray, how are you</p> <p>4 interpreting this, Ray?</p> <p>5 MR. CLARKE: Well, I think the key is</p> <p>6 going back to the comp water and sewer plan,</p> <p>7 looking at the spray irrigation map, I mean</p> <p>8 there is a buffer, especially I guess on the</p> <p>9 lower portion of the site. You can't really</p> <p>10 tell. But I think it's -- and I'm assuming</p> <p>11 it's Backtown Road. You kind of have the spray</p> <p>12 irrigation going up to Backtown Road. But then</p> <p>13 you do have a buffer. I don't know if you can</p> <p>14 see this or not, we do have a buffer --</p> <p>15 MR. COUNCELL: So I'm not concerned about</p> <p>16 the buffer. I'm talking about the actual</p> <p>17 easement area for the spray irrigation field.</p> <p>18 That's what I don't understand, why that's</p> <p>19 taken out of there.</p> <p>20 MR. CLARKE: Yeah. That would probably --</p> <p>21 I mean, again, I guess when we're looking at</p>
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<p>1 DRRA.</p> <p>2 MR. CALLAHAN: Oh, okay.</p> <p>3 MR. SALINAS: Council members --</p> <p>4 MS. PRICE: Number four.</p> <p>5 MR. COUNCELL: Page 15, Jessica.</p> <p>6 MR. SALINAS: Yeah. Page 15 of the PDF.</p> <p>7 MS. MORRIS: Okay.</p> <p>8 MR. SALINAS: As you're going there, I</p> <p>9 just wanted to note. Chip, I'm sorry.</p> <p>10 President Callahan, can I just --</p> <p>11 MR. CALLAHAN: Absolutely. Yeah,</p> <p>12 absolutely. Go ahead, Miguel.</p> <p>13 MR. SALINAS: Just wanted -- it says 9.6.</p> <p>14 It does say the land discharge site easement</p> <p>15 will continue perpetually subject to</p> <p>16 termination upon the following conditional</p> <p>17 events.</p> <p>18 So it seems to me that the land</p> <p>19 application area or the land discharge site is</p> <p>20 the same as a spray irrigation area as well,</p> <p>21 but I'll defer to others who are a little bit</p>	<p>1 the comp water and sewer plan process, we don't</p> <p>2 really -- I mean we didn't ask for the DRRA as</p> <p>3 part of that.</p> <p>4 I mean usually what we're trying to do is</p> <p>5 identify the area for S-1, W-1.</p> <p>6 I would have to defer to I guess counsel</p> <p>7 on that, legal counsel.</p> <p>8 MR. COUNCELL: So why would they take out</p> <p>9 the acreage because I thought that was quite a</p> <p>10 big part of the discussion, where the spray</p> <p>11 irrigation was, so forth and so on. But all</p> <p>12 that acreage has been removed.</p> <p>13 MR. CLARKE: Yeah. I know as part of the</p> <p>14 permit, it's been identified in the permit. So</p> <p>15 I'm assuming maybe at the end of that DRRA</p> <p>16 shall be actually permitted by MDE. So I'm</p> <p>17 assuming really the control is going to be the</p> <p>18 discharge permit.</p> <p>19 MR. COUNCELL: Okay.</p> <p>20 MR. PACK: I'm not following the question,</p> <p>21 either.</p>

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1 And it looks like reading this language,  
 2 it says that the land discharge site easement  
 3 will continue perpetually subject to  
 4 termination of the following conditions. And  
 5 then it gives you those conditions. So I --  
 6 MS. PRICE: -- have to say that this is  
 7 not what we should be talking about right now.  
 8 I would like to hear from the Planning  
 9 Commission where they are just -- I'm not  
 10 saying this language doesn't need to be looked  
 11 at, but we've got an hour set aside, and we  
 12 need to figure out what we're going to do and  
 13 what they're going to find consistent with the  
 14 comp water and sewer plan.  
 15 I mean, you know, that's what we need to  
 16 be talking about. We've already spent 15  
 17 minutes on figuring out this.  
 18 MR. CALLAHAN: Well, Ms. Price, in due  
 19 respect, I understand that. But I've got the  
 20 chair of the Planning Commission. He asked a  
 21 question. We're trying to do our best to do

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1 that. So that's what we're here for.  
 2 You're right. I don't want to dig too far  
 3 into it, but I want people to be open to  
 4 hearing discussions. That's what I want.  
 5 And I don't want to hear any arguing or I  
 6 will shut it down in a heartbeat.  
 7 MR. CLARKE: Mr. Callahan.  
 8 MR. CALLAHAN: Yes. Go ahead.  
 9 MR. CLARKE: I may have an answer here for  
 10 you.  
 11 MR. CALLAHAN: That's what we're looking  
 12 for.  
 13 MR. CLARKE: Based upon the map within the  
 14 discharge permit, they have the spray  
 15 irrigation field. They have the primary spray  
 16 irrigation field being 71.3 acres. And then  
 17 they have another primary spray field as  
 18 9.2 acres.  
 19 Looking at the acreage that's in the DRRR,  
 20 it was 62, 23, and 22. Maybe associated with  
 21 the fact that in the permit, those acreages

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1 have changed. So they were deleting that out  
 2 as far as the acreages are concerned.  
 3 MR. CALLAHAN: I see. Well, maybe what  
 4 we'll do, we'll double-check for that for  
 5 Mr. Councill.  
 6 And Mr. Councill, is that headed in the  
 7 direction you're thinking?  
 8 MR. COUNCELL: Yeah. In other words, I  
 9 can't imagine it would have been substantial.  
 10 MR. CALLAHAN: Right.  
 11 MR. COUNCELL: But I just wanted to  
 12 make --  
 13 MR. CALLAHAN: Right.  
 14 MR. COUNCELL: -- and move on. So I'm  
 15 good. Maybe Patrick and Ray could look at it  
 16 and we'll move --  
 17 MR. CALLAHAN: That would be great.  
 18 MR. THOMAS: We'll take a look at it.  
 19 MR. CALLAHAN: I appreciate that. Okay.  
 20 Ms. Ghezzi, would you like to...  
 21 MS. GHEZZI: In terms of I think to be

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1 responsive to Ms. Price's question where do we  
 2 stand, I, of course, listened last week to the  
 3 meeting, the February 7th meeting, which I was  
 4 candidly very disappointed in. It felt like to  
 5 me like a very one-sided presentation of the  
 6 facts.  
 7 And I'm glad to have this opportunity this  
 8 evening to have a joint working session.  
 9 That's what we're all trying to do, and  
 10 represent information to the public that is  
 11 fairly weighted.  
 12 I do feel, though, out of due respect for  
 13 all involved in last week's meeting, it was  
 14 quite one sided. Very specific information was  
 15 not addressed that would have told the public a  
 16 very different story.  
 17 I was confused by information presented by  
 18 the attorney of the Town of Trappe. Presented  
 19 was information that differed widely from what  
 20 had been presented to us last year during our  
 21 review of new information, reasons why

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1 violations occurred specifically. INI was the  
 2 one description that had been the reason for a  
 3 violation, yet that had changed. And detail,  
 4 the attorney went into detail about excess  
 5 water in the system. That to me is a change in  
 6 explanation.  
 7 It's very difficult to understand all  
 8 that's going on, and yet when reasons change,  
 9 it's quite confusing.  
 10 It also seemed, and I tried to sit back as  
 11 an observer who didn't know anything, and it  
 12 appeared that the only violation happened in  
 13 February, which made me scratch my head because  
 14 there was actually a violation in January, a  
 15 violation in February, one in March, and one in  
 16 April. But it appeared, from what was  
 17 presented in the meeting last week, that only  
 18 one violation occurred.  
 19 And I don't think that was your intent,  
 20 Mr. Callahan, to present a one-sided picture,  
 21 but that's what came across.

