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COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

Council Meeting

February 22, 2022; 6:00 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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<p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2</p> <p>3 MR. CALLAHAN: Let's get ready to go. I</p> <p>4 want to welcome everybody tonight. Appreciate</p> <p>5 you guys being here. Appreciate you tuning in</p> <p>6 to us.</p> <p>7 We got an agenda tonight.</p> <p>8 So we're going to start off with the</p> <p>9 prayer with Mr. Leshner and then we're going to</p> <p>10 do the Pledge of Allegiance of the Flag, if</p> <p>11 everybody would stand, please.</p> <p>12 (Prayer and Pledge of Allegiance.)</p> <p>13 MR. CALLAHAN: Council, good job. Thank</p> <p>14 you, Mr. Leshner. I appreciate that good</p> <p>15 prayer.</p> <p>16 And let's go ahead and get started tonight</p> <p>17 on the agenda. We've got the agenda before us</p> <p>18 for tonight. Are there any additions,</p> <p>19 deletions, or corrections to the agenda?</p> <p>20 MR. DIVILIO: Council President, I would</p> <p>21 like to make three changes to the agenda,</p>	<p>1 MR. CALLAHAN: Okay. All right. So that</p> <p>2 was -- okay.</p> <p>3 MR. DIVILIO: That's item eight.</p> <p>4 MR. CALLAHAN: Remind me now. What was</p> <p>5 that for? I'm sorry.</p> <p>6 MR. DIVILIO: That's for discussion on</p> <p>7 solar.</p> <p>8 MR. CALLAHAN: Okay. No problem. Okay.</p> <p>9 Number three?</p> <p>10 MR. DIVILIO: And number three is under</p> <p>11 the county manager's report, will be discussion</p> <p>12 on a midyear COLA.</p> <p>13 Now that I've made a motion, I will look</p> <p>14 for -- do I need a second on that or --</p> <p>15 MR. LESHER: I'll second it.</p> <p>16 MR. CALLAHAN: Madam Secretary, we got a</p> <p>17 motion and a second to make some changes on the</p> <p>18 agenda.</p> <p>19 SECRETARY: Okay.</p> <p>20 MR. CALLAHAN: Can you call the vote,</p> <p>21 please.</p>
<p>1 please.</p> <p>2 MR. CALLAHAN: Yes, sir. Okay.</p> <p>3 MR. DIVILIO: I'll make a motion that we</p> <p>4 add a school safety issue to item number five</p> <p>5 right after disbursements.</p> <p>6 MR. CALLAHAN: Hold tight now. Right</p> <p>7 after five?</p> <p>8 MR. DIVILIO: Yes.</p> <p>9 MR. CALLAHAN: Okay.</p> <p>10 MR. DIVILIO: Right after. It will be</p> <p>11 item number five after disbursements.</p> <p>12 MR. CALLAHAN: Oh, okay. No problem.</p> <p>13 MR. DIVILIO: Okay. And then under the</p> <p>14 discussion of pending General Assembly</p> <p>15 legislation, since we have none, we do have a</p> <p>16 solar piece of pending general legislation to</p> <p>17 discuss that I'll be -- I'm sorry. Not pending</p> <p>18 legislation.</p> <p>19 But I'd like to add a discussion on solar</p> <p>20 in the county in place of the pending General</p> <p>21 Assembly legislation.</p>	<p>1 SECRETARY: Mr. Callahan.</p> <p>2 MR. CALLAHAN: Aye.</p> <p>3 SECRETARY: Mr. Divilio.</p> <p>4 MR. DIVILIO: Aye.</p> <p>5 SECRETARY: Mr. Leshner.</p> <p>6 MR. LESHER: Aye.</p> <p>7 SECRETARY: Ms. Price.</p> <p>8 MS. PRICE: Aye.</p> <p>9 SECRETARY: Mr. Pack.</p> <p>10 MR. PACK: Aye.</p> <p>11 MR. CALLAHAN: All right. Moving ahead on</p> <p>12 minutes, we've got the minutes before us on</p> <p>13 January 25th before us. Are there any</p> <p>14 deletions, additions, or corrections to the</p> <p>15 agenda?</p> <p>16 MR. LESHER: To the minutes you meant.</p> <p>17 MR. CALLAHAN: I'm sorry?</p> <p>18 MR. LESHER: Additions, deletions, or</p> <p>19 corrections to the minutes.</p> <p>20 MR. CALLAHAN: Yes, uh-huh. Hearing none,</p> <p>21 the chair moves that the agenda be accepted as</p>
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Page 6

1 unanimous consent.

2 And I apologize. I need to go back up to

3 the agenda. I need to make sure that the

4 agenda is accepted as unanimous consent.

5 MR. LESHER: Mr. Callahan, we voted on

6 that in lieu of that. So we're good to go on

7 the agenda. And we just --

8 MR. CALLAHAN: Okay. I just didn't know

9 if I had to say that. Appreciate it,

10 Mr. Lesh. Appreciate that. Okay.

11 Let's go under disbursements of

12 February 15th and the 22nd. Council has had a

13 chance to review the disbursements of 15th and

14 the 22nd. Is there any additions, deletions,

15 or corrections? Hearing none, the chair moves

16 that the disbursements be accepted as unanimous

17 consent. Okay.

18 So then we have --

19 MR. DIVILIO: Now I'm up.

20 MR. CALLAHAN: Yup. School safety. Yes,

21 sir.

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1 MR. DIVILIO: So thank you for everyone

2 for giving me a short piece of time here. And

3 I apologize for having to bring this up last

4 minute, but I felt that there was a need to

5 address and inform the County Council what's

6 going on and try to get the word out to the

7 community the best that we can.

8 This is an e-mail that was sent out from

9 the principal, Sherry Spurry, at Easton High

10 School. Easton High School families, today we

11 received another bomb threat. And just like

12 the threat on Friday, it was from one of our

13 own students. We will take every threat

14 seriously and investigate thoroughly, but this

15 needs to stop. We are wasting valuable

16 educational time that has already been taken

17 from our kids over the past two years. We're

18 wasting valuable community resources and

19 creating frustration within our staff,

20 students, and families. Enough is enough.

21 Please talk to your kids and let them know the

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1 devastation they cause when a threat is

2 received. At Easton High School, we treat

3 these kids like they're our own children. We

4 value them and will protect them at all costs.

5 After collaborating with Dr. Griffith and

6 Sheriff Gamble, we have agreed to prosecute any

7 student to the fullest extent and remove them

8 from Easton High School. Our kids deserve

9 better. We are under a mental health crisis.

10 We all know and are aware of that. Children

11 are feeling it as well, and they're acting out.

12 We have bullying situations as well the kids

13 have always been dealing with, but this is a

14 new world and a new challenge that we're going

15 through. So I just ask that parents take the

16 time to speak with their children.

17 This is the third local child since

18 December that has filed a bomb threat in one of

19 our local schools and the disruption has to

20 stop. Everyone is scared and the resources are

21 too valuable to spread.

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1 So thank you for everyone's time tonight.

2 I just wanted to make sure that everyone was

3 aware that we know.

4 MR. CALLAHAN: Mr. Pack.

5 MR. PACK: Thank you, Mr. Divilio, for

6 bringing that to our attention. Of course, I

7 didn't receive that e-mail. I don't have any

8 children in the school system right now.

9 The end of the e-mail talked about

10 prosecution of individuals who are found to

11 have made those calls.

12 Did it say anything about including the

13 State's Attorney's Office, Mr. Patterson, in

14 that discussion?

15 MR. DIVILIO: It did not. But I know that

16 they're trying to pull together all resources

17 that they can to address this.

18 MR. PACK: Okay. Thank you.

19 MR. CALLAHAN: Thank you, Mr. Divilio.

20 Does any other Council member like to

21 comment on this?

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1 It's very, very serious. And just like  
 2 Mr. Divilio said, the resources, amount of  
 3 money, and time this takes, you know. So when  
 4 they get prosecuted, whoever does this is going  
 5 to be paying thousands of dollars for people to  
 6 make sure that this school is safe.  
 7 So not only are you going to get  
 8 prosecuted and possibly be in jail, you're  
 9 going to get a big fine. So be prepared for  
 10 that.  
 11 MR. DIVILIO: Thank you.  
 12 MR. CALLAHAN: Okay. Thank you,  
 13 Mr. Divilio. I really appreciate that. Okay.  
 14 So next on the agenda is the Talbot  
 15 Watermen's Association. I think Mr. Harrison  
 16 is here with us.  
 17 So welcome, Jeff.  
 18 MR. HARRISON: Yeah. I finally got  
 19 unmuted.  
 20 MR. CALLAHAN: There you go, there you go.  
 21 THE WITNESS: Thank you, Chuck. And thank

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1 all the Council. I know it's been a rough  
 2 couple of years, not only around the world and  
 3 the country, but also here locally in the  
 4 county. And we appreciate everything that you  
 5 guys do.  
 6 After going over to Annapolis for a while,  
 7 I don't know how anyone can be a politician.  
 8 And I applaud all of you for sticking it out  
 9 and staying in there.  
 10 But now I'll get to my Talbot County  
 11 fisheries update.  
 12 And will you be able to switch the page  
 13 for me, change the page?  
 14 MR. CALLAHAN: There we go.  
 15 MR. HARRISON: So anyway, this year, I get  
 16 this information from the DNR, there's 513  
 17 license holders, individual license holders.  
 18 There's actually more licenses, but some people  
 19 have two licenses. And the important number to  
 20 look at here is the 246 oyster surcharges. It  
 21 could be a few more than that because these

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1 numbers were taken on the end of November. So  
 2 it very likely is a few more.  
 3 But that is part of the money that we use  
 4 in our oyster shell seed replenishment program.  
 5 So that's about \$75,000 of what we spent.  
 6 So I can go to the next page.  
 7 And this is kind of a review of what  
 8 happened to us last year. In January through  
 9 March, we're oystering. The oyster market was  
 10 terrible. I think I worked five days the whole  
 11 month of January.  
 12 This is all due to COVID. All the  
 13 restaurants were closed down. We were only  
 14 getting \$30 a bushel, and that was 40 percent  
 15 below the pre-COVID price of \$50.  
 16 Also, the harvest did increase, even  
 17 though we had all those problems. It says  
 18 400,000 here. It was really about 350,000 for  
 19 that year.  
 20 The gillnetting for rockfish, the market  
 21 price was once again well below because there

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1 were no restaurants open. Normally it's 3 to  
 2 \$5 a pound. It was only a dollar a pound. So  
 3 what happens is most fishermen didn't fish at  
 4 all.  
 5 A lot of people don't realize that. They  
 6 always say in commercial fishing, you know,  
 7 they catch all these fish.  
 8 We actually have about a million pounds of  
 9 quota that's divided between gillnet, hook and  
 10 line, and pound nets. And the quota was not  
 11 caught last year. Basically people did not  
 12 want to go and give their fish away.  
 13 So in April through September, we start  
 14 planning then. It really starts the end of  
 15 March. And there were absolutely no white  
 16 clams at all and razor clams that we use for  
 17 the crab bait, they were still dying off. And  
 18 it all came from that 2018 heavy rains that we  
 19 had. This was such an event that it was still  
 20 affecting the clams and SAVs as far as that  
 21 goes.

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1 The SAV lines, I know that we had asked  
 2 and had some bills in where they wanted to  
 3 extend the SAV lines out and stuff. And those  
 4 bills actually did not pass. But because the  
 5 lines, they adjust them every three years,  
 6 because in 2018 we had loads of grass, but  
 7 after that rain event, they kept the lines  
 8 where they were.