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1 And if you look to why we changed our  
 2 determination last November, it was because we  
 3 saw information that was concerning to us that  
 4 was pointed out to us, that there were  
 5 significant violations in the hundreds of  
 6 percents in excess of the ammonium as nitrate,  
 7 for instance.  
 8 So I think in order to come and put our  
 9 heads together and come out with a solution, we  
 10 have to be aware of all of the facts and not  
 11 one side.  
 12 And I hope that tonight's meeting can  
 13 share that other side as well. We cannot serve  
 14 the public in a fair way if we only present one  
 15 side.  
 16 I can --  
 17 MR. CALLAHAN: Thank you, Ms. Ghezzi.  
 18 MS. GHEZZI: -- continue, but this is a  
 19 short meeting.  
 20 MR. PACK: Chuck, can I...  
 21 MR. CALLAHAN: Yes, Mr. Pack, go ahead,

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1 please.  
 2 MR. PACK: Okay. Well, I'm going to drill  
 3 down if I could. And Mr. Thomas and Mr. Clarke  
 4 during their opening remarks laid out the  
 5 history of how we got to where we are. And  
 6 they did it very succinctly.  
 7 Resolution 281 was passed by the Council  
 8 in November. It was approved by the Planning  
 9 Commission in July three to two. Those changes  
 10 were incorporated into the County's  
 11 comprehensive water and sewer plan. I think we  
 12 all need to agree on that, right? That's  
 13 factual knowledge. Okay.  
 14 Those changes have already been  
 15 incorporated into the comprehensive water and  
 16 sewer plan, which we have been told by our  
 17 county attorney the authority of that plan is  
 18 with MDE, not with the Council. Once those  
 19 changes are made, they're incorporated into the  
 20 overall master plan, and MDE is the custodian  
 21 of that plan.

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1 (Inaudible) question the November action  
 2 by the Planning Commission numerous times as to  
 3 if that vote to rescind 281 was even  
 4 appropriate and why that was sent up to the  
 5 State, because it wasn't something that the  
 6 Council had asked the Planning Commission to  
 7 undertake.  
 8 The Council did not ask the Planning  
 9 Commission to revisit 281. As a matter of  
 10 fact, our county attorney has told us on  
 11 numerous occasions that 281 cannot be  
 12 rescinded. You cannot undo what's already  
 13 incorporated into the comprehensive water and  
 14 sewer plan, right, unless we go through a new  
 15 comprehensive water and sewer plan revision.  
 16 That's the vehicle, that's the avenue to go.  
 17 So I think the confusion as why we're here  
 18 today is because the Planning Commission took  
 19 an improper vote, sent that information up to  
 20 the State, which confused them because the  
 21 State said wait a minute, you already decided



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1 on this back two years ago, November of 2020.  
 2 Those changes are already being incorporated  
 3 into your comprehensive water and sewer plan.  
 4 Talbot County, what are you doing, what are you  
 5 doing.  
 6 So I think the whole thing that we're here  
 7 today is because of an improper vote, an  
 8 improper action of the Planning Commission,  
 9 sending up something to the State, which they  
 10 shouldn't have because the Planning Commission  
 11 does not have the authority to rescind a  
 12 legislative action of the Council, period.  
 13 So we're here because of procedural  
 14 errors, not to go into whether or not the spray  
 15 field was moved, not to go into whether or not  
 16 the permit was issued. MDE would get around to  
 17 doing that in their own time.  
 18 We're here to understand procedurally who  
 19 has the right to do what between the Council  
 20 and the Planning Commission. That's what we're  
 21 here for. Let's cut through all the other

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1 stuff and understand what they wrote in this  
 2 letter in paragraph three.  
 3 So if that action was appropriate or not  
 4 should be the question. We should ask our  
 5 county attorney if that action was appropriate.  
 6 Is it a binding action, which I certainly agree  
 7 that it is not a binding action. The Planning  
 8 Commission cannot tell the Council to rescind  
 9 their action on a previous approved resolution.  
 10 They can't, they can't.  
 11 So we're here because we have a Planning  
 12 Commission that sent up something to the State,  
 13 which they shouldn't have, which they shouldn't  
 14 have.  
 15 And now the State is wondering what Talbot  
 16 County is doing, who is actually operating the  
 17 boat here.  
 18 MR. COUNCELL: Chuck, can I respond?  
 19 MS. GHEZZI: With all due --  
 20 MR. CALLAHAN: Yes. All right. Just one  
 21 at a time. Go ahead, Mr. Councill.

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1 MR. COUNCELL: Sure. So Corey, I think I  
 2 said publicly I don't know if what I'm doing as  
 3 chair of the Planning Commission is right or  
 4 not. But I felt in my heart a responsibility  
 5 to look into the new information.  
 6 So it's my opinion that procedurally I  
 7 don't know. Maybe that's for somebody a lot  
 8 smarter than me to decide.  
 9 But I thought as someone who has kids and  
 10 grandkids, that I wanted to know that what we  
 11 did in 2020 was the correct thing.  
 12 I said from the beginning my concern was  
 13 Trappe Creek. And I stand by that November  
 14 decision. And if the State, if MDE wants to  
 15 ignore it and tell me sorry, you guys, you  
 16 voted in 2020, we appreciate you looking at it,  
 17 but it doesn't mean anything, then so be it.  
 18 But I can look in the mirror and know that  
 19 as a Planning Commission member and chair, I  
 20 did what I thought was in the best interest of  
 21 Talbot County for myself and future

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1 generations. And that's where I stand.  
 2 Procedurally, let somebody tell me I was -- and  
 3 I'm okay with that.  
 4 That's the only --  
 5 MR. PACK: -- Chip --  
 6 MR. COUNCELL: -- answer it. I think the  
 7 Planning Commission acted in its authority.  
 8 MR. PACK: I respect that, that you're  
 9 concerned. And there's many ways that you can  
 10 voice your concerns.  
 11 You are not just a Planning Commission  
 12 member. You're a land owner here, you're a  
 13 business owner here. You, Chip Councill, can  
 14 always write a letter to the State as an  
 15 independent resident of this county. You could  
 16 write a letter to MDE and say hey, I'm a  
 17 lifetime resident here.  
 18 But the Planning Commission itself as a  
 19 body is not an independent body of county  
 20 government. You're not an independent body of  
 21 county government.

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1 You were tasked to look at whether or not  
 2 a particular project is consistent with the  
 3 comprehensive water and sewer plan. You have  
 4 seven points, which you addressed last week.  
 5 You have seven points of consistency. That's  
 6 what you have to look for.  
 7 So to go out and now say hey, that  
 8 resolution that we approved two years ago, we  
 9 want to revisit that, once it's gone, Chip,  
 10 it's gone. You can't go back and pull it back  
 11 again because you're concerned about it.  
 12 You can always address the Council and  
 13 write a letter to the Council.  
 14 MR. COUNCELL: I'm going to respectfully  
 15 disagree. I think we had the right to do what  
 16 we did. And I don't know that keep going back  
 17 and forth it's going to change much. And  
 18 whoever needs to decide that.  
 19 And quite honestly, if the Council wants  
 20 to move forward with an action and ignore our  
 21 November decision, you know, if your attorney

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1 is telling us our November decision didn't mean  
 2 anything, then my opinion is you guys move  
 3 forward.  
 4 We gave you our opinion. It goes where it  
 5 goes.  
 6 MR. CALLAHAN: Ray --  
 7 MR. PACK: Let's --  
 8 MS. PRICE: (Inaudible).  
 9 MR. PACK: -- County Council. Let's bring  
 10 in the county attorney to address that  
 11 question, because that's the lynchpin here of  
 12 this whole reason why we're here.  
 13 MR. CALLAHAN: Okay --  
 14 MR. LESHER: Mr. Callahan.  
 15 MR. PACK: If that --  
 16 MR. CALLAHAN: Let's hold up. Let's hold  
 17 up one second. One second, let's hold up,  
 18 Mr. Pack.  
 19 Let's allow Vice President Leshner to  
 20 speak.  
 21 MR. PACK: Well, Chuck, if I may,

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1 Mr. Councell and I were having a discussion on  
 2 that particular question.  
 3 MS. PRICE: (Inaudible.) Everybody gets  
 4 an opportunity.  
 5 So I've asked three times. Mr. Leshner is  
 6 trying to speak. Ms. Ghezzi is trying to  
 7 speak.  
 8 So Corey needs to just let everybody else  
 9 have a turn.  
 10 MR. PACK: Well, I'm trying to get an  
 11 answer to a question that I started. And  
 12 Mr. Councell and I were having a discussion on  
 13 that question.  
 14 If, in fact, the November vote was even a  
 15 valid vote.  
 16 MR. CALLAHAN: Okay. Let's --  
 17 MR. PACK: (Inaudible.)  
 18 MR. CALLAHAN: Let's let Mr. Thomas answer  
 19 that.  
 20 Mr. Thomas, can you answer that question?  
 21 And then I'm done with that question.

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1 MR. THOMAS: Yes. I don't believe it was  
 2 for the reasons I outlined at the hearing last  
 3 week regarding the process.  
 4 I think the Planning Commission's role is  
 5 certifying that a proposed amendment is  
 6 consistent with the Comprehensive Plan, which  
 7 it did with respect to 281. Then it goes on to  
 8 Council. If they make that finding, the  
 9 Council approves it, can approve it, doesn't  
 10 have to. If the Council approves it, it goes  
 11 on to MDE and MDE is the final approving  
 12 authority.  
 13 MR. CALLAHAN: That --  
 14 MR. THOMAS: Once they approve it, it  
 15 becomes part of the plan.  
 16 MR. CALLAHAN: Exactly. So that  
 17 answers --  
 18 MR. PACK: That answers the question.  
 19 Thanks very much, Patrick.  
 20 MR. CALLAHAN: That answered the question.  
 21 All right. Thank you. Thank you, guys.

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1 Mr. Leshar.  
 2 MR. LESHER: Thank you. I think our  
 3 purpose tonight here is to seek some resolution  
 4 and what is an appropriate response at this  
 5 juncture to MDE.  
 6 Our purpose is not to scold the Planning  
 7 Commission on procedure.  
 8 MDE has, if you look back at MDE's  
 9 hearing, I believe it was last October 28th,  
 10 MDE at that point was explicitly looking at a  
 11 discharge permit. They were explicitly  
 12 discouraging commentary on perhaps existing  
 13 plant, on anything having to do with discharge  
 14 into La Trappe Creek, on any usage of Trappe's  
 15 existing plant.  
 16 They were focused exclusively, they stated  
 17 at that time, on the discharge permit for the  
 18 proposed new plant and the spray irrigation  
 19 methodology and its impact on Miles Creek and  
 20 all the rest.  
 21 It is clear, however, that by asking this

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1 question, by MDE asking this question and  
 2 asking this clarification, because this is,  
 3 this matter, this divergence of statements  
 4 between the Planning Commission and the  
 5 Council's currently adopted policy at this  
 6 point, it is not concerning that.  
 7 It is concerning this connection to the  
 8 Trappe existing wastewater treatment plant,  
 9 that connection that apparently is now built  
 10 but presumably not yet in use and the discharge  
 11 into La Trappe Creek.  
 12 The fact that MDE is now paying attention  
 13 to this is saying this may be relevant after  
 14 all. And MDE is now paying attention to a  
 15 broader issue than the way the public hearing  
 16 had been framed. And of course, this has been  
 17 the focus of -- well, this is the focus that  
 18 goes back to the Resolution 281 and  
 19 specifically Exhibit F in Resolution 281.  
 20 Exhibit F, which was changed very late in  
 21 the game, which, when originally worded, if you

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1 look at the original submittal for the  
 2 resolution that became 281 back in  
 3 December 2019, it read that "no wastewater  
 4 capacity of the existing Trappe district  
 5 wastewater treatment plant will be allocated to  
 6 serve the Trappe East sewer district". And  
 7 then amendment one, again, which came in late  
 8 in this process removed that language. This is  
 9 the root of the issue and what MDE is  
 10 apparently now paying attention to.  
 11 And did we have full information to  
 12 consider the merits of that late change, did  
 13 the Planning Commission have that information  
 14 to consider back in the summer of 2020. This  
 15 is, of course, the focus of this present  
 16 concern. And it is this specific issue which  
 17 the Planning Commission has now raised as an  
 18 inconsistency with the Comprehensive Plan.  
 19 So there's -- it is clear that while  
 20 there's a shift at MDE in what they are looking  
 21 at in the light of this and what they're

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1 seeking clarification on from us, and it all  
 2 revolves around that late change in Exhibit F  
 3 to 281 that allowed this hookup to the existing  
 4 Trappe plant.  
 5 MR. PACK: With all due respect,  
 6 Mr. Leshar, that has nothing to do with why MDE  
 7 submitted this letter to us. That information  
 8 has nothing to do with why we are meeting here  
 9 this evening.  
 10 MDE has written us this letter because of  
 11 the actions taken -- and I'm not scolding the  
 12 Planning Commission. I'm addressing what MDE  
 13 wrote in this letter to us.  
 14 They are confused by receiving a vote  
 15 taken in November, which your county attorney  
 16 that we hired just told us was an invalid vote.  
 17 That led to this letter. That led to the  
 18 confusion.  
 19 So whether or not the discharge, there was  
 20 changes made, MDE is not asking us to address  
 21 that in this letter. They're not.

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1 They're saying --

2 MR. CALLAHAN: Mr. Pack, let's move on.

3 MR. PACK: (Inaudible.) That's what

4 they're asking.

5 MR. CALLAHAN: Let's move on.

6 MR. PACK: -- from your Planning

7 Commission.

8 So let's not bring in a whole bunch of

9 stuff that's not relevant to what we're here

10 for tonight.

11 MR. CALLAHAN: We're going to move on.

12 Mike, you've been very patient.

13 MS. PRICE: Go ahead. I --

14 MR. STRANNAHAN: Yes. Thank you. I would

15 like to speak just for a moment.

16 MR. CALLAHAN: Sure. Go ahead.

17 MR. STRANNAHAN: A couple of --

18 MR. CALLAHAN: -- Ms. Price. Ms. Price,

19 you're next.

20 MR. STRANNAHAN: Just of couple of these

21 issues.

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1 I have gone through this whole process

2 with advice from Mr. Thomas and Mr. Meehan and

3 other people that in agreement with them and

4 with Ray that from what I've been able to read

5 and advice, that we did not have the right to

6 rescind our finding of consistency for no other

7 reason than some of the new information, which

8 is certainly concerning, came along after, well

9 after that vote and the failure of the plant or

10 the violations was well after that vote.

11 But also, there's what has been shown as

12 the legal precedent in the case, which we've

13 gotten from county attorneys as well as

14 attorneys who are opposed to our vote of

15 consistency, was that we could do it with new

16 information.

17 But (inaudible) been left out in the next

18 line or the next paragraph. I'm paraphrasing.

19 I don't have it in front of me. Unless

20 property rights have been vested. And once

21 construction has gone on and they've hooked up

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1 the line, I don't know how that is not a

2 property right being vested.

3 When November came around and this vote of

4 finding of non-consistency after well more than

5 a year of finding it consistent, started out as

6 a conversation about sending a letter to MDE

7 from the Planning Commission that we were very

8 concerned about the situation with the existing

9 Trappe plant and hooking the new houses up to

10 it and we would hope that MDE would find a way

11 in looking at this to take that into

12 consideration and do what they could do to

13 clean up La Trappe Creek.

14 During the course of that meeting, that

15 moved from a letter to MDE to a vote of finding

16 281 inconsistent.

17 That's just sort of where I stand. That's

18 why I voted against that because for no other

19 reason I didn't feel we had the authority to do

20 it at that time.

21 MR. CALLAHAN: Thank you for your

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1 comments.

2 Ms. Price.

3 MS. PRICE: Thank you. Mr. Strannahan, I

4 appreciate that explanation and putting that in

5 context.

6 And what concerns me is that we're getting

7 stuck on procedure. And I've noticed that

8 happening quite a bit in the last year or so.

9 What we need to do is the right thing. We

10 have new information. The Planning Commission

11 saw that information after the County Council

12 had ignored the information for, gosh, five or

13 six months. And maybe they were just concerned

14 that we had ignored it and we hadn't put it on

15 our agenda.

16 I'm not so concerned with procedure and

17 technical things. We see information that we

18 did not have in 2020. Some of it's correct,

19 some of it's not correct. But it is clear, at

20 least in my opinion, that there is some

21 information that is very concerning and we need

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1 to think twice about hooking up.  
 2 So now, okay, fine. Maybe just rescinding  
 3 281 by itself doesn't do anything.  
 4 And that is why I introduced a resolution,  
 5 313, to at least get to some type of a  
 6 compromise position so that we had some  
 7 protection so that we wouldn't end up with, you  
 8 know, hundreds and hundreds of homes connected  
 9 for an infinite amount of time.  
 10 I was certainly hopeful that the Planning  
 11 Commission could at least find that consistent  
 12 so that it would at least give us some  
 13 protection. So that didn't happen.  
 14 Based on what they wrote in November about  
 15 wanting to connect to ENR, I tried to put an  
 16 amendment on there. And we kind of got stuck  
 17 in procedure again.  
 18 And what really bothers me right now as an  
 19 elected official is Council members jumping in  
 20 on procedure, making motions saying you got to  
 21 vote on this, you can't send it to the Planning

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1 Commission until we take a vote.  
 2 Well, I would love to have seen this  
 3 amendment about not allowing the connection of  
 4 the homes until we have some type of ENR in  
 5 place, which, from what I understand, you could  
 6 bring in something temporary and modular to  
 7 have them connect. The technology exists.  
 8 Clearly, fine, you got BIOLAC, you got BNR, you  
 9 have ENR. There is the best technology  
 10 available.  
 11 We are talking about a creek that is  
 12 impaired. And if we have the ability to  
 13 connect these homes, nobody is trying to stop  
 14 the development -- well, some people are. But  
 15 nobody here is trying to stop this development  
 16 no matter how you feel about it.  
 17 There's technology available that is  
 18 certainly better than connecting it to the  
 19 current wastewater treatment plant, whether we  
 20 connect five homes, 50 homes, or 500 homes.  
 21 And we need to find a way to do that