9 But this past year, the grass has been  
 10 decimated by this, the SAVs. Again this year,  
 11 they're probably less than it has been since  
 12 probably 2010. And it was all still from one  
 13 event, the 2018 event. So we're certainly  
 14 hoping that we don't have things like that  
 15 happen to us again.

16 Also, the crab bait, the razor clams  
 17 doubled in price to \$75 a bushel. That was one  
 18 reason crabs were so high. That was part of  
 19 it.

20 The actual crabbing, if you look over into  
 21 the October, December, it got misplaced and it

Page 15

1 talks about the winter dredge survey. Well, it  
 2 was actually very low numbers of small crabs  
 3 caught or caught during that survey. And we  
 4 felt that it was because, not this past winter,  
 5 but the winter before was a warm winter. And  
 6 even some of the guys who dive for oysters said  
 7 they still seen crabs swimming in January  
 8 normally when they do the dredge survey.

9 And then there's also, we have two  
 10 invasive species now that we know very little  
 11 about. And that's the snakehead and the blue  
 12 catfish. We have no idea. They could be  
 13 decimating us too. So those are things that we  
 14 need to look out for.

15 As far as the crabbing went, the trot  
 16 liners did fair. The harvest was below the  
 17 year before. But we did get a good price. We  
 18 got \$220 a bushel off of the boat probably all  
 19 through May and June. And it did go down to  
 20 160 after that. But we actually had a fairly  
 21 decent year. And got us to over \$100 in the

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1 fall, but it didn't stay there for long and it  
 2 went back up.

3 But the crab potters in our area, they had  
 4 probably the worst season that they've had in  
 5 maybe 20 years. Down the bay was hardly any  
 6 crabs caught. I talked to some people from  
 7 down there. And they set their crab pots,  
 8 fished them for a couple of weeks, took them  
 9 up, and never put them back overboard again.

10 But now, up the bay they had a really good  
 11 season. So we have that sometimes. The crabs,  
 12 they can swim. They can go wherever they want,  
 13 just like the fish. And they probably moved up  
 14 the bay.

15 Now, when we -- the charter boats, too,  
 16 they suffered from the COVID situation. A lot  
 17 of their parties are out of state. There were  
 18 problems with being able to cross state lines  
 19 and coming home you had to get tests and have  
 20 no positive test before you went back to work.  
 21 And it really affected them.

Page 17

1 Also through this process, we got funds  
 2 from CARES Act. There was \$4 million allotted  
 3 to commercial fishermen. Those monies started  
 4 coming out in February, and they were a great  
 5 help. You had to show a 40 percent loss, which  
 6 we were able to do. Not only because of low  
 7 markets, but because the prices were cheaper.

8 So then we move over to October and  
 9 December. Eeling, there's very few people that  
 10 eel anymore. But the ASMFC regulates it. And  
 11 what happened was they actually set their pots  
 12 in the spring. There's a spring fishery and a  
 13 fall fishery. Well, in the spring fishery,  
 14 they set their pots, they fished them one day,  
 15 brought their catch in, and the buyer said take  
 16 your pots up. And basically what that was,  
 17 there was no overseas market. Most of the eels  
 18 are caught and kept live and sent overseas. So  
 19 it basically decimated that industry.

20 It was really funny. The ASMFC triggered  
 21 some alerts. They have alerts like if the

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1 catch gets down. And the guys had to call us  
 2 and we had to straighten it out with them. The  
 3 reason the catches were down is because they  
 4 weren't fishing at all.  
 5 So then when we move over to October and  
 6 December, we start oystering again. In June,  
 7 we set our limits and things. Now we do an  
 8 assessment. And every June, we set limits for  
 9 the upcoming season.  
 10 In January and March, we were only allowed  
 11 to go four days a week. Well, this year they  
 12 decided because the biomass of oysters was big  
 13 enough, they gave us our Wednesdays back, which  
 14 we greatly appreciated. So we were able to  
 15 fish five days a week or oyster five days a  
 16 week.  
 17 The price was still down. It was around  
 18 \$35 when it started. But now it has moved up  
 19 gradually and it's up to about \$42.  
 20 They also allowed harvesting above the Bay  
 21 Bridge. That had been closed down for two

Page 19

1 years.  
 2 And we are set to catch -- the market was  
 3 unbelievable this year. The best that I  
 4 believe I've ever seen in probably the last 20  
 5 years. Even before COVID started, we had  
 6 troubles with our markets by -- it's always  
 7 good Thanksgiving and Christmas everywhere.  
 8 But after that, we would have trouble.  
 9 This year there has been no troubles  
 10 whatever. We've worked five days a week. As a  
 11 matter of fact, it's gotten to a point where  
 12 everybody is wore right out. People are  
 13 quitting now to get their boats ready.  
 14 A lot of people fished down the bay or  
 15 oystered down the bay. I stayed local most of  
 16 the time. I was able to catch my limit pretty  
 17 much every day. Now, it's getting a little  
 18 slim. And like I say, I probably will take off  
 19 within the next couple of weeks and get my boat  
 20 ready.  
 21 Also, the gillnet for rockfish, the market

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1 came back again and the price was back to the  
 2 pre-COVID prices of 3 to \$5. And rockfish are  
 3 plentiful, what the fishermen see out there.  
 4 One guy told me, he says a school of rockfish  
 5 in the channel that goes from Cove Point all  
 6 the way up to the Bay Bridge. So plenty of  
 7 rockfish, which is a good thing.  
 8 And now I'll go to the next slide.  
 9 All right. Our Talbot County Oyster Shell  
 10 Committee. We have some good news. First off,  
 11 we've been doing this for the last 60 years.  
 12 I've been on the committee probably for 35 of  
 13 those years. We plant shell and spat on shell  
 14 and every -- right now we're actually in the  
 15 process of setting locations for the upcoming  
 16 year. We plant from probably May through June.  
 17 Our monies come from surcharges, which I  
 18 told you early was like \$75,000 that we get  
 19 locally off of those bushel tax of \$11.30.  
 20 And then there's also the MDOT money,  
 21 which is Maryland Department of Transportation,

Page 21

1 which is divided between the 11 counties. And  
 2 we get about \$78,000.  
 3 You can go to the next slide, please.  
 4 So last year, we spent about \$300,000.  
 5 That's about what we spend every year. One  
 6 year, we did spend more, in 2016, but that was  
 7 because when O'Malley was in, he lost our money  
 8 for a while, for a couple of years and then he  
 9 found it and we ended up with a big pot of  
 10 money. And so we spent it all in one year.  
 11 But get to my page of notes here. If you  
 12 look at Talbot County, we spent \$53,000 on  
 13 hatchery seed, which was around 20 million spat  
 14 on shell. We also planted \$244,000 or almost  
 15 \$245,000, which bought us around 37 to 38,000  
 16 bushel of shells.  
 17 Some concerns here is, of course, shells  
 18 are limited. We're the ones that supply most  
 19 of the shells because our oysters are  
 20 harvested, shucked, and the shells are returned  
 21 back into the water. And the price went from

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1 it was \$3 the year before to \$4 and then this  
 2 year it's \$5. So we're seeing a trend. Our  
 3 money stays the same, but the price of stuff  
 4 that we're buying continually goes up.  
 5 We, of course, say that this is a  
 6 self-imposed shortage. I've been outspoken  
 7 about Man O War Shoal. There's 100 million  
 8 bushel of shells up there. We only want to dig  
 9 5 million bushel, we've never seen so many  
 10 people against us doing that. We don't  
 11 understand why. That bar, I think they did 171  
 12 samples over the last five years on it. And  
 13 they've caught two live oysters. Those shells  
 14 are so valuable of an asset, for not only us,  
 15 but also for restoration work and for  
 16 aquaculture, that it's just a shame that they  
 17 sit up there and basically do nothing as far as  
 18 we're concerned.  
 19 There is a bill in right now. The County  
 20 Council in Baltimore is behind it as well as  
 21 their delegates. And it's to ban the possible

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1 dredge of Man O War Shoals.  
 2 The truth of it is is that the permits are  
 3 already there. They're on the desk of the  
 4 public -- what is it? The Board of Public  
 5 Works. And all they have to do is bring it up.  
 6 They will not bring it up. It's too  
 7 politically connected. And we would hope that  
 8 somehow we would be able to catch some of those  
 9 shells someday.  
 10 We're still working on it. We have not  
 11 given up. We understand that how important  
 12 they are, and we just hope that everybody else  
 13 understands.  
 14 Can I go to the next slide, please?  
 15 Now for the really great news. And they  
 16 did a review of all bottom, sanctuary bottom,  
 17 publish fishery bottom, and aquaculture. They  
 18 are tasked to do that by legislation every five  
 19 years, check these things out.  
 20 In doing so, we found out that Broad Creek  
 21 was the best tributary in the whole bay. It

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1 had seven of the top ten bars in it. We  
 2 attributed this to what we do with our seed and  
 3 shell program.  
 4 Over the ten years that Harris Creek has  
 5 been a sanctuary, we planted about \$1,100,000  
 6 worth of shells up there. And we mostly put  
 7 shells up there because we do have decent spat  
 8 sets there.  
 9 During that time, we harvested over  
 10 400,000 bushel of oysters, which had a dock  
 11 side value of 16 and a half million dollars.  
 12 We produced over 400,000 bushel of shells,  
 13 which are used in restoration work, as well as  
 14 on public bottom, sanctuaries and aquaculture.  
 15 Those shells had a value of almost  
 16 \$1.4 million.  
 17 And yet after all of that and spending  
 18 \$32 million in Harris Creek, putting  
 19 2.94 billion oysters up there spat on shell,  
 20 there are still more oysters in Broad Creek  
 21 than there are in Harris Creek. And so what we

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1 want to know is why doesn't everyone in the  
 2 state know this.  
 3 When I heard the news, I couldn't wait to  
 4 tell everybody. But for some reason, I haven't  
 5 seen an article in the Bay Journal about this.  
 6 And another question I've asked at an AOC  
 7 meeting is this state has been tasked to do  
 8 ten, or not this state, Virginia and Maryland  
 9 have been tasked to restore ten tributaries by  
 10 2025. They already have Harris Creek. There's  
 11 the Little Choptank, there's Tred Avon, there's  
 12 St. Mary's, and there's Manokin.  
 13 Well, my question is why can't this be a  
 14 restored tributary. And I asked at that  
 15 meeting why. And they told me it could not be.  
 16 And I don't understand why. But apparently, I  
 17 guess since we've done this for only  
 18 \$1,100,000, that they don't want anyone to know  
 19 about it.  
 20 But I wanted everyone in this county to  
 21 know about it. And so I've been trying to

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1 spread the word.  
 2 Next slide, please.  
 3 Also, there's some more good news for  
 4 Talbot County. The Oyster Advisory Commission,  
 5 we were tasked two years ago and it was through  
 6 the legislature that we would meet for two  
 7 years and come up with a plan, a new oyster  
 8 management plan, through the consensus process,  
 9 which meant, first off, you had 60 percent  
 10 industry, you had 40 percent of other people,  
 11 which were mostly environmentalists.  
 12 So anyway, we met for two years, like I  
 13 said. It was the second Monday of every month.  
 14 So we met 24 times. We did it the first two  
 15 meetings were live, were face to face, which  
 16 the consensus process really needs to work like  
 17 that. You have to be in a room with people and  
 18 be able to just become friends with them really  
 19 is how it works and you become more  
 20 understanding.  
 21 Well, anyway, it was all done virtually,