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1 instead of arguing about procedure.  
 2 The Planning Commission shouldn't have  
 3 taken that vote. The amendment hasn't -- we  
 4 got to pass the amendment before we can send it  
 5 to the Planning Commission.  
 6 I would love to know here tonight if  
 7 whether we amend 313 or a new resolution to the  
 8 comp water and sewer plan gets introduced in  
 9 March, the four times a year, whether or not  
 10 this Planning Commission body would find that  
 11 consistent with the Comprehensive Plan and we  
 12 do the right thing. The technology is there.  
 13 Why are we arguing about procedure? Why  
 14 are we fighting with each other instead of  
 15 trying to do the best we can to protect Talbot  
 16 County with new information?  
 17 Some of it is true and people are taking  
 18 sides. I don't believe any of it, I don't  
 19 believe any of it because of who brought it to  
 20 me. We don't know what happened 15 years ago  
 21 in that department. But we have information

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1 today that wasn't available in 2020. And I  
 2 think that we need to look at all the  
 3 information we have and just do the right thing  
 4 and figure out how do we get to a point where  
 5 we can allow the development to move forward  
 6 and require them, because we have the right to  
 7 require them to hook to ENR technology. It  
 8 exists.  
 9 So what I would like to know from the  
 10 Planning Commission is would that be considered  
 11 consistent, if 313 was amended to require an  
 12 ENR connection, would you now find that  
 13 consistent with the Comprehensive Plan?  
 14 MR. CALLAHAN: Ms. Price, in all due  
 15 respect, I want to make sure, in all due  
 16 respect, I want to make sure that question, I'd  
 17 like to make sure that, Mr. Thomas, that that's  
 18 legislation. So should we be talking about  
 19 that?  
 20 (Cross talk.)  
 21 MR. THOMAS: -- session.

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<p>1 MR. CALLAHAN: I'm sorry?</p> <p>2 MR. THOMAS: Well, we're not talking about</p> <p>3 adopting any legislation here. It's just a</p> <p>4 discussion. We're in open session.</p> <p>5 MR. CALLAHAN: I just want to make sure.</p> <p>6 That's all.</p> <p>7 MR. THOMAS: -- taking any action.</p> <p>8 MR. CALLAHAN: Mr. Boicourt.</p> <p>9 MR. BOICOURT: I guess I want to weigh in</p> <p>10 and back Chip up on some of the (inaudible).</p> <p>11 MR. PACK: Bill, can't hear you.</p> <p>12 MR. CALLAHAN: Can't hear you, Bill.</p> <p>13 You're going in and out.</p> <p>14 MR. BOICOURT: Let me see if I can crank</p> <p>15 it up here. Is that better?</p> <p>16 MR. CALLAHAN: Yeah. It's a lot better.</p> <p>17 Yes, yup.</p> <p>18 MR. BOICOURT: Anyway, I want to go back</p> <p>19 and talk about how we felt in November.</p> <p>20 I mean the issues are brought up here in</p> <p>21 terms of the validity of our vote. We went</p>	<p>1 compelling, and I commend this to you and</p> <p>2 you've seen it before, is the testimony by</p> <p>3 Mr. Smullen, who is an international expert on</p> <p>4 this and he happens to live down the road here</p> <p>5 in Trappe.</p> <p>6 I reread that this afternoon. And it's</p> <p>7 very clear about, A, that Trappe is exceeding</p> <p>8 their discharge permit. They're putting too</p> <p>9 many nutrients in La Trappe Creek. And the</p> <p>10 reason is that there's too much INI. And</p> <p>11 that's not just because of large events that</p> <p>12 occurred early last year. It's anytime a</p> <p>13 normal rain event. So that's got to be fixed.</p> <p>14 And we all recognize it's got to be fixed.</p> <p>15 But if you look for specific reasons, that</p> <p>16 particular -- not only the 38-page report,</p> <p>17 which he did out of his own interest, and he's</p> <p>18 a very expensive engineer, he didn't charge</p> <p>19 anybody for that, but that's an incredibly</p> <p>20 valuable document, in my opinion, for the</p> <p>21 county as a whole.</p>
<p>Page 51</p> <p>1 through that thought with regard to the letter</p> <p>2 we got from about our ability to do that.</p> <p>3 We made that decision recognizing, and I</p> <p>4 think we fully recognize that now, that those</p> <p>5 are issues that are not in our bailiwick in</p> <p>6 terms of we interpreted what advice we got and</p> <p>7 we made our decision.</p> <p>8 We wanted to make -- we felt strong enough</p> <p>9 in the presence of all that to make the vote.</p> <p>10 And the specific issues we've talked about</p> <p>11 tonight about the failing plant and the</p> <p>12 wastewater treatment plant and the impaired</p> <p>13 Trappe Creek. And it made no sense to us that</p> <p>14 we put any more discharge, well, first of all,</p> <p>15 inflow to the failing plant and out into a</p> <p>16 water body that's listed not just by EPA as an</p> <p>17 impaired water body, but it was listed that way</p> <p>18 in our last Comprehensive Plan.</p> <p>19 So that was the issue. And if you're</p> <p>20 looking for reasons why -- again, we had a</p> <p>21 broad amount of information. The most</p>	<p>Page 53</p> <p>1 The only other point is that the other</p> <p>2 thing to look at is the shortened version of</p> <p>3 that all is his testimony in front of us and</p> <p>4 his testimony in front of the hearing, which is</p> <p>5 broader. It's not just about Trappe Creek.</p> <p>6 It's about the spray irrigation, too.</p> <p>7 But our decision in November was based</p> <p>8 primarily on the Trappe wastewater treatment</p> <p>9 plant and the impaired waters and the effect of</p> <p>10 that continuing. And we said that's clearly</p> <p>11 not consistent with the Comprehensive Plan.</p> <p>12 MR. CALLAHAN: Okay. Bill, I appreciate</p> <p>13 that. I appreciate that.</p> <p>14 So let's see. Frank, would you like to</p> <p>15 say something?</p> <p>16 MR. DIVILIO: Not really, but I guess I</p> <p>17 will.</p> <p>18 So I want to take issue with a lot of</p> <p>19 things that have been said. First off,</p> <p>20 Ms. Ghezzi saying that we had a one-sided</p> <p>21 meeting, public meeting.</p>

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1 We walked through the application with the  
 2 individuals who checked the boxes on the  
 3 application.  
 4 I'm sorry that we didn't invite Dan Watson  
 5 in there to give us his opinion. He's not part  
 6 of it. So there's no --  
 7 And then, Ray Clarke, jump in here if I'm  
 8 wrong. But I would not think that Ray  
 9 Clarke -- because I know the county doesn't  
 10 have a boat. I did check about that. I did  
 11 ask if we have a boat. The county does not  
 12 have a boat to go out and take water samples  
 13 from the rivers and then we use those numbers  
 14 to decide how well a plant is operating.  
 15 But that's exactly what Mr. Boicourt's  
 16 referring to with Smullen. The expert witness  
 17 that he has did not go inside the facility and  
 18 take samples. He took samples from the river  
 19 water.  
 20 And I'm not a scientist. Took one class  
 21 in college on it, but I do know that there's

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1 variables in an equation. And I don't think  
 2 that anybody would take a sample from the river  
 3 and turn around and point to just one thing and  
 4 say that is the glaring problem. So I  
 5 completely discredit that individual because  
 6 it's very apparent what his political objective  
 7 is.  
 8 The same that I see with Ms. Ghezzi. I'm  
 9 not getting any information out of her on this  
 10 project on how to move forward with this. And  
 11 that is the intention of the Council and the  
 12 direction that's been given, as well as all the  
 13 steps that we've taken.  
 14 I just continue to get -- I don't even  
 15 know what I get. Nothing helpful or  
 16 resourceful.  
 17 So when I'm looking at this, I don't know  
 18 how many treatment plants we need in a  
 19 municipality. Would the Planning Commission be  
 20 more comfortable if we had three in Trappe? Is  
 21 that the goal? Do we need to set a certain

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1 number of these for a number of houses or are  
 2 we going to go with the best technology that  
 3 MDE is going to approve? I'm lost on that.  
 4 It seemed to me when you guys approved  
 5 281, we were moving forward. And since that  
 6 time, Trappe has made improvements without  
 7 Mr. Boicourt, without Mr. Smullen, without Dan  
 8 Watson, without Shore Rivers. Without anybody  
 9 helping them, they have decided to upgrade  
 10 their plant.  
 11 When now they're going to end up with two  
 12 ENR plants in that little municipality having  
 13 the best wastewater treatment facilities in the  
 14 county, when we have other ones that are  
 15 failing that should be addressed, but we're not  
 16 addressing any of those because we're wasting  
 17 time addressing one that the town already  
 18 decided without us, without anything from us,  
 19 they've decided to upgrade.  
 20 So I'm completely baffled where we are in  
 21 this process. To me it seems like the Planning

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1 Commission had concerns. And I get that.  
 2 I've got concerns all the time. There's a  
 3 lot of this stuff that's very scary and  
 4 worrisome.  
 5 Shore Rivers has never failed Trappe  
 6 Creek. Okay. I know that the Trappe plant is  
 7 not perfect, but I know it's doing better than  
 8 some other plants. And I know that the  
 9 development is coming. I can't find anyone who  
 10 can stop it.  
 11 So to me, we need to come up with a  
 12 solution for them, and I figured that's what we  
 13 were here for now, is for the Planning  
 14 Commission to say yes, we do have concerns but  
 15 there's nothing that we can do. We've accepted  
 16 281 and now improvements are continuing to be  
 17 made to this.  
 18 We should all be happy and thankful. But  
 19 we're not. We're sitting here trying to -- I  
 20 don't even know. Trying to appease people who  
 21 don't want the development to come. You're not

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<p>1 going to appease them and you can't help them. 2 That ship sailed. 3 MS. PRICE: (Inaudible.) 4 MR. CALLAHAN: Hold -- 5 MS. PRICE: (Inaudible.) I have another 6 meeting in one minute. I have -- just real 7 quick. 8 I just want to say we have a very simple 9 solution in front of us. We could require it 10 to be hooked to ENR technology, which exists, 11 which could be brought in pretty quick, and we 12 could do that as a solution because there is -- 13 there are some concerns. There is some 14 problems with the creek. Maybe it's not all 15 from them, but it's definitely impaired. And 16 we have a solution that we could do. 17 So I do intend to, whether it's an 18 amendment or whether it's a new resolution next 19 month, to get the Planning Commission to give 20 us their feedback on if we require these new 21 connections to be to ENR.</p>	<p>1 MR. CALLAHAN: No. Without the 2 amendments. Do you agree with -- just like 3 we've all talked about, what's your thoughts 4 about rescinding and not rescinding? Can we do 5 that? What's your thoughts about that? 6 MR. MEEHAN: You mean 281? 7 MR. CALLAHAN: I'm sorry. Yeah, 281. But 8 it's amendment 308. 9 MR. MEEHAN: Okay. Well, I mean that's 10 not -- here is where I am. 11 This is sort of where Patrick and I wear 12 different hats. I represent the Planning 13 Commission. He represents the Council. 14 The Planning Commission did what it did, 15 and I feel like I need to remain loyal to the 16 Planning Commission and defend its decision. 17 So that's where I am. 18 MR. CALLAHAN: What you're telling me, you 19 and Patrick disagree? 20 MR. MEEHAN: No. I see Patrick's point, 21 but my concern is is I represent the Planning</p>
<p>Page 59</p> <p>1 It is definitely better. I appreciate the 2 fact that Trappe is trying, but it's not good 3 enough. And there's something else out there 4 for this new investment. 5 So I appreciate it. I am so sorry. I do 6 have another responsibility. Thank you, 7 everybody, for being here. And somebody give 8 me the rest of the notes afterwards. Thanks so 9 much. 10 MR. CALLAHAN: Thank you, Ms. Price. 11 Andy, up top there, I'd like to hear what 12 you have to say. 13 You're muted. 14 MR. MEEHAN: I am. 15 MR. CALLAHAN: There you go. There you 16 go. Thank you, thank you. 17 MR. MEEHAN: Hear from me on what issue? 18 MR. CALLAHAN: What's your thoughts on 19 308? 20 MR. MEEHAN: 308 with the proposed 21 amendments?</p>	<p>Page 61</p> <p>1 Commission. And the majority made a decision. 2 And as its counsel, I believe I need to 3 defend it. And so... 4 MR. CALLAHAN: Sir, are you defending 5 something that you don't agree with? 6 MR. MEEHAN: No, I'm not. 7 Look, I think there were probably some 8 procedural issues. There's probably some 9 procedural problems with it. It is 10 questionable whether it is valid. 11 But the Planning Commission did what it 12 did, and here we are. 13 MR. CALLAHAN: Okay. So let's see here 14 now. Go ahead, Ms. Ghezzi, go ahead. 15 MS. GHEZZI: Thank you, Mr. Callahan. You 16 know, I would like to briefly respond to 17 Mr. Divilio's comments. 18 I'm really sorry that you discredit in 19 your mind Mr. Smullen's efforts. 20 I find his report to be one of the most 21 thoughtful, fact finding, scientific report</p>



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1 that I've ever read. And I had studied some  
 2 science in college.  
 3 And the way he's gone about that report is  
 4 very professional and ticked and tied to the  
 5 nth degree.  
 6 And it's clear that you haven't read the  
 7 report, Mr. Divilio, because if you were to  
 8 look to his introduction of summary of opinion,  
 9 he actually goes and talks about his approach  
 10 to collecting data. And in the ten instances  
 11 that he notes here, he has not actually  
 12 collected any sampling.  
 13 He does rely in one of the ten instances  
 14 on samples collected by the Choptank River  
 15 Keeper. However, he has relied on discharge  
 16 permit applications, he's relied on the DMRs  
 17 provided by Trappe. Those are the discharge  
 18 monitoring reports that Trappe collects their  
 19 own data. He has relied on the letter of the  
 20 town attorney, Ms. Ryan. He has relied on a  
 21 letter from MDE.

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1 So it's important that documents be read,  
 2 not that assumptions be made without reading  
 3 documents.  
 4 And I have spent hundreds of hours pouring  
 5 through all of the documents. And I am not an  
 6 expert here. But to discredit a citizen of our  
 7 county who has put he said I believe 100 or 200  
 8 hours himself into this is not working toward a  
 9 solution.  
 10 MR. CALLAHAN: Thank you, Ms. Ghezzi.  
 11 MS. GHEZZI: We are focused --  
 12 (Cross talk.)  
 13 MR. DIVILIO: -- information. We had a  
 14 nice conversation actually. So yeah. I  
 15 appreciate you bringing that to my attention.  
 16 And again, I'm still going to stand by my  
 17 stance on it.  
 18 MR. CALLAHAN: Mr. Pack.  
 19 MR. PACK: And I will confess I have not  
 20 read Dr. Smullen's report. I'm sure he spent  
 21 much time preparing that report. So I'm not

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1 going to address the report, its findings one  
 2 way or the other.  
 3 Ms. Price may not care about procedure,  
 4 but I do. As an elected official, I do care  
 5 about procedures. And procedures are for a  
 6 reason. And without government having those  
 7 procedures, we are chaos.  
 8 So she may not care about whether or not  
 9 we follow procedures when things are introduced  
 10 appropriately and correctly and that things are  
 11 amended appropriately and correctly, but I do.  
 12 And while I'm on this Council, I'm going to  
 13 make sure that those procedures are followed.  
 14 Secondly, even if Dr. Smullen's report was  
 15 spot on, and again, I have not read it, I have  
 16 not read it, it still goes back to the action  
 17 taken by the Planning Commission based on that  
 18 report and whether or not that action in and of  
 19 itself was a legitimate action.  
 20 You can get information. You can receive  
 21 it, digest it. You can use it to formalize an

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1 opinion. But the Planning Commission does not  
 2 act independently on its own and send up  
 3 letters and votes to a State agency outside of  
 4 what its purview is of the Council. It  
 5 doesn't.  
 6 And when you have commissions that start  
 7 doing this, sending letters here and letters  
 8 there, that's where the confusion comes in.  
 9 Who is actually driving the boat.  
 10 So you guys can get information from other  
 11 sources. And I applaud you for doing that.  
 12 And you guys are volunteers. You're not  
 13 getting paid for this. So to get all the  
 14 information that you can to formalize an  
 15 opinion, that's great.  
 16 But it's what you do with that once you  
 17 get that I have a problem with.  
 18 And when you start drafting letters and  
 19 sending them up outside of your purview, that's  
 20 where it gets problematic and that's where a  
 21 State agency start to wondering what in the

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1 heck are they doing in Talbot County.