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1 and it was a fiasco at best. I think one  
 2 waterman put it best. He said that he would  
 3 rather sit on his porch, and he was from  
 4 Dorchester County, in the summertime and get  
 5 eat up by mosquitoes for two hours than to  
 6 listen to an OAC meeting.  
 7 So but anyway, we got through all of this,  
 8 all of it we got through. We stuck it out.  
 9 And we actually came up with a pretty good  
 10 plan, especially for Talbot County.  
 11 Supposedly over the next 25 years, a  
 12 combination of replenishment, restoration, and  
 13 aquaculture activities should be collectively  
 14 planned and undertaken in the Eastern Bay,  
 15 which is in Talbot County, with an equal amount  
 16 of funding spat planting and sanctuaries, which  
 17 is a million dollars annually, adjusted for  
 18 inflation, but also spat and shell on fishery  
 19 bars in addition to current replenishment.  
 20 So they're not taking any of our 300,000  
 21 that we send every year. So this will be an

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1 additional \$500,000 for us here in Talbot  
 2 County as well as 500,000 for Queen Anne  
 3 County, Queen Anne County. So this is really  
 4 good for us.  
 5 Now, we're hoping that it comes through.  
 6 Right now there's no monies there, but we're  
 7 hoping that this money will be here.  
 8 And if you look at it, \$2 million is  
 9 actually more than the whole industry spends on  
 10 the whole bay. It's a big number. And we're  
 11 thankful for it, and we're thankful for all the  
 12 watermen who stuck it out through the terrible  
 13 meetings.  
 14 And I mean they were awful meetings. Some  
 15 of the people who didn't have computers  
 16 listened on flip phone. It was so much  
 17 technical stuff in charts and graphs and things  
 18 to go to. We were creating a model. And I  
 19 just want to thank all them for sticking  
 20 through.  
 21 And like I said, we actually got a plan

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1 that is going to, we feel that will help not  
 2 only us but everybody in the oyster industry.  
 3 One other thing at the bottom you see it  
 4 says the OAC supports keeping the oyster  
 5 fishery open. We actually, this is after Pete  
 6 Franchot went out and said that he wanted to  
 7 phase out the oyster industry. And so the next  
 8 meeting we said that we wanted in our  
 9 recommendations that the OAC supports keeping  
 10 the public oyster fishery open. This is the  
 11 best they would come up with that we could get  
 12 away with. They would not put public in the  
 13 statement.  
 14 It really is frustrating when you are in a  
 15 situation where things are actually getting  
 16 better now. I mean I've been on the OAC for  
 17 five years. When we were put there, they said  
 18 what we want is more oysters in the bay. Well,  
 19 actually right now, I think the oyster biomass  
 20 has been increasing for the last three years  
 21 and is now higher than it's been in 37 years.



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1 So this is really a time to be rejoicing  
 2 and not still coming up with you're  
 3 overfishing, you're one percent of historic  
 4 levels. You know, it's the same stuff over and  
 5 over and over again.  
 6 So I just want to thank everybody that did  
 7 participate in that. And like I say, Talbot  
 8 County, again, came out with a real good plan.  
 9 Next slide, please.  
 10 The elusive nutrient credit program. Two  
 11 years ago aquaculture floats and cage was  
 12 approved for nutrient credits. This past year,  
 13 bottom culture, which is what they do is they  
 14 put oyster spat on shell overboard and they  
 15 catch it with a dredge, just like we do, they  
 16 were approved for nutrient credits.  
 17 We are still denied nutrient credits. The  
 18 public fishery does exactly the same thing that  
 19 aquaculture does for bottom culture, the same  
 20 exact thing. For instance, this year on Swan  
 21 Point, it was a program that was started seven

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1 years ago by the upper bay. They started a  
 2 power dredge test site. They caught all the  
 3 oysters off the bar. Then they went ahead, and  
 4 it was on Swan Point, they went ahead and they  
 5 planted spat on shell.  
 6 They closed -- they were going to open it  
 7 up in five years. But at the time, they had  
 8 closed down the upper bay. It was closed for  
 9 two years. And so they opened it up this year.  
 10 It was an extremely successful program. Over,  
 11 I think it was somewhere between 20 and 25,000  
 12 bushels of oysters were caught.  
 13 And we want nutrient credits for it. We  
 14 have asked over and over again what's the  
 15 holdup. They tell us. They always give us the  
 16 same answer. It will be next year. So we are  
 17 just hoping that eventually we will get  
 18 nutrient credits.  
 19 Like I've told you, the price for shell is  
 20 continuously going up. We have a limited  
 21 amount of funds. This will be another place

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1 where we could get monies. All of the monies  
 2 that we would get from this will go right  
 3 straight back into putting more oysters on the  
 4 bottom.  
 5 Next slide.  
 6 We do a scholarship program every year.  
 7 We have for the last six years. We hadn't had  
 8 any fundraisers for the last two years, but we  
 9 wanted to keep our program up, our scholarship  
 10 program up. We were lucky enough to have some  
 11 money saved up.  
 12 But it was first the lumberyard heard  
 13 about this. And they put a jar out for us just  
 14 for our scholarship fund. And then Chesapeake  
 15 Landing and Whitman Wharf followed through.  
 16 And we were able to raise an additional \$1,500  
 17 just this past year.  
 18 So we were able to give away five  
 19 scholarships instead of the usual four. And we  
 20 usually give two at St. Michaels and two at  
 21 Easton. We are able to do a fifth one in

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1 St. Michaels or an extra one in St. Michaels.  
 2 One of the scholarships goes to a child of  
 3 a waterman family. The others can go to  
 4 anyone.  
 5 This year we are doing something  
 6 different. We're going to give one scholarship  
 7 to a technical school. We're also going to  
 8 give one for community service hours. We think  
 9 it's especially important in a community like  
 10 this to let people know that we appreciate  
 11 everything that they do for us and that we  
 12 definitely need volunteers.  
 13 And also, like I said, we hadn't had any  
 14 fundraisers in the last two years. We actually  
 15 were going to do the Oyster Fest this year, and  
 16 the night before it got canceled because of  
 17 high tides down Chesapeake Bay Maritime Museum.  
 18 I want to thank it was Whitman Wharf and  
 19 Carpenter Street. Johnny Mautz actually let us  
 20 set up there. And we did make a partial. We  
 21 actually did really well. It was well

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1 attended. A lot of the people, because it was  
 2 so late of a notice, had already come to  
 3 St. Michaels looking for oysters. And so we  
 4 were glad to be there to be able to provide it  
 5 for them.  
 6 Next slide. Almost done.  
 7 These are some of the people that we  
 8 donate through. Like I said, we are community  
 9 based. We like to give back to the community.  
 10 I know this month the VFW is having an  
 11 oyster roast, and we're donating all the  
 12 oysters to it. Also, like some of the people  
 13 at the hospital with COVID, we donated monies  
 14 for masks and things like that. And we try to  
 15 help everybody.  
 16 We also have a sick fund that we try to  
 17 help watermen who are out of work. We've had  
 18 an unusual amount of vibrio cases in the area.  
 19 That's the infection you get from the water.  
 20 And once you get it, some people are never  
 21 allowed to get back on the water again. But a

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1 lot of times when you get it, you're at least  
 2 two or three weeks out of work. And so we try  
 3 to help those people. And we've been very  
 4 fortunate to be able to do that.  
 5 Next slide.  
 6 We just want to thank everybody who  
 7 supports the public fishery, all the people who  
 8 buy seafood, everyone that comes and helps out.  
 9 And these are just some of the pictures and  
 10 some of the things that we do.  
 11 And I want to, once again, thank you guys.  
 12 We were going to discuss some bills  
 13 tonight. There's not many bills out there.  
 14 Captain Newbury is going to send you those.  
 15 Most of them, there's none of them that are  
 16 extremely critical against us. So we feel like  
 17 we can handle it for ourselves.  
 18 But we do want to let you know what's  
 19 going on. And if there's any questions, I  
 20 would be more than glad to answer any of them.  
 21 MR. CALLAHAN: Jeff, really appreciate the

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1 great presentation. We can't thank you guys  
 2 enough.  
 3 So Council. Mr. Leshner.  
 4 MR. LESHNER: Yeah. Thank you, Jeff. And  
 5 thank you for a really, really good  
 6 presentation. Great to have this annual update  
 7 from you.  
 8 And I know you've had a rough couple of  
 9 years out there.  
 10 2020 was a great recruitment here for  
 11 oysters, and Broad Creek saw a lot of benefit  
 12 from that. I don't think that we've seen from  
 13 the State the results of the 2021 fall survey  
 14 yet, but you guys probably know this before the  
 15 reports are released.  
 16 How are things looking for 2021? Are you  
 17 seeing a lot of spat out there?  
 18 MR. HARRISON: Yeah. And actually Broad  
 19 Creek the previous year had the highest counts  
 20 in the bay. And it tended to be really good  
 21 count the previous year from the Choptank River

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1 all the way south to the Virginia line on the  
 2 Eastern Shore.  
 3 Now, this year, we did get a presentation  
 4 at the last OAC meeting of not only last year's  
 5 but this past year, too, 2021. And once again,  
 6 we've seen another great spat set again.  
 7 It's actually even starting to become a  
 8 problem, to be honest with you, because what  
 9 happens is spat get on the oyster and you have  
 10 to bang on them to get them off, which is a  
 11 good problem to have. Don't get me wrong. We  
 12 understand.  
 13 And this year the spat catch not only --  
 14 it moved up the bay a little bit into Miles  
 15 River and Eastern Bay. They've seen the  
 16 highest spat counts up there. They were only  
 17 30 and 40 a bushel. But they've been seeing  
 18 absolutely hardly any, maybe five to ten. And  
 19 it's the best counts that they've seen in 30  
 20 years.  
 21 We've always said that this started in

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1 Virginia. They started seeing really good  
 2 recruitment as much as ten or 12 years ago.  
 3 And it's slowing working its way up the bay.  
 4 Like I said, this year it was not only on this  
 5 side of the bay, but it also jumped across the  
 6 bay and moved its way all the way up to the  
 7 Patuxent River.  
 8 So we're seeing an actual change, and we  
 9 feel it's a turning point in oysters. We hope  
 10 that other people see this too and will  
 11 acknowledge it.  
 12 Like I say, we are seeing unbelievable  
 13 spat sets. And we truly believe that what  
 14 happened in Broad Creek and here up this way  
 15 two years ago was because we brought some of  
 16 that Virginia seed up here and planted it about  
 17 five years ago. And we honestly believe that  
 18 it has, it produces better and it also is  
 19 disease resistant. Out of 1,500 oysters that  
 20 were checked for disease this past year, only  
 21 two oysters had MSX in them, which is just

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1 unbelieve.  
 2 Now, there is some Dermo, but the  
 3 prevalence is very low. And the only concern  
 4 we do have about Dermo is it probably will come  
 5 back up. You have to have real dry years. If  
 6 we have three years of real dry water, you can  
 7 see emergence of it.  
 8 And our concern is there's very little  
 9 Dermo in public, in public fishery bottoms.  
 10 But in sanctuaries, it's still some there. And  
 11 we're worried that it's actually harboring the  
 12 disease. And the reason is because there's  
 13 more mature oysters there. They hold the  
 14 disease longer. And that's our concern, that  
 15 if we ever get those conditions again, that  
 16 there's a chance that since the disease is  
 17 double what it is in public fishery, that it  
 18 could start some problem.  
 19 Does that answer your question?  
 20 MR. LESHER: Thank you very much.  
 21 MR. CALLAHAN: Ms. Price.

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1 MS. PRICE: Hi there, Jeff. It's really  
 2 good to see you.  
 3 I mean I've always been a big supporter.  
 4 And I've never understood why they didn't  
 5 accept, you know, data like what you're getting  
 6 from Broad Creek and things like that. It  
 7 doesn't make any sense.  
 8 And it's really good to hear that the  
 9 amount of oysters is higher than it was 37  
 10 years ago. No, we don't need to shut down the  
 11 oyster fisheries.  
 12 So it's great to get this information. I  
 13 do wish that the State leaders would take more  
 14 recognition of that. But you know, just keep  
 15 on plugging away, keep beating your head  
 16 against the wall, and hopefully it's going to  
 17 start to sink in, you know, where it needs to.  
 18 But it's great. And sorry that you had  
 19 such a bad year. Everybody experienced that in  
 20 their own ways with their own businesses. But  
 21 we're coming roaring back.

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1 So again, thank you for a wonderful  
 2 report.  
 3 MR. HARRISON: Well, thank you. And like  
 4 I said, since Peter Franchot came out and said  
 5 that, we've heard from a lot of Democratic  
 6 candidates. Even though it is an election  
 7 year, all of them assure us now that they want  
 8 the public fishery to continue. And we're  
 9 hoping that maybe Peter Franchot's letter over  
 10 here at The Star Democrat may have hurt him in  
 11 some ways, or at least that's our hope. Maybe  
 12 that will be his downfall, but we'll see.  
 13 And thank you.  
 14 MR. CALLAHAN: Okay. Thank you.  
 15 Mr. Divilio.  
 16 MR. DIVILIO: Mr. Harrison, you have my  
 17 full support. I greatly appreciate the update.  
 18 It's always valuable and full of great  
 19 information.  
 20 I love the oysters and ate my belly full  
 21 this weekend. So thank you for all you guys

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1 do.

2 MR. HARRISON: And thank you for eating

3 oysters. That helps. Everything helps.

4 And by the way, too, we are trying to do

5 our Watermen's Appreciation Day this year. And

6 everyone is welcome. The only thing we say is

7 enjoy the crabs and the good time and no

8 politics whatsoever.

9 MR. CALLAHAN: There you go. Well, I know

10 Mr. Pack can put them away, them oysters.

11 What do you think, Mr. Pack?

12 MR. PACK: I have never seen an oyster I

13 didn't like.

14 Always great report.

15 And I want to ask one question. Regarding

16 your Broad Creek numbers, have you shared those

17 numbers with any other organization, like the

18 River Keepers or the Chesapeake Bay Foundation?

19 Has that report been shared broadly with other

20 agencies?

21 MR. HARRISON: Yeah. We discuss this at

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1 OAC meetings. And both of those groups, along

2 with the CCA, they're all there. So they know

3 the information.

4 I think they, I think they hoped -- it's

5 really terrible when you think about that that

6 way, that they hope that maybe it's just a

7 short-lived thing.

8 We don't feel that way. We feel that this

9 is something that has really changed. In

10 Virginia, they've seen it seven years, eight

11 years ago, they started increasing. They're up

12 to catching a million bushel a year.

13 This year, we're pushing half a million

14 bushel. I think we'll get there. But you

15 know, it's definitely a change.

16 And yes, they know all about this.

17 Whether they want to believe it or not, I don't

18 know. We were tasked to use the best science.

19 Well, they know the best science. They see it.

20 They know exactly what's going on now. What

21 comes out of that, I don't know.

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1 I'll be honest with you, if we get a

2 Democrat in office in two years, there's a good

3 chance that we might get phased out. And I

4 think it would be a terrible thing.

5 A lot of the reason that people come to

6 Maryland is for seafood, and we're the ones

7 that provide it. I don't know where they think

8 it's going to come from if we're all gone. If

9 they phase out the oyster industry, what am I

10 going to do in the winter? Am I just going to

11 go crabbing? I'm not going to do that. I'm

12 going to retire is what I'm going to do.

13 MR. PACK: That's very disturbing to hear

14 that you have these other agencies at the table

15 having firsthand knowledge of your work and the

16 results of that work, but yet not willing to

17 report on that through their own network.

18 That's very disturbing.

19 MR. HARRISON: It's like I said. When it

20 come out, I couldn't believe it wasn't in The

21 Bay Journal. I mean it wasn't. Why not? You

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1 know, why not put in it there?

2 MR. PACK: We all get that journal.

3 MR. HARRISON: Yeah, exactly. I read

4 every article in it. And I don't know what it

5 is. I'll be honest with you, I have no idea.

6 MR. PACK: Well, do you need anything from

7 us in regard to that? Can we write someone on

8 your behalf?

9 I know there's other candidates who are

10 out there who are running. I talked with

11 Ms. Schulz two days ago, who is running on the

12 Republican side.

13 Is there anything that we can do for you?

14 MR. HARRISON: Yeah. We know Kelly well.

15 And yes. And if it comes a time, we will

16 definitely come to you and ask for something,

17 believe me.

18 MR. PACK: Okay.

19 MR. HARRISON: Yeah, we will do that.

20 MR. PACK: Okay.

21 MR. CALLAHAN: Mr. Divilio.

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1 MR. DIVILIO: Mr. Harrison, one thing I  
 2 forgot to mention and that I want to bring up  
 3 because I've seen a lot more talk about  
 4 aquaculture being the future. I have always  
 5 been an entrepreneur at heart and in my soul.  
 6 I really love the idea of kids graduating  
 7 high school, working on a boat, learning how to  
 8 do it, learning -- Chesapeake College has the  
 9 marine engine program to teach people how to  
 10 work on an engine. You can build your own boat  
 11 and get out there. You own your own business  
 12 as a waterman.  
 13 It's one of the few opportunities where a  
 14 kid can graduate high school and quickly have  
 15 their own business.  
 16 And people talk about promoting  
 17 aquaculture and how that's a great opportunity.  
 18 It is for a millionaire who has the money to  
 19 dump into it. But that's not who's graduating  
 20 from St. Michaels and Easton High School.  
 21 So what you're putting out there for

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1 future generations to be able to do and  
 2 maintain that lifestyle or that entrepreneurial  
 3 spirit, I can't thank you enough. And that's  
 4 why I'll always make sure that there's a place  
 5 in Talbot County for you guys.  
 6 MR. HARRISON: We appreciate that.  
 7 And yes. Look, we're never against  
 8 aquaculture. I talk all the young watermen,  
 9 please get into it. I mean there's monies  
 10 there available. They want to -- and you know,  
 11 we're not against it at all.  
 12 It just has its place. And right now,  
 13 it's -- today our lease was dropped. It had  
 14 been three and a half years going back and  
 15 forth. We had told the guy from the beginning  
 16 it's not a good bottom. They clam there. Of  
 17 course, that's not one of those things he could  
 18 have went through with it and got it. And he  
 19 did finally take it away.  
 20 But right now, there's a lot of younger  
 21 watermen because we have oysters. And it's so

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1 good to see because we were afraid that even if  
 2 no one did phase us out, we were going to phase  
 3 out anyway. And it's really good to see.  
 4 And I think there is a program. They're  
 5 talking about doing some internship on boats.  
 6 So maybe that's a possibility for this county.  
 7 MR. CALLAHAN: Great. Well, I hope in a  
 8 lifetime I don't see you phased out. That's  
 9 for sure. I can tell you. I really --  
 10 MR. HARRISON: -- appreciate that.  
 11 MR. CALLAHAN: I really appreciate all you  
 12 guys do. You guys work hard. And just like  
 13 Mr. Pack said, when the time comes and you need  
 14 a letter or you need us to reach out to  
 15 somebody that can help and make a difference,  
 16 we would love to do that for you because you  
 17 guys mean a lot to us. That's for sure.  
 18 MR. HARRISON: Well, we appreciate it.  
 19 I'll tell you, we really do.  
 20 MR. CALLAHAN: Yeah. Sounds great. Well,  
 21 Jeff, really appreciate your presentation you

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1 did tonight. You did a great job for us.  
 2 And you guys are welcome here anytime.  
 3 You bring us up to speed, just reach out to us  
 4 if there's any up-to-date information in the  
 5 next month or so that you need to come on with  
 6 us. But we're here for you, too. Okay.  
 7 MR. HARRISON: All right. We'll do that.  
 8 And thank you, guys. And like I say, we  
 9 appreciate everything you guys do.  
 10 MR. CALLAHAN: Thanks a lot. See you  
 11 soon.  
 12 Okay, Council. All right. Let's move on.  
 13 That was great news and all that. That's for  
 14 sure. So okay.  
 15 Now, next on the agenda is Council  
 16 discussion on proposed text amendments.  
 17 So Miguel, are you with us?  
 18 MR. SALINAS: I am.  
 19 MR. CALLAHAN: Okay. That's good, that's  
 20 good. So you want to go ahead and talk a  
 21 little bit about the amendments, the first

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1 amendment?

2 MR. SALINAS: Sure. In Chapter 190 of the

3 Talbot County Code, any interested person in

4 the county may propose an amendment to the text

5 of Chapter 190, which is our chapter related to

6 zoning, subdivision, and land development

7 regulations.

8 When a text amendment is proposed, that

9 proposed amendment that is submitted by that

10 individual, it goes to the County Council, who

11 reviews that proposed text amendment.

12 And if any member of the Council

13 determines that the subject matter of the text

14 has comprehensive impacts on the county, the

15 general welfare of the county, they can direct

16 staff to draft or share in the drafting of the

17 proposed amendment and submit a staff report to

18 the Planning Commission for a recommendation to

19 the Council before the Council introduces

20 legislation, or any member of the Council, any

21 one member of the Council could determine

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1 (inaudible) proposed text amendment is focused

2 on some specific land use, rezoning, or other

3 topic.

4 And then the Council will authorize staff

5 to process that application, again, to go in

6 front of the Planning Commission for a

7 recommendation to the County Council.

8 So the next two items on the Council

9 agenda are two proposed text amendments

10 submitted by two interested parties in the

11 county.

12 The first one, and I believe Brendan

13 Mullaney is the agent for the property owner,

14 the first one is an application for amendment

15 to the text of our bed and breakfast

16 requirements that are in Chapter 190.

17 And at this point, Mr. President, if I

18 could turn it over to Brendan and he can

19 describe that text amendment to the Council.

20 MR. CALLAHAN: That would be great.

21 Welcome, Mr. Mullaney.

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1 MR. MULLANEY: Good evening, Brendan

2 Mullaney with McAllister, DeTar, Showalter and

3 Walker.

4 MR. CALLAHAN: Okay. That sounds great.

5 MR. MULLANEY: I'm the agent for Rolles

6 Range Partners, LLC, which owns a historic bed

7 and breakfast north of St. Michaels.

8 MR. CALLAHAN: Any chance you can turn

9 your speaker up a little bit?

10 MR. MULLANEY: I'm not sure that I can do

11 that. I can probably move closer to the

12 computer. Is that any better?

13 MR. CALLAHAN: That's a lot better. Yes,

14 sir, yes, sir.

15 MR. MULLANEY: How much of it did you get?

16 None of it or some of it?

17 MR. CALLAHAN: We got it, we got it. Just

18 better. Just lean up a little bit.

19 MR. MULLANEY: Terrific. So we're before

20 you. I think the process has changed some.

21 We're before you now seeking a recommendation

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1 or authorization to move forward with staff to

2 the Planning Commission and present this text

3 amendment to them for a recommendation to come

4 back to you all.

5 The first text amendment that we brought

6 to you this evening is related to historic

7 structures in the CP and RC zoning districts.

8 And it deals with some modern realities that

9 bed and breakfasts are coping with today.

10 In the last 20 years, Talbot County has

11 lost somewhere in the midst of 50 percent of

12 all bed and breakfasts. That's in large part

13 because of different rental options that have

14 come around as a result of the Internet. We've

15 all dealt with the short-term rental

16 environment, BRBO, and Airbnb.