2 MR. CALLAHAN: Thank you, Mr. Pack.

3 MR. PACK: I do care about procedures. I

4 do care about how they're done. They're

5 written for a reason, for a reason.

6 MS. GHEZZI: What are you referring to,

7 Mr. Pack?

8 I'm not familiar with what letter you're

9 referring to. We have not sent any letters to

10 MDE.

11 MR. PACK: I'm not saying that you drafted

12 a letter, that the commission drafted a letter.

13 I'm referring to the vote.

14 There has been other commissions, not the

15 Planning Commission.

16 I'm sorry, Ms. Ghezzi. I was not

17 referring to you all.

18 There have been other boards who were

19 drafting letters to send up to State agencies

20 outside their purview.

21 So I do apologize. That was not referring

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1 to the Planning Commission. You're right.

2 MR. CALLAHAN: Thank you, Mr. Pack. Okay.

3 So we're about wrapping things up.

4 Mr. Councill, you want to do a few closing

5 comments and try to figure out 281?

6 I think 281 and 308, I think we need to,

7 next week we need to sort of get that in a

8 direction first. And then we need to deal with

9 313.

10 MR. COUNCELL: Okay. So I'm going to give

11 you my opinion, not the opinion of the Planning

12 Commission because we haven't talked about

13 this.

14 MR. CALLAHAN: Yes, sir. Yes, sir.

15 MR. COUNCELL: My opinion is 281 gave the

16 opportunity to hook up to ENR technology or to

17 hook into the existing plant. There are

18 alternatives.

19 Again, I'm concerned about Trappe Creek.

20 So it is my personal opinion that 281 stands.

21 However, if there was an opportunity to do

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1 something for the water quality of La Trappe

2 Creek through another resolution, then I

3 personally would support that.

4 If the ship has sailed, then the ship has

5 sailed.

6 And fundamentally that's how I feel.

7 Again, I can't speak for the entire

8 Planning Commission.

9 But as it stands right now, I stand by our

10 November decision. I realize we were late to

11 the party given the facts.

12 Others don't agree with me, but that's my

13 opinion.

14 The Planning Commission will act on

15 whatever you guys decide to send to us, if

16 anything. If you feel you need to move

17 forward, then move forward and there we go.

18 MR. CALLAHAN: Yes, sir, yes, sir. Well,

19 I appreciate everything that you're doing. And

20 I know it's tough being the chair on things.

21 I'm in that chair, too. So I can't commend you

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1 enough.

2 And I know it's your opinion, and we value

3 your opinion. And that's what we all have to

4 understand here tonight.

5 We're here to move things forward. We're

6 here to listen to each other.

7 And so does anybody else have any final

8 comments? Mr. Leshner, Vice President.

9 MR. LESHER: Just a couple. I don't think

10 that we've come to the resolution that perhaps

11 we set out to do, to create yet in this

12 workshop.

13 I think that we ought to give the Planning

14 Commission an opportunity to render an opinion

15 on 308 and on the amendment to 313 that has

16 been introduced.

17 MR. PACK: (Inaudible.)

18 MR. LESHER: Allow them to speak on those

19 matters, allow them to speak on those matters

20 and pass that up to Council. And perhaps that

21 will give the direction that, then, we can act

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1 on as a Council in responding to MDE.  
 2 The Council does certainly have the right  
 3 and the authority to act on these matters based  
 4 on the advice of the Planning Commission,  
 5 though we are not bound, we are not bound to  
 6 follow a recommendation.  
 7 Now, obviously if something is found not  
 8 to be -- there are certain restrictions there.  
 9 In terms of I mean clearly we want to make  
 10 sure that this happens as quickly as possible.  
 11 The counsel for Trappe East,  
 12 Mr. Showalter, has made the statement on the  
 13 record that though construction is proceeding,  
 14 that the developer understands that they are  
 15 proceeding at their own risk.  
 16 This, until MDE acts on this and until  
 17 MDE, presumably MDE is awaiting our word on  
 18 this, our word, then MDE acts, and only then is  
 19 that, can that permit be issued that they're  
 20 proceeding on regardless at this point at their  
 21 own risk.

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1 We do need to resolve this. And I think  
 2 that there's a procedure for doing so, starting  
 3 with getting a written opinion from the  
 4 Planning Commission on those matters.  
 5 MR. CALLAHAN: Thank you.  
 6 MR. PACK: A point of order, Mr. Callahan.  
 7 A point of order.  
 8 MR. CALLAHAN: Yes, sir, Mr. Pack.  
 9 MR. PACK: Again, I want to clear  
 10 Mr. Leshner up. There is not amendment to 313.  
 11 The Planning Commission and the Public  
 12 Works Advisory Board has already rendered an  
 13 opinion on 313 as drafted as being  
 14 inconsistent. There was no amendment that  
 15 Council motioned on and included to 313.  
 16 So let's be very, very clear on that  
 17 procedurally. There is no amendment to 313 for  
 18 them to consider.  
 19 308, yes, yes.  
 20 MR. CALLAHAN: That's what we need.  
 21 MR. PACK: -- tonight. There is no

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1 amendment to 313. Okay?  
 2 MR. LESHER: I certainly refer you to the  
 3 record of our last January meeting.  
 4 MR. PACK: There is no amendment.  
 5 Ms. Price pulled her second. It did not go to  
 6 a vote.  
 7 MR. CALLAHAN: Thank you, Mr. Pack.  
 8 MR. LESHER: -- before we get an opinion  
 9 from the Planning Commission. If we get the  
 10 Planning Commission to give an opinion, and  
 11 then we act --  
 12 (Cross talk.)  
 13 MR. LESHER: And then we act on it.  
 14 MR. PACK: You have been saying this for  
 15 over two weeks.  
 16 You do not amend something without a vote.  
 17 You know better than that. You should know  
 18 better than that.  
 19 And if you go back and look at that  
 20 record, go back and look at that meeting when  
 21 we were amending our rules of procedure, it was

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1 you who said to Ms. Price shouldn't we take a  
 2 vote on this amendment before we proceed. So  
 3 you know the procedure, Mr. Leshner. You very  
 4 well know the procedure.  
 5 MR. CALLAHAN: Okay, Mr. Pack.  
 6 Mr. Pack --  
 7 MR. PACK: -- at this point in time, I  
 8 don't know why.  
 9 MR. CALLAHAN: Okay. Let's move on.  
 10 Ms. Ghezzi, I think you had some final  
 11 words. Ms. Ghezzi, did you have some final  
 12 words you wanted to say?  
 13 MS. GHEZZI: I was just going to say would  
 14 you like us to -- yeah, I did. Can you not  
 15 hear me?  
 16 MR. CALLAHAN: I can now. Yeah. Go  
 17 ahead, go ahead.  
 18 MS. GHEZZI: -- me now.  
 19 MR. CALLAHAN: Go ahead. Yeah. Go ahead.  
 20 MS. GHEZZI: I just wanted to -- okay.  
 21 Thank you.

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1 I do, I believe I agree with Mr. Pack if I  
 2 followed that meeting correctly that a formal  
 3 opinion isn't required of us.  
 4 But I agree with Mr. Leshner, let the  
 5 record stand.  
 6 But I guess in the tenor of trying to work  
 7 things out, would you like our comment on the  
 8 amendment one to Resolution 313? I think you  
 9 might --  
 10 MR. PACK: There is no --  
 11 MS. GHEZZI: No?  
 12 MR. PACK: This is no amendment for you to  
 13 consider. With all due respect, Ms. Ghezzi,  
 14 and I'm going to keep on --  
 15 MS. GHEZZI: Mr. Pack, we received it in  
 16 our packet tonight and that's what I was  
 17 reading. Our packet tonight had --  
 18 MR. PACK: I would take that up with  
 19 staff --  
 20 MS. GHEZZI: Amendment one to 313.  
 21 MR. PACK: I would take that up with staff

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1 because procedurally, and even if you talk to  
 2 the county attorney and talk to your own  
 3 attorney, an amendment must -- there must be a  
 4 motion. That motion must carry for a  
 5 resolution to be amended.  
 6 Why staff put that in your packet for you  
 7 to consider is beyond me.  
 8 MR. CALLAHAN: Let's --  
 9 MR. PACK: -- idea does not make it an  
 10 amendment.  
 11 It does not become an amendment until it  
 12 has a second and until it's carried.  
 13 There is no amendment to 313 for you to  
 14 consider.  
 15 MR. CALLAHAN: Okay --  
 16 MS. GHEZZI: I --  
 17 MR. CALLAHAN: I've heard enough of 313.  
 18 And I apologize for being strong, but I'm tired  
 19 of hearing about it. We're all going to hear  
 20 about it next meeting. Okay. And we'll go at  
 21 it again here.

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1 But let's focus and keep in mind on  
 2 focusing on 281 and 308. We need to get past  
 3 that. Okay. We need to get past that. Then  
 4 we can move on to 313.  
 5 So I'm going to end it there.  
 6 Mr. Councill, did you need a few more minutes?  
 7 You good? Okay. Thank you.  
 8 I'm going to pass it to Mr. Thomas --  
 9 MR. DIVILIO: Mr. Callahan, I'm sorry. I  
 10 really -- there's so few times that we ever get  
 11 together with the Planning Commission.  
 12 MR. CALLAHAN: Yes.  
 13 MR. DIVILIO: I am completely lost now.  
 14 Mr. Leshner, can you help me get to an end  
 15 game here?  
 16 So we're looking at two different  
 17 wastewater treatment facilities. We're looking  
 18 at a spray irrigation on the Lakeside property  
 19 and the Trappe upgraded plant.  
 20 And there's only three types of facilities  
 21 that can be used; direct discharge, spray

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1 irrigation, or where you drill into the ground  
 2 and nobody has figured out -- that is for  
 3 commercial something else.  
 4 Mr. Leshner, what are we -- what is the end  
 5 goal here?  
 6 So Trappe has -- the houses are coming.  
 7 It's been approved. It's in their plan. And  
 8 it's got -- the waste has to go somewhere.  
 9 So Mr. Leshner, what would we be doing  
 10 here?  
 11 So if you want the 313, 281, you want 367.  
 12 We should be sending over to the Planning  
 13 Commission and asking them to certify that the  
 14 wastewater treatment plan fits within our  
 15 Comprehensive Plan.  
 16 I asked way back when for a meeting with  
 17 all of these groups so that we could make sure  
 18 and, again, remind the public that we checked  
 19 all the boxes and did everything procedurally  
 20 because procedure is there to make sure the  
 21 public gets to see everything, know everything

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1 is done, and we all know that everything is  
 2 done correctly.  
 3 We are so far out of procedure now that  
 4 we're wasting -- Miguel, I am so sorry. I know  
 5 that you're not getting any permits out on time  
 6 anymore.  
 7 What is the end game here?  
 8 There's only three options. Only two that  
 9 are feasible.  
 10 Mr. Leshner, what would you want to send  
 11 over to them to have them verify?  
 12 MR. LESHER: What I think we are looking  
 13 for, the ultimate end game, is a high level  
 14 technological treatment, ENR level treatment  
 15 for all the waste in Trappe.  
 16 To add to, as the current plan is, to add  
 17 to the load on the existing plant with the  
 18 first phase of the Trappe East development is  
 19 inappropriate.  
 20 There are ways, as Mr. Price has pointed  
 21 out, technologically to achieve this

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1 development without resorting to such a  
 2 connection, unless and until -- and that's  
 3 ultimately what the amendment to, that I  
 4 introduced, to 313 is about.  
 5 There are multiple options that the  
 6 developer could take in order to address that.  
 7 This would simply lay out a scripture that  
 8 would allow them to make choices about which  
 9 route they take.  
 10 We have a preliminary indication from the  
 11 opinion of the Planning Commission back in  
 12 November about the appropriateness of this, and  
 13 I crafted the amendment to Resolution 313 in  
 14 accordance with that.  
 15 We don't actually have their opinion on  
 16 that amendment at this point. And I think it  
 17 would be appropriate for us to act on that.  
 18 In the end, this Council is the final  
 19 word. We should get their opinions, they  
 20 should be passed up to the Council, and we  
 21 should make our ultimate decision as a Council

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1 based on their, on the Planning Commission's  
 2 opinions.  
 3 (Cross talk.)  
 4 MR. PACK: Point of order, I'm going to  
 5 ask -- hold on.  
 6 MR. DIVILIO: Wait a second, Corey. I'm  
 7 sorry, Corey. Please wait, please wait.  
 8 Mr. Leshner, did you craft 313 that way or  
 9 is there an additional thing that you've  
 10 drafted?  
 11 MR. LESHER: I introduced an amendment to  
 12 313 at that second Council meeting in January.  
 13 MR. DIVILIO: Okay.  
 14 MR. LESHER: That's what I'm asking for  
 15 the opinion on.  
 16 MR. DIVILIO: Okay. So you want the  
 17 313 --  
 18 MR. CALLAHAN: Corey.  
 19 MR. DIVILIO: Okay. That's --  
 20 MR. PACK: I'm waiting.  
 21 MR. DIVILIO: -- was to force the

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1 developer to either use the package system, to  
 2 not connect to Trappe's current plant until it  
 3 was brought up to ENR standard. Is that right?  
 4 MR. LESHER: Essentially that's probably a  
 5 fair summary.  
 6 MR. DIVILIO: Okay. And so I will get  
 7 with you and the developer, unless -- okay.  
 8 All right. I know what work we need to do.  
 9 This is so simple. I wish we had done  
 10 this months ago.  
 11 MR. CALLAHAN: Keep in mind, there's one  
 12 thing --  
 13 (Cross talk.)  
 14 MR. CALLAHAN: Before we do anything,  
 15 Corey, before we do anything. I'll give you a  
 16 chance to talk. I'll give you a chance to  
 17 talk.  
 18 Before we do anything, keep in mind the  
 19 developers and the town have a contract to hook  
 20 into that plant. We all need to understand  
 21 that. Okay.

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1 That plant is going to be up and running  
 2 in 18 months to two years at ENR standards.  
 3 So go ahead, Corey.  
 4 MR. PACK: Thank you, Mr. Callahan.  
 5 A point of order, and I'm going to ask  
 6 Mr. Meehan and Mr. Thomas to weigh in.  
 7 Because, again, Chuck, if we do not have  
 8 procedures and we're not following procedures,  
 9 then it's the wild, wild west and anything  
 10 goes.  
 11 So I'm going to ask Mr. Thomas, since he's  
 12 an attorney and I'm not, and Mr. Meehan, since  
 13 he's an attorney, to weigh in on the proper  
 14 procedure for an amendment, for an amendment of  
 15 a resolution to take place.  
 16 You have 313 as drafted. Mr. Leshar has  
 17 an idea that he floated, an idea to amend 313,  
 18 which did not have a second, which was not  
 19 carried by the Council. So you have no  
 20 amendment.  
 21 So I'm going to ask Mr. Thomas and

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1 Mr. Meehan if they would please, one of them  
 2 would please educate this Council on the proper  
 3 way to introduce an amendment and when an  
 4 amendment becomes a part of an existing  
 5 resolution or bill.  
 6 MR. THOMAS: I believe procedurally, much  
 7 like legislation, like a bill or a resolution,  
 8 an amendment would be introduced. And then it  
 9 has to be voted on.  
 10 Just introducing it doesn't make it  
 11 effective.  
 12 You have to then, the Council would then  
 13 have to vote on it. And if it passes, then, in  
 14 this case, 313 is amended. If it fails, then  
 15 313 stands as introduced.  
 16 And any member can introduce an amendment.  
 17 But they all have to be voted on. And it's not  
 18 amended until the amendment passes.  
 19 MR. MEEHAN: I agree with that.  
 20 MR. PACK: Who was that?  
 21 MR. CALLAHAN: Thank you.

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1 MR. MEEHAN: Meehan.  
 2 MR. CALLAHAN: Yup.  
 3 MR. PACK: Thank you, Mr. Meehan.  
 4 And these are both qualified attorneys who  
 5 passed the Maryland Bar.  
 6 So Mr. Leshar, there is no amendment. You  
 7 have an idea. And until you introduce that  
 8 amendment appropriately with a second by a  
 9 standing member of this Council, there is  
 10 nothing for the Planning Commission to  
 11 consider.  
 12 So why the Council put that in their  
 13 packet, why the staff put that in their packet,  
 14 I don't know why.  
 15 You have a good idea. But until you get  
 16 someone to introduce it and it's second and  
 17 it's carried, you have no amendment to 313.  
 18 You know this. If you go back and look at  
 19 the tape, you yourself said when we were  
 20 amending our rules of procedure, you said to  
 21 Mr. Callahan, to Ms. Price shouldn't we get a

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1 vote on this amendment before we move on. So  
 2 you know the procedure, Mr. Leshar.  
 3 MR. CALLAHAN: Thank you, Mr. Pack. All  
 4 right.  
 5 Mr. Stamp, how you making out over there?  
 6 How you making out, Mr. Stamp?  
 7 MR. STAMP: I'm listening.  
 8 MR. CALLAHAN: Are you? I got you. You  
 9 don't want to weigh in on this, huh?  
 10 MR. STAMP: I think there's a procedural  
 11 question that if --  
 12 MR. CALLAHAN: Yup.  
 13 MR. STAMP: -- guidance from Patrick. And  
 14 I think we --  
 15 MR. CALLAHAN: Exactly.  
 16 MR. STAMP: -- sidebar on that. It surely  
 17 can be resolved.  
 18 MR. CALLAHAN: Right. And I want to say  
 19 too, Mr. Pack, that if there was something done  
 20 with staff, it wasn't intentional. And we'll  
 21 clean that up and make sure it's right. Okay.