17 As a result of that, we're bringing this

18 text amendment to update the bed and breakfast

19 code and also to allow additional bedrooms for

20 certain bed and breakfasts located in the CP

21 and RC zoning districts. This amendment is

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1 aligned with many of the other ordinances that  
 2 counties have applicable to critical area  
 3 properties.  
 4 And for instance, Anne Arundel County  
 5 allows maximum of 12 bedrooms, Caroline County  
 6 allows a maximum of 12 bedrooms to be used.  
 7 Cecil County has no limitation and Somerset  
 8 County has no limitation in about half of their  
 9 zoning districts.  
 10 This amendment, as I'm sure you  
 11 recognized, is applicable to dwellings that  
 12 existed prior to adoption of the critical area  
 13 law and allows the use of accessory structures  
 14 on the same property that existed prior to 2005  
 15 to be used to offer additional bedrooms.  
 16 There are some other nuances in the  
 17 amendment. For instance, the current bed and  
 18 breakfast ordinance states that guest rooms  
 19 cannot have a primary outside entrance. There  
 20 are instances in the county where the fire  
 21 marshal requires an outside entrance. So

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1 that's just to deal with a practical reality of  
 2 what's going on from a safety perspective.  
 3 Happy to answer any questions that you  
 4 have, but I think the intention of tonight is  
 5 to hear you all, see if there are any major  
 6 concerns, and hopefully move forward to the  
 7 Planning Commission to continue the dialogue.  
 8 I think we would expect to give a more in  
 9 depth and detailed presentation when we're  
 10 before you hopefully in the future with this  
 11 same amendment.  
 12 MR. CALLAHAN: Thank you. So I'm going to  
 13 open it up to Council for discussion. Does  
 14 anybody have anything on this first amendment  
 15 that we want to discuss?  
 16 MR. PACK: Yes, Mr. Callahan, I do.  
 17 MR. CALLAHAN: Yes, sir.  
 18 MR. PACK: I am a bit concerned about  
 19 adding additional rooms into the bed and  
 20 breakfast ordinance. Previous Councils have  
 21 been down this road before, that I think wanted

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1 to make a clear distinction between the bed and  
 2 breakfast industry and the hotel/motel  
 3 industry.  
 4 I think that if you're seeing a decrease  
 5 in the use of B&B, there could be a host of  
 6 reasons why. The increase of BRBO industry has  
 7 increased dramatically over the years. So  
 8 people are just renting their homes out  
 9 directly and not going through a bed and  
 10 breakfast for their vacation space.  
 11 Accessory structures have also been one  
 12 that Council wanted to stay away from  
 13 previously of using secondary structures on the  
 14 property for rental purposes. You know we do  
 15 not allow it in our STR code, our CR code, and  
 16 that's for good reason. I think we wanted to  
 17 protect the neighbors and the neighborhood in  
 18 not allowing those secondary structures to be  
 19 used as rental properties.  
 20 So there are a number of concerns that I  
 21 have with this change in the text amendment,

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1 and I'll be looking at it a bit closer as we go  
 2 through it as well.  
 3 MR. CALLAHAN: Okay. Thank you, Mr. Pack.  
 4 Any other Council member like to comment  
 5 on this?  
 6 MR. LESHAR: I will. And certainly I  
 7 think the intent here is to ensure continued  
 8 economic use of historic structures. And this  
 9 does pertain just to those that are in that  
 10 historic overlay zone.  
 11 If I have a concern here, it has to do  
 12 with the provision that would allow the inn  
 13 keeper to live not in the bed and breakfast but  
 14 in an adjacent property. Now, granted, that's  
 15 still fairly narrowly drawn. It's not an  
 16 absentee owner. And so there's some mitigation  
 17 here.  
 18 MR. CALLAHAN: Ms. Price.  
 19 MS. PRICE: I think it's a little  
 20 premature to comment. I have some serious  
 21 concerns on both of these.

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1 We go through a lot of trouble to do our  
 2 Comprehensive Plan and get the zoning codes  
 3 correct, and then people want to change the  
 4 rules that we put a lot of work into.  
 5 Certainly we can see about hearing out the  
 6 process.  
 7 MR. CALLAHAN: Sure. Okay. Appreciate  
 8 that.  
 9 Mr. Divilio.  
 10 MR. DIVILIO: I am going to hold my  
 11 comments until I've had an opportunity to visit  
 12 both properties and hear the response back.  
 13 MR. CALLAHAN: Thank you, Mr. Divilio.  
 14 Okay.  
 15 So do we want to hear a little bit about  
 16 the next one? Is Zach with us tonight? Yeah.  
 17 Zach Smith, I'm not sure he's with us tonight I  
 18 guess.  
 19 So all right. So I guess what we'll do,  
 20 Madam Secretary, what do we have to do next?  
 21 Do we just --

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1 MS. MORRIS: I'm sorry, Mr. --  
 2 MR. CALLAHAN: Go ahead.  
 3 MS. MORRIS: Mr. Callahan, I believe  
 4 Mr. Smith is on. We're trying to unmute him.  
 5 MR. CALLAHAN: Oh, we are. Okay, good.  
 6 Can you hear us yet, Zach?  
 7 MS. MORRIS: Sorry. Technical  
 8 difficulties.  
 9 Parker, can you unmute him?  
 10 MR. DIVILIO: Just while we wait for that.  
 11 For the point of order, this is my first text  
 12 amendment. Are we going to make a motion and  
 13 vote to move this over or does it automatically  
 14 go to them for review and back to us?  
 15 MR. CALLAHAN: I was getting ready to ask  
 16 Madam Secretary, what is the next step with  
 17 this.  
 18 SECRETARY: Mr. Callahan, I defer to  
 19 Mr. Salinas or Mr. Thomas on this.  
 20 MR. CALLAHAN: Okay. All right.  
 21 MR. SALINAS: President Callahan.

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1 MR. CALLAHAN: Yes, sir. Go ahead,  
 2 Miguel.  
 3 MR. SALINAS: President Callahan, I can  
 4 start. And then if Mr. Thomas wants to add to  
 5 that.  
 6 MR. CALLAHAN: Yeah. Sure.  
 7 MR. SALINAS: All it takes is -- it  
 8 doesn't automatically go to the Planning  
 9 Commission and for staff to prepare an analysis  
 10 and report.  
 11 The Council, as a whole, could decide that  
 12 the proposed amendment is inconsistent with  
 13 Chapter 190 and the policies of the  
 14 Comprehensive Plan and it would not be  
 15 processed further.  
 16 But it takes just one, one member of the  
 17 Council who (inaudible) that the subject matter  
 18 is focused on a specific land use, rezoning, or  
 19 other topic or it has comprehensive impacts to  
 20 the general welfare of the county and who want  
 21 to direct it further, sort of a sponsorship.

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1 So they want to direct it further to go to the  
 2 Planning Commission with a recommendation to  
 3 come back to the Council before the Council  
 4 considers introduction.  
 5 I would defer to Mr. Thomas of whether or  
 6 not that requires a motion or just a straw  
 7 pole. I'm not sure about that.  
 8 MR. CALLAHAN: Okay. Mr. Thomas.  
 9 MR. THOMAS: So I would just add any -- I  
 10 think that just any member of the Council can  
 11 make that determination. It says any member of  
 12 the Council. I don't think it requires a  
 13 motion and a majority, a second, and a majority  
 14 vote.  
 15 And I would also add that the member of  
 16 the Council, in determining that the subject  
 17 matter of the amendment has comprehensive  
 18 impacts to the general welfare of the county or  
 19 that it is focused on a specific land use  
 20 zoning or other topic isn't -- it's not a yay  
 21 or nay. It's not a favorable or unfavorable



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1 finding.

2 It's just a determination that moves this

3 to the Planning Commission and then it still

4 has to come back to be introduced and have a

5 public hearing. So there's still many steps in

6 the process to go.

7 MR. CALLAHAN: So if that's the case, is

8 Mr. Smith with us yet?

9 MR. SMITH: Yes, Mr. Callahan, I'm here.

10 MR. CALLAHAN: How you doing, Zach?

11 MR. SMITH: I'm good. Thank you. Sorry.

12 I had a little technical difficulty.

13 MR. CALLAHAN: No problem, no problem,

14 buddy. That's fine.

15 So you want to go ahead. And we've gone

16 over the first text amendment. You want to go

17 ahead and tell us about the next one?

18 MR. SMITH: Sure. So my client has the

19 property down at Cedar Cove. And historically

20 it's been used as a hospitality-type business,

21 a retreat center.

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1 My client acquired it a little over a year

2 ago. It's not exactly clear how it was

3 operating under what land use or approval, but

4 clearly it's been there for a long time. You

5 look at it, it's a large hotel sort of

6 building, has a commercial kitchen. At one

7 point it had a county liquor license. I mean

8 there's all sort of indicia that it was

9 operating out in the open, everyone knew about

10 it.

11 And I think I've talked to groups such as

12 Easton Utilities that had corporate retreats

13 there. So it wasn't really not known, but it's

14 just not clear how it was authorized.

15 And so what this amendment tries to do is

16 just call it what it is and to create a use

17 group where you could have a rural retreat

18 center that is very limited development,

19 nothing new would be added, it's just the

20 existing improvements, and that that could be

21 used to host these sorts of corporate retreats

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1 in a very private setting on a large parcel in

2 existing structures that existed prior to

3 enactment of the critical area law.

4 So again, we're not creating anything new.

5 We're just using the existing facilities as

6 they were designed to be used.

7 MR. CALLAHAN: Okay. Council, open it up

8 to Council. Mr. Pack.

9 MR. PACK: Yes. Excuse me. I'm sorry.

10 Dealing with this bad head cold here.

11 MR. CALLAHAN: I know you are.

12 MR. PACK: This text amendment, I do see

13 the logic behind creating such a distinction of

14 properties that have been previously used in

15 this way.

16 In reading over the text, I think it sets

17 in a number of minimum requirements, if you

18 would, that you wouldn't see a mad run on these

19 types of use in the RC zone.

20 So I think that with the precedent being

21 set that the property was used for this

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1 purpose, and again, I couldn't find how that

2 came to be, but it was clearly used for this

3 type of recreational stay. I think at one time

4 there was a religious group that was using it

5 for a retreat center.

6 The way the property is set up, it's

7 certainly away from other properties. So I

8 think that the language and the prior use of

9 the property does fit with the language.

10 MR. CALLAHAN: Okay. Mr. Divilio.

11 MR. DIVILIO: I'm just taking the time to

12 look through the e-mails that we received from

13 the neighbors who say that the rezoning to

14 change the use of it, yet some of them

15 reference they're been there since the '60s.

16 It seems as though they were unfamiliar with

17 the current use of what was going on there.

18 So and none of them addressed that, that

19 the roads have been destroyed over the years

20 from multiple cars coming. Nobody has said any

21 of that. It's all the fear of what's going to

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<p>1 come with it being changed.</p> <p>2 So yeah. I think it's up to us to do our</p> <p>3 due diligence to go back and figure out how it</p> <p>4 was able to operate so well before that these</p> <p>5 folks didn't even know.</p> <p>6 MR. CALLAHAN: Correct, correct. Yup.</p> <p>7 Ms. Price, you want to say a few things or</p> <p>8 just want to wait?</p> <p>9 MS. PRICE: Also reading the e-mails and</p> <p>10 that it was the exemption apparently for this</p> <p>11 property was it was a non-profit religious</p> <p>12 retreat and it's under new ownership. And that</p> <p>13 may not be the case. It was never intended for</p> <p>14 commercial development.</p> <p>15 So I have some serious concerns with this</p> <p>16 one as well. You know, you buy something under</p> <p>17 the rules that exist. And just because</p> <p>18 somebody was doing something that maybe was</p> <p>19 breaking the rules doesn't mean you make it</p> <p>20 okay to continue.</p> <p>21 So we have to find out what the deal is,</p>	<p>1 at this time, do we have anybody that wants to</p> <p>2 go ahead and I guess sponsor the first text</p> <p>3 amendment on the first one?</p> <p>4 Is that the way we want to handle this?</p> <p>5 Mr. Leshner, is that the way we want to go ahead</p> <p>6 and do a straw poll or raise our hands?</p> <p>7 MR. LESHER: That's the appropriate</p> <p>8 method.</p> <p>9 MR. CALLAHAN: Yup, yup. For the first</p> <p>10 text amendment. Okay.</p> <p>11 And for the second one. Okay.</p> <p>12 Sounds good. Okay. So we'll move them</p> <p>13 on. Sounds like they go to the Planning</p> <p>14 Commission. So they'll do their due diligence</p> <p>15 and help us figure out if this is the route we</p> <p>16 need to go.</p> <p>17 MR. MULLANEY: Thank you all for your time</p> <p>18 tonight.</p> <p>19 MR. CALLAHAN: Yes, sir. Thank you for</p> <p>20 coming.</p> <p>21 And thank you, Zach. Okay.</p>
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<p>1 but my understanding, like Mr. Pack said, this</p> <p>2 was a religious retreat, which was a different</p> <p>3 exception.</p> <p>4 MR. CALLAHAN: Okay. All right.</p> <p>5 Mr. Leshner.</p> <p>6 MR. LESHER: Well, I'm going to need to</p> <p>7 understand a little bit more about how this is</p> <p>8 a continuation. It sounds like quite a</p> <p>9 different function that is facilitated here.</p> <p>10 But I don't think I understand that completely</p> <p>11 yet, and I'm not familiar with this site.</p> <p>12 MR. CALLAHAN: Okay. Well, that sounds</p> <p>13 good.</p> <p>14 I'm actually familiar with the site. So I</p> <p>15 know the site. I've been there.</p> <p>16 So hopefully, Mr. Smith, you can explain a</p> <p>17 little bit more and get Council a little bit</p> <p>18 more comfortable with what we're up against</p> <p>19 here. Okay?</p> <p>20 MR. SMITH: Absolutely. Yes, sir.</p> <p>21 MR. CALLAHAN: So I guess what we'll do,</p>	<p>1 Let's move on to right now eligible for</p> <p>2 vote. So Madam Secretary, could you read the</p> <p>3 first resolution into the record, Resolution</p> <p>4 308, please.</p> <p>5 SECRETARY: Resolution Number, 308 a</p> <p>6 resolution to rescind adoption of Resolution</p> <p>7 Number 281, a resolution to amend the Talbot</p> <p>8 County comprehensive water and sewer plan, the</p> <p>9 plan, to reclassify and remap portions of</p> <p>10 certain real property located in the Town of</p> <p>11 Trappe, Maryland, associated with the Lakeside</p> <p>12 planned unit development, the Lakeside project,</p> <p>13 formerly known as Trappe East. Further</p> <p>14 described as tax map 54, parcel 304, tax map</p> <p>15 55, parcels 14, 15, 17, 19, 44, 65, 83, and 85,</p> <p>16 and tax map 59, parcel four. The total area</p> <p>17 consisting of 865 acres, more or less, the</p> <p>18 property, from S-2 and W-2, areas where</p> <p>19 improvements or extensions to existing or</p> <p>20 construction of new community multi-use or</p> <p>21 shared sanitary facilities are programmed for</p>

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<p>1 progress within three to five years to S-1 and                  2 W-1, areas served or to be served by community,                  3 multi-use, or shared sanitary facilities which                  4 are existing, under construction, or have                  5 immediate priority status. To amend the plan                  6 to add certain water and sewer capital projects                  7 related to the Lakeside project and existing                  8 systems for the fiscal years 2020 through 2030.                  9 To amend the plan to update the narrative                  10 description in the plan relative to the                  11 Lakeside project and existing systems, as                  12 amended, without prejudice.                  13 MR. CALLAHAN: Thank you, Madam Secretary.                  14 I appreciate that.                  15 So I think what we'll do on this,                  16 Mr. Leshner, I'm probably going to hand it over                  17 to you. This was your resolution here at                  18 first. And we've heard a lot here in the last                  19 three months, all of us.                  20 And just what's your thoughts, if you're                  21 getting a little bit more comfortable on what</p>	<p>1 was removed from their agenda. So it's not                  2 their fault that they didn't take this up in                  3 February.                  4 So since it was removed from their agenda                  5 because of the work session that we had, I                  6 think that's appropriate.                  7 MR. CALLAHAN: Mr. Divilio.                  8 MR. DIVILIO: No comment at this time.                  9 MR. CALLAHAN: Mr. Pack, yup, you want to                  10 comment.                  11 MR. PACK: I'll move either way,                  12 Mr. Divilio. I mean I'm ready to vote. But if                  13 the majority wants to push it back to                  14 March 14th, I can vote then.                  15 MR. CALLAHAN: You know, so I think we                  16 stick with the game plan, let the Planning                  17 Commission take a look at it one more time.                  18 And then we can wait until the next meeting to                  19 go and vote on it. That's what I'd like to do.                  20 Okay.                  21 So Madam Secretary, could you read the</p>
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<p>1 you've listened to.                  2 MR. LESHER: Thank you, Mr. Callahan. And                  3 I think we're getting close to the conclusion                  4 on this one.                  5 We had a workshop, joint workshop with the                  6 Planning Commission just a week ago. In going                  7 over that at the workshop, I think we agreed                  8 that we were going to hear a formal written                  9 opinion from the Planning Commission. They'll                  10 be able to deliver that on the first, in their                  11 deliberations in the first Wednesday in March.                  12 And so this can be back before us in our                  13 first regular legislative session in March,                  14 which would be the next time that we meet.                  15 So I just ask that we follow the plan that                  16 we set out in that workshop and defer action on                  17 this until our next meeting.                  18 MR. CALLAHAN: Ms. Price.                  19 MS. PRICE: That's fine. They didn't end                  20 up discussing it at their February meeting                  21 because we had the work session planned. So it</p>	<p>1 next one.                  2 SECRETARY: Resolution Number 313, a                  3 resolution to amend the Talbot County                  4 comprehensive water and sewer plan regarding                  5 the connection of phase one, section one of the                  6 Lakeside project to the existing Trappe                  7 wastewater system.                  8 MR. CALLAHAN: Thank you, Madam Secretary.                  9 Once again, Mr. Leshner, I think Ms. Price                  10 and you had this.                  11 So Ms. Price, you want to go ahead first.                  12 MS. PRICE: Please.                  13 MR. CALLAHAN: Sure.                  14 MS. PRICE: Thank you. So obviously on                  15 this one, we got a initial recommendation from                  16 the Planning Commission as written that it was                  17 not consistent with the Comprehensive Plan.                  18 And then at our meeting last month, an                  19 amendment was read into the record and                  20 introduced. And there was some confusion                  21 whether or not we needed to take a vote at the</p>

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<p>1 time. And I believe that Mr. Thomas was not                  2 quite clear at that meeting.                  3 And I think Mr. Leshner has had a                  4 conversation with him that just like when it                  5 only takes one Council member to introduce a                  6 resolution before it goes to the Planning                  7 Commission, that would be the case with an                  8 amendment that has been introduced, that it                  9 goes to the Planning Commission.                  10 So I believe that much like 308, at our                  11 last meeting we did discuss that we would like                  12 the Planning Commission to comment on that                  13 amendment.                  14 They've made comments, letters back in                  15 November talking about connection to ENR, which                  16 is what this amendment is. But maybe when they                  17 wrote their letter back in November, they                  18 didn't really have anything specific to comment                  19 on.                  20 So I think we had some discussion at the                  21 last Council meeting. And there were -- I know</p>	<p>1 MS. PRICE: No. Because for the exact                  2 same reason as 308. It only takes one Council                  3 member to bring an amendment forward, which was                  4 read into the record, for comment by the                  5 Planning Commission.                  6 So I'd rather not just stop the process.                  7 I'd like to hear what they have to say. And if                  8 it's not, then we'll know what to do going                  9 forward.                  10 MR. CALLAHAN: Okay. Mr. Divilio.                  11 MR. DIVILIO: Could you just remind me                  12 again? So on this amendment that you're                  13 sending over to them, now this was written                  14 before Trappe agreed to upgrade their plant.                  15 Is that correct?                  16 MS. PRICE: Oh, goodness, no. That plant                  17 has been in the works to be upgraded for years.                  18 And that plant --                  19 (Cross talk.)                  20 MS. PRICE: No, no, no. That plant, the                  21 wastewater treatment plant was due to be</p>
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<p>1 for one I would like to hear what they would                  2 have to say about that amendment, whether that                  3 amendment would be consistent with the                  4 Comprehensive Plan or not.                  5 So I would like to treat this one the same                  6 way and then just go ahead and let them, again,                  7 take that up at their March meeting and bring                  8 them both back because they're very similar                  9 circumstances.                  10 MR. CALLAHAN: So Mr. Leshner, what's your                  11 thoughts on this one here?                  12 MR. LESHER: Well, in all honesty, what                  13 Ms. Price outlined would be my preferred course                  14 of action.                  15 MR. CALLAHAN: You still want to kind of                  16 go through?                  17 I know we talked a little bit about a lot                  18 of things about 313. Ms. Price, do you think                  19 it would be best to go ahead and withdraw that                  20 at the moment and then we come up with a new                  21 one?</p>	<p>1 upgraded before Lakeside even was talked about.                  2 That's been in the works for a while, the                  3 grant.                  4 And that has nothing to do with what we're                  5 speaking of this evening.                  6 I think we just need to stick with the                  7 procedure, that an amendment was introduced and                  8 we've asked for the Planning Commission to                  9 comment on it.                  10 And we don't need to get into the meat and                  11 potatoes of the timing. We've done that ad                  12 nauseam. We've had two work sessions and                  13 discussed it at several Council meetings.                  14 And right now, I just want to hear from                  15 the Planning Commission about this amendment.                  16 We can talk about it, but they are our                  17 recommending board.                  18 MR. DIVILIO: Okay. Well, thank you for                  19 giving me permission to talk about it. That's                  20 great.                  21 So I've received a lot of complaints that</p>

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1 we were going to allow these hookups before it  
 2 was approved to be an ENR plant, yet Trappe did  
 3 vote on that.  
 4 And I don't believe any of us went down  
 5 there, attended that meeting or participated in  
 6 that.  
 7 And I don't believe that was -- I know  
 8 that was not my impression when this was  
 9 drafted, that Trappe was prepared to make a  
 10 vote to do that.  
 11 MS. PRICE: That plant has been scheduled  
 12 to be upgraded for some time. And we know that  
 13 it's still going to be another two to three  
 14 years before that actually takes place.  
 15 So we have, the reason for this was to  
 16 figure out what to do in the interim.  
 17 I think it's wonderful that the plant is  
 18 going to be upgraded. Absolutely. It needed  
 19 to be upgraded even without Lakeside.  
 20 But the problem is the interim, the next  
 21 two to three years of hooking up.