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1       So I don't necessarily want the tone of  
2 we've done somebody wrong. It was staff.  
3 Because staff is doing the best they can and  
4 getting direction from Council or me. And if  
5 we've done something that probably shouldn't  
6 have been done the right way, we'll correct it.  
7       MR. PACK: (Inaudible), Mr. Callahan.  
8 (Inaudible) man of your word.  
9       MR. CALLAHAN: No problem, no problem.  
10 Ms. Ghezzi, I'm going to let you have the  
11 last word. And no arguing.  
12       MS. GHEZZI: Okay.  
13       MR. CALLAHAN: Okay?  
14       MS. GHEZZI: Okay. Just two points of  
15 clarification.  
16 Tonight's meeting is not a meeting where  
17 we make a decision. And there was information.  
18       MR. CALLAHAN: Correct.  
19       MS. GHEZZI: There were 17 items included  
20 in our packet.  
21       So I don't think that staff intended on us

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1 to vote on this. So I apologize for any  
2 confusion on that. It was just a piece of  
3 information that was in our packet for our  
4 joint working session. So that's my first  
5 point.  
6 My second point is, Mr. Callahan, you just  
7 said that the ENR plant in Trappe might be up  
8 and running. I did attend the Trappe, one of  
9 the Trappe meetings.  
10       MR. CALLAHAN: Yes.  
11       MS. GHEZZI: When they were discussing it.  
12 And I did hear Ms. Ryan talk about the timing  
13 sequence.  
14 I may be totally wrong, but it was my  
15 understanding that it would take one year to  
16 get...  
17       MR. CALLAHAN: The permitting straight,  
18 the permitting and paperwork straight.  
19       MS. GHEZZI: -- straight --  
20       MR. CALLAHAN: I heard that.  
21       MS. GHEZZI: Right. Exactly. And a

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1 second year to go out for bid. And then it  
2 would take two years of construction.  
3       So I was under the impression that it  
4 would take four years for an actual ENR plant  
5 to be upgraded. And again, I may be totally  
6 wrong.  
7       MR. CALLAHAN: No. I think whatever it  
8 takes. Okay. We all sitting here saying that  
9 it's going to be upgraded. That's what we  
10 should be happy about. If it takes two years  
11 or four years. I mean I'm looking at it it's a  
12 home run for us because other than months ago,  
13 that wasn't even talked about.  
14       So now my opinion is we have two ENR  
15 plants. We're going to have one, the town is  
16 going to have one and the development is going  
17 to have one.  
18       It's going to take a little bit of time,  
19 but I think our end goal is great.  
20       MR. PACK: Mr. Callahan, and I know we're  
21 over our --

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1       MR. CALLAHAN: Yup. No. Go ahead.  
2       MR. PACK: To address this letter from  
3 Mr. Curry from MDE to resolve this conflict,  
4 are we writing MDE back and addressing the  
5 November vote as an invalid vote by the  
6 Planning Commission and things are as status  
7 quo with 281?  
8       So I think they are waiting for us to  
9 figure out who is wagging what. Is the tail  
10 wagging the dog or the dog wagging the tail  
11 here?  
12       So how are we responding back to them to  
13 resolve this conflicting action by the Talbot  
14 County Council and the Talbot County Planning  
15 Commission?  
16       You heard from your attorney saying that  
17 the vote was an invalid vote. Mr. Meehan has  
18 given you his impressions.  
19       So how are we going to resolve this  
20 conflict?  
21       MR. CALLAHAN: The conflict is we got to

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1 handle that next Tuesday with 308. That's the  
 2 first to me. And then after that, we write a  
 3 letter to them.  
 4 And honestly, at that stage, they'll know  
 5 what direction the Council is going to go in.  
 6 MR. PACK: Okay. That's fair enough.  
 7 MR. CALLAHAN: Is that fair enough? Okay.  
 8 MR. PACK: Yeah, that's fair enough.  
 9 MR. CALLAHAN: Okay. Well, once again, I  
 10 can say with the Planning Commission, I really  
 11 appreciate it.  
 12 This is probably something that we need do  
 13 more than often. More than -- this is the  
 14 first time that I've been on the Council, and  
 15 I've been going on eight years, that we've all  
 16 been together. So I would like to make sure  
 17 that we communicate a little bit better.  
 18 I don't like tension. I don't like  
 19 conflict. We all have great opinions. We all  
 20 are here. We're all here because we all are  
 21 leaders and we all have great opinions and all

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1 of us together have -- we're doing great things  
 2 for the county.  
 3 So I really honestly want to commend the  
 4 Planning Commission for doing a job. And if  
 5 there is something that was, like you say, I  
 6 said it last time when we had the meeting a  
 7 couple of weeks ago, that we made a few  
 8 mistakes years ago, and we're cleaning that up.  
 9 And we're going, we're tiptoeing through  
 10 some very important stuff. Okay. Very  
 11 important stuff for Talbot County. And nothing  
 12 honestly is intentional.  
 13 And that's why we're here, to try to work  
 14 this stuff out and be very respectful to each  
 15 other and make good decisions, you know. So we  
 16 want to look like we're respectful.  
 17 I mean to actually get something from the  
 18 State to me is, Mr. Pack knows, it's a big  
 19 deal. So we need to respond to them, we need  
 20 to respond to them in an adequate and  
 21 professional way so we can move on with these

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1 things.  
 2 And the Planning Commission, I can tell  
 3 you we really respect what you say, we respect  
 4 everything that you do, advising us on which  
 5 way we should go. And sometimes, you know, we  
 6 do bump heads a little bit. But that's why  
 7 we're here, that's why we're here.  
 8 So thanks a lot, guys. I appreciate it.  
 9 Any Planning Commission person, you guys  
 10 are welcome to give me a call, next couple of  
 11 days, you want to talk through some of this  
 12 stuff.  
 13 Chip, I really appreciate you reaching out  
 14 to me a couple of times and talking through  
 15 this stuff.  
 16 Lisa, I really appreciate you meeting me a  
 17 couple of months ago. You're always welcome to  
 18 give me a call.  
 19 And Bill and Mike, all you guys are  
 20 welcome to give me a call.  
 21 So and staff, Ray and Miguel, I know

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1 sometimes you're just probably sitting there  
 2 waiting to get the hammer. But you've done a  
 3 great job and you've really told us what we  
 4 need to hear and what your opinion is on this.  
 5 And Mr. Thomas, the same way, same way. I  
 6 really appreciate it.  
 7 And Meehan, I really appreciate you being  
 8 here. And once again, I really appreciate you  
 9 sticking up for the Planning Commission. You  
 10 know, I really do.  
 11 So other than that, let's call it a good  
 12 night and appreciate everything.  
 13 MR. PACK: Good night.  
 14 MR. COUNCELL: Thank you. Good night.  
 15 MS. GHEZZI: Thank you. Good night.  
 16 (Work Session concluded at: 6:32 p.m.)  
 17  
 18  
 19  
 20  
 21



1 STATE OF MARYLAND  
 2 I, Diane Houlihan, a Notary Public in and  
 3 for the State of Maryland, County of Baltimore City,  
 4 do hereby certify that the within named, Talbot  
 5 County Council Audio, personally appeared before me  
 6 at the time and place herein set according to law,  
 7 was interrogated by counsel.

8 I further certify that the examination was  
 9 recorded stenographically by me and then transcribed  
 10 from my stenographic notes to the within printed  
 11 matter by means of computer-assisted transcription  
 12 in a true and accurate manner.

13 I further certify that the stipulations  
 14 contained herein were entered into by counsel in my  
 15 presence.

16 I further certify that I am not of counsel  
 17 to any of the parties, not an employee of counsel,  
 18 nor related to any of the parties, nor in any way  
 19 interested in the outcome of this action.

20 AS WITNESS my hand Notarial Seal this 21st  
 21 day of February, 2022 in the City of Baltimore



\_\_\_\_\_  
 Diane Houlihan  
 Notary Public

My commission expires September 16, 2025

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