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1 But again, I don't want to get into the  
 2 debate on that. We've done that in about four  
 3 different meetings.  
 4 The amendment was introduced.  
 5 Procedurally it only takes one Council person  
 6 to introduce either the resolution or the  
 7 amendment. And it should properly go to the  
 8 Planning Commission.  
 9 MR. DIVILIO: Okay. I just don't want to  
 10 confuse them anymore because it seems like  
 11 we've gone back and forth and they've gone back  
 12 and forth several times.  
 13 And I'm trying just to figure out with new  
 14 information, why we would submit back the old  
 15 document --  
 16 (Cross talk.)  
 17 MR. DIVILIO: -- coming back and updating  
 18 with something new.  
 19 MS. PRICE: It's not an old document.  
 20 This is a new amendment that was introduced a  
 21 few weeks ago. And again --

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1 MR. PACK: Mr. Callahan.  
 2 MR. CALLAHAN: Yes, sir, go ahead. Go  
 3 ahead, Mr. Pack.  
 4 MR. PACK: If I may, I think that Council  
 5 has some confusion.  
 6 The matter that's before us for vote  
 7 tonight is the amendment of 313 that the  
 8 Planning Commission and the Public Works  
 9 Advisory Board found inconsistent. That's  
 10 what's before you tonight to consider.  
 11 So if you go back and look at your packet,  
 12 the amendment that's before us tonight is not  
 13 what Mr. Leshar had attempted to introduce two  
 14 weeks ago. Okay.  
 15 Let's make sure we stay on the right track  
 16 here.  
 17 MS. PRICE: I'm not -- Mr. Pack --  
 18 MR. PACK: What you're talking about here  
 19 is the amendment that was introduced prior that  
 20 the Planning Commission and the Public Works  
 21 Advisory Board both said were inconsistent,

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1 that's what you're talking about tonight.  
 2 MS. PRICE: No, we're not talking about  
 3 the amendment.  
 4 MR. PACK: If I may, Ms. Price. I did not  
 5 interrupt you --  
 6 (Cross talk.)  
 7 MR. CALLAHAN: One at a time.  
 8 MS. PRICE: Mr. Callahan, I'm not going to  
 9 let you --  
 10 MR. CALLAHAN: -- last week --  
 11 (Cross talk.)  
 12 MR. PACK: A resolution is not an  
 13 amendment.  
 14 MS. PRICE: The resolution --  
 15 (Cross talk.)  
 16 MR. PACK: It only takes one person to  
 17 introduce a resolution and amendment.  
 18 MS. PRICE: And amendment.  
 19 MR. PACK: Has to have a second and has to  
 20 have a vote.  
 21 MS. PRICE: Okay. Mr. Thomas, I'd like to

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<p>1 hear from you because I think you specifically 2 told Mr. Leshar it only took an introduction of 3 the amendment before we can send it to the 4 Planning Commission. 5 MR. THOMAS: In the past, and with 281 6 specifically, amendments were introduced and 7 then sent to the Planning Commission for the 8 recommendation before they were voted on -- 9 MS. PRICE: There you go. 10 MR. THOMAS: -- by the Council. 11 The introduction of an amendment is not 12 the same as a motion to approve the amendment. 13 So even -- it would still have to be -- someone 14 would still have to make a motion to approve 15 the amendment, it would need a second, and it 16 would have to be voted on. 17 MR. PACK: But those introductions to 308 18 did have a majority support to forward them 19 over to the Planning Commission. There was a 20 majority support to send them to the Planning 21 Commission.</p>	<p>1 amendment that was entered in and both the 2 Planning Commission and the Public Works 3 Advisory Board found to be inconsistent. 4 MS. PRICE: That's not correct. There was 5 no amendment to 313 until the last Council 6 meeting. 7 The Planning Commission -- 8 MR. PACK: Yes, there was. 9 MS. PRICE: Mr. Pack, there was no 10 amendment that the Planning Commission has yet 11 considered. 12 They considered the resolution as written 13 with the 18-month language. 14 The amendment about connection to an ENR 15 plant has not gone to the Planning Commission. 16 Mr. Thomas just told you that it only 17 takes the introduction of the amendment, not a 18 vote, before it goes to the Planning 19 Commission. 20 So if you will now listen to your county 21 attorney --</p>
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<p>1 MS. PRICE: Did you just hear what 2 Mr. Thomas said? 3 (Cross talk.) 4 MR. PACK: -- upon it of an amendment. 5 It's written in Robert's Rules of Order -- 6 MS. PRICE: Mr. Thomas, could you 7 please -- 8 (Cross talk.) 9 MR. PACK: -- governmental body handles 10 amendments that way. 11 MS. PRICE: Are you going to listen to 12 your county attorney who just told you -- 13 MR. PACK: -- listen to the county 14 attorney. Listened to the county attorney 15 address this on several occasions. 16 MS. PRICE: Mr. Thomas, could you 17 please -- 18 MR. PACK: Even so, and even so, that's 19 not what we have here before us tonight. 20 MS. PRICE: Yes, it does. Mr. -- 21 MR. PACK: Before us tonight is the</p>	<p>1 MR. PACK: That's not true, that's not 2 true. 3 MS. PRICE: Okay -- 4 (Cross talk.) 5 MR. PACK: Even so, that's not what is in 6 front of us right now. The amended 313 is not, 7 with that language, is not what's in front of 8 us. 9 MS. PRICE: Because we haven't gotten a 10 recommendation back from the Planning 11 Commission, which is allowed and proper. 12 MR. PACK: It hasn't gone to the Planning 13 Commission -- 14 MS. PRICE: That's what I'm -- 15 (Cross talk.) 16 MR. PACK: It has not gone to the Planning 17 Commission. 18 MS. PRICE: That's what we're trying to -- 19 MR. PACK: Because it was not voted on by 20 the Council to move it to the Planning 21 Commission.</p>

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<p>1 MS. PRICE: Mr. Callahan, could you please</p> <p>2 have Mr. Thomas repeat what he said?</p> <p>3 MR. CALLAHAN: Okay.</p> <p>4 MS. PRICE: Without Mr. Pack interrupting</p> <p>5 the county attorney.</p> <p>6 MR. CALLAHAN: I'm going to warn</p> <p>7 everybody. Okay. Everybody talks one at a</p> <p>8 time. And I mean that.</p> <p>9 Mr. Thomas, can you slowly go through what</p> <p>10 we're looking at exactly right here at 313? We</p> <p>11 are looking at the original resolution right</p> <p>12 here.</p> <p>13 MR. THOMAS: Right. So this resolution</p> <p>14 was introduced, Resolution 313 was introduced,</p> <p>15 went to the Planning Commission as a</p> <p>16 comprehensive water and sewer plan amendment</p> <p>17 for their recommendation, their review and</p> <p>18 recommendation as to its consistency with the</p> <p>19 Comp Plan --</p> <p>20 MR. CALLAHAN: This one right here.</p> <p>21 MR. THOMAS: This one, 313. They</p>	<p>1 that?</p> <p>2 MR. CALLAHAN: Like two years ago.</p> <p>3 MR. DIVILIO: Okay.</p> <p>4 MR. PACK: That was with 281.</p> <p>5 MR. DIVILIO: Okay. And I'm just trying</p> <p>6 to figure out. So we have given the ability</p> <p>7 for additional hookups to that plant?</p> <p>8 MR. CALLAHAN: Yeah. It was like I think</p> <p>9 12, 12 lots or 12 homes I think. Twelve to 15</p> <p>10 homes, we allowed that to happen.</p> <p>11 And I don't know if Ray is on here or not,</p> <p>12 but Mr. Clarke can clear that up.</p> <p>13 MR. DIVILIO: And was that sent? Would we</p> <p>14 have sent that over to them as well to certify</p> <p>15 that it was within the plan for us to do that?</p> <p>16 MR. CALLAHAN: You're talking about the</p> <p>17 Planning Commission?</p> <p>18 MR. PACK: The Planning Commission?</p> <p>19 MR. DIVILIO: Yeah.</p> <p>20 MR. PACK: That was in part of 281.</p> <p>21 MR. DIVILIO: Okay. There is precedent</p>
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<p>1 determined it was not consistent with the</p> <p>2 Comprehensive Plan.</p> <p>3 And then Council Member Leshar introduced</p> <p>4 an amendment to this resolution that changes</p> <p>5 the language and would provide essentially that</p> <p>6 phase one cannot connect to the existing</p> <p>7 facility until it's ungraded to ENR treatment.</p> <p>8 That has only been introduced. The Planning</p> <p>9 Commission, to my knowledge, has not weighed in</p> <p>10 on that.</p> <p>11 So that's where we are.</p> <p>12 That amendment has not been moved. Nobody</p> <p>13 has made a motion to amend it. Resolution 313</p> <p>14 is currently as introduced.</p> <p>15 But that's where we are. So we have an</p> <p>16 amendment that's been introduced and that's it</p> <p>17 in my view.</p> <p>18 MR. DIVILIO: And help me out here,</p> <p>19 Mr. Thomas or Mr. Pack. The lots that were</p> <p>20 added in Trappe that we had, that we gave the</p> <p>21 ability to connect, do you remember when we did</p>	<p>1 that we have already added additional hookups</p> <p>2 to that plant and that it was within the</p> <p>3 Comprehensive Plan and okay to do that.</p> <p>4 And now we're sending over an amendment</p> <p>5 saying that it's not okay to hook up anything</p> <p>6 else to it?</p> <p>7 MR. PACK: That's yet to be seen,</p> <p>8 Mr. Divilio. I think there has to be a vote</p> <p>9 taken on that amendment and whether or not it</p> <p>10 goes forward.</p> <p>11 MR. DIVILIO: And I apologize --</p> <p>12 (Cross talk.)</p> <p>13 MR. PACK: But before we get that, how do</p> <p>14 we dispose of 313 that's on the agenda for vote</p> <p>15 tonight?</p> <p>16 MS. PRICE: And as Mr. Thomas just stated,</p> <p>17 the amendment was introduced, it procedurally</p> <p>18 should go to the Planning Commission, which it</p> <p>19 has --</p> <p>20 MR. PACK: He did not say that.</p> <p>21 MS. PRICE: That is what he just stated</p>

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1 twice and is exactly what we're doing with 308.  
 2 Mr. Lesher, I see your finger up.  
 3 MR. PACK: He did not say that.  
 4 MR. CALLAHAN: Mr. Lesher. Go ahead,  
 5 Mr. Lesher.  
 6 MR. LESHER: Mr. Callahan, I think we've  
 7 got two courses, possible courses of action in  
 8 front of us.  
 9 One is that all -- so we can't really vote  
 10 on this because we have as written, unamended  
 11 as written, the Planning Commission has found  
 12 that this is inconsistent with the  
 13 Comprehensive Plan. And therefore, it cannot  
 14 go up for a vote before the Council.  
 15 The only, the option, then, is for the  
 16 sponsors, and there are three of us sponsoring  
 17 this Resolution 313, if all three withdraw  
 18 their sponsorship, the resolution dies.  
 19 If, on the other hand, we take no action  
 20 or if not all three sponsors withdraw their  
 21 sponsorship, it remains alive. And presumably

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1 while it remains alive, the Planning Commission  
 2 could consider the amendment.  
 3 We can take this up next time presumably  
 4 after we've heard from the Planning Commission  
 5 or we could all withdraw our sponsorship of  
 6 this resolution.  
 7 MR. CALLAHAN: I think for purposes of  
 8 simplifying this and simplifying it, I think we  
 9 all know where we need to go and we're  
 10 struggling getting to the finish line here.  
 11 I would prefer my vote to be withdrawn.  
 12 That's what I would like to do. And then that  
 13 way, you know, we're going to be voting on 308  
 14 next meeting.  
 15 This gives us an opportunity to get this  
 16 thing right, Mr. Lesher. And I think this 313  
 17 has somewhat, if you will, dirtied the water.  
 18 And let's go ahead and look at this again  
 19 because I think we all want to be there, but  
 20 let's go ahead and withdraw and come back with  
 21 a new one. It's that easy.

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1 MS. PRICE: No. I'm going to follow the  
 2 proper procedure that is due to any Council  
 3 person who introduces a resolution and has an  
 4 amendment.  
 5 MR. CALLAHAN: No problem.  
 6 MS. PRICE: And we have the right to do  
 7 that. And that is what Mr. Lesher said his  
 8 preferred course of action is.  
 9 And everybody who's just got their minds  
 10 made up that they're not willing to do anything  
 11 that they're not allowed to let the procedure  
 12 take place, because they know, every Council  
 13 member knows exactly what the Planning  
 14 Commission is probably going to decide because  
 15 they've already stated their preference to  
 16 connect to ENR.  
 17 So I think we kind of know what the  
 18 outcome is going to be, and I feel like someone  
 19 is trying to usurp the proper procedure to get  
 20 their desired outcome.  
 21 And so I am not going to withdraw my

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1 sponsorship of the resolution, and I'm not  
 2 going to withdraw the sponsorship of the  
 3 amendment. And for goodness sakes, they're  
 4 going to be considering 308 at their next  
 5 meeting. They should consider this amendment,  
 6 and we can come back and we can figure it out.  
 7 MR. DIVILIO: Well, you gave us permission  
 8 to talk about it. So I'm going to continue  
 9 doing that under that. And I appreciate that.  
 10 So I have heard from a lot of people in  
 11 the community that they don't know how to shut  
 12 this project down and they're not against it  
 13 but they're against the spray irrigation that  
 14 could come out there.  
 15 So from my research, I found that there's  
 16 only three types of wastewater treatment  
 17 facilities that are available.  
 18 Mr. Thomas, is it possible to create a  
 19 neighborhood, like a development like this, and  
 20 ban sewer so that everybody has to have a  
 21 colostomy bag or do they have to have a



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1 wastewater treatment facility?  
 2 MR. THOMAS: I cannot answer offhand  
 3 whether the development has to have a  
 4 wastewater treatment system.  
 5 I would think that septic would not be the  
 6 preferred option, but I imagine -- I would have  
 7 to look at the code to confirm that. I don't  
 8 know if Miguel can confirm that offhand.  
 9 (Cross talk.)  
 10 MR. DIVILIO: And MDE, the governing body  
 11 of these facilities that approves them, is  
 12 going to issue a permit to make sure that it's  
 13 able to handle the load that it's receiving. I  
 14 mean that's their job.  
 15 So I'm completely confused at what anybody  
 16 is trying to achieve with 313. Is it that you  
 17 think that you said well, the Trappe plant is  
 18 not going to come for two years, so if we  
 19 require them to wait until that's been upgraded  
 20 so that you're putting a moratorium for two  
 21 years on that development, or are you giving

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1 the Planning Commission the tools to say this  
 2 is the style facility that we would like to see  
 3 there in the interim?  
 4 Because I don't see that in there. Is the  
 5 interim problem solution in there?  
 6 MS. PRICE: Mr. Divilio, I addressed that  
 7 last month. There is technology that can be  
 8 brought in on a temporary basis.  
 9 This is in no way, shape, or form a  
 10 moratorium. Not at all --  
 11 MR. DIVILIO: That's in here? That's  
 12 on -- where is --  
 13 MS. PRICE: No. It just says they have to  
 14 connect to ENR technology. It doesn't matter  
 15 what kind of ENR technology.  
 16 You can bring in temporary modules  
 17 tomorrow or next week or whatever --  
 18 MR. DIVILIO: Why wouldn't we ask them to  
 19 evaluate the solution? Or is it their job to  
 20 come up with that?  
 21 MS. PRICE: No. We know what the ultimate

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1 solution is. They have -- the spray irrigation  
 2 is completely separate. That's their long-term  
 3 solution for the entire development.  
 4 The short-term solution was to connect to  
 5 the Trappe wastewater treatment plant, which  
 6 based on information that we have learned, is  
 7 not necessarily the best option.  
 8 And I'm going to state this one more time.  
 9 There are three different types of treatment  
 10 that they have; the ENR, the BNR, and the  
 11 BIOLAC.  
 12 Why wouldn't you require the best  
 13 technology if it's available? If it wasn't  
 14 available, that's fine. And it's not great.  
 15 But my point is there is no moratorium.  
 16 The technology exists that can be brought in  
 17 very rapidly for a short term while the  
 18 treatment plant is getting upgraded and while  
 19 they're building their spray irrigation field  
 20 after MDE approves that.  
 21 This is a short-term interim solution to

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1 require them to connect to ENR technology,  
 2 which they could do immediately. They don't  
 3 have to wait.  
 4 MR. DIVILIO: So I wasn't talking about  
 5 ENR and BIOLAC.  
 6 I was talking about direct discharge spray  
 7 irrigation or the ground drilling pipes --  
 8 MS. PRICE: That has nothing to do with  
 9 Resolution 313. That's a whole --  
 10 MR. DIVILIO: Right. So what I was  
 11 addressing was on this amendment, that I would  
 12 think that amendment number two that we could  
 13 send over to them is saying here is the  
 14 solution of using a temporary package facility  
 15 that would be able to maintain it until Trappe  
 16 is upgraded or until Lakeside is able to  
 17 develop theirs. But that's not in this.  
 18 This is just saying --  
 19 MS. PRICE: It's just broad. They can use  
 20 whatever -- they can use anything they want as  
 21 long as it's ENR.

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1 So if they want to use what you're  
 2 speaking of, I'm told there are temporary  
 3 modular units can be brought in to connect  
 4 whatever homes are built while they're doing  
 5 their other process.  
 6 And we're talking about the merits right  
 7 now, which we can talk about at the next  
 8 meeting after we get a recommendation from the  
 9 Planning Commission and the resolution has been  
 10 introduced, the amendment has been introduced,  
 11 and the next proper procedure, just like 308,  
 12 is to send it to the Planning Commission. And  
 13 then we can have the rest of this debate  
 14 whether or not you agree with the  
 15 recommendation the Planning Commission will  
 16 give us.  
 17 But we are heed of -- putting the cart  
 18 before the horse here because we don't even  
 19 know what the Planning Commission thinks of the  
 20 amendment.  
 21 And that's all that should be being

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1 discussed tonight and the procedure. And the  
 2 county attorney has told you that that is what  
 3 is supposed to happen.  
 4 MR. DIVILIO: Well, obviously it's  
 5 procedure. But it's also procedure and  
 6 acceptable for somebody to withdraw theirs and  
 7 it's fine for anybody to ask for that as well  
 8 if they're completely against it.  
 9 So I don't understand the hostility.  
 10 We're trying to all get to the same point here.  
 11 MS. PRICE: Well, I'm not withdrawing my  
 12 sponsorship. So I would hope that it's all  
 13 going forward now with the Planning Commission  
 14 for their March meeting.  
 15 MR. SALINAS: President Callahan.  
 16 MR. CALLAHAN: Yes, sir.  
 17 MR. SALINAS: I'm sorry. It's kind of  
 18 awkward.  
 19 MR. CALLAHAN: Yeah.  
 20 MR. SALINAS: Sorry to interrupt.  
 21 MR. CALLAHAN: Please do.

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1 MR. SALINAS: So there's two parts to this  
 2 308 in terms of Planning Commission's role.  
 3 308. My understanding the delay on the  
 4 vote for 308 so the Planning Commission has an  
 5 opportunity to opine on 308.  
 6 And then there's 313, which is under  
 7 discussion now.  
 8 The Planning Commission has advertised  
 9 their March meeting, which is next week,  
 10 Wednesday. I don't know. And I defer to  
 11 county attorney on this for let's just say 308,  
 12 the Planning Commission's opinion on 308.  
 13 If it falls under discussion items, can we  
 14 amend the agenda without -- with the agenda  
 15 already having been advertised in The Star  
 16 Democrat? And if not, then we'll have to look  
 17 at an agenda or, I'm sorry, an April meeting  
 18 for that.  
 19 And then the same thing. Whatever  
 20 conclusion is on Resolution 313, if indeed it  
 21 does go back to the Planning Commission with an

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1 amendment to the original resolution, that  
 2 definitely would have to get advertised, which  
 3 means it wouldn't go until April.  
 4 MS. PRICE: Well, I'm going to  
 5 respectfully say it should have been on their  
 6 agenda because the Council gave direction in  
 7 the January meeting for them to discuss it. So  
 8 if somebody dropped the ball in not getting on  
 9 the agenda, it was supposed to be on their  
 10 agenda in February and it was removed.  
 11 And if it hasn't been advertised, then  
 12 somebody needs to fix it because it should have  
 13 been because Council gave direction on both  
 14 resolutions at our last meeting.  
 15 MR. CALLAHAN: Mr. Thomas, you want to  
 16 speak any more about this?  
 17 MR. THOMAS: Well, I'll just say as far as  
 18 the Planning Commission, I mean just it's  
 19 important to keep in mind that 308 and 313 are  
 20 two different things.  
 21 I mean 308 is a resolution rescinding

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<p>1 Resolution 281. So it's not a comprehensive 2 water and sewer plan amendment. 313 3 specifically is a comprehensive water and sewer 4 plan amendment. So they don't quite follow the 5 same process.</p> <p>6 If the Planning Commission, I don't know 7 that the Planning Commission has to have a 8 public hearing on 308, in which case I believe 9 they probably could amend their agenda to add 10 this. The agenda can be amended to address 11 items when they become known that weren't known 12 at the time of publication.</p> <p>13 But if the comprehensive water and sewer 14 plan amendments typically have a public hearing 15 before the Planning Commission, then this 16 amendment coming back would probably require 17 another public hearing, in which case it would 18 be too late to get that published for the March 19 meeting.</p> <p>20 MR. CALLAHAN: Mr. Leshler. 21 MS. PRICE: Well, I've got a question.</p>	<p>1 relates to a condition on the connection of 2 phase one to the existing facility, similar as 3 308 does.</p> <p>4 I don't know offhand whether in the past 5 they've treated -- there's no procedure for how 6 these amendments, these introductions to 7 amendments go back and then whether they have a 8 public hearing on them or not.</p> <p>9 So I just have to look more closely at how 10 that's been followed in the past to make sure 11 we're following the same practice.</p> <p>12 MR. CALLAHAN: (Inaudible.) 13 MR. LESHNER: Well, I think that we don't 14 have withdrawal of all the sponsors. And so we 15 can move on to the next agenda item.</p> <p>16 MR. CALLAHAN: All right. So -- 17 MR. PACK: Mr. Callahan, a point of order. 18 Since 313 is before you for vote, as the chair, 19 you can always choose to table this. I don't 20 think you can just leave it hanging out there 21 and just move on to the next item. You must</p>
<p>Page 103</p> <p>1 MR. CALLAHAN: Go ahead, Ms. Price. 2 MS. PRICE: When we have amendments and if 3 we've already had a public hearing, the county 4 attorney always tells us whether they're 5 substantive or not.</p> <p>6 So the Planning Commission has already had 7 a public hearing on 313. And when you and I 8 talked about this amendment, you told me it 9 wasn't substantive.</p> <p>10 So wouldn't that follow the same 11 procedure? They've already had their public 12 hearing and now they're just reviewing an 13 amendment. They've already had their public 14 hearing.</p> <p>15 And so if you told me it wasn't 16 substantive, then it shouldn't be substantive 17 for the Planning Commission either and they 18 should be able to add it back into their 19 agenda.</p> <p>20 MR. THOMAS: I don't believe it is a 21 substantive amendment because I think it</p>	<p>Page 105</p> <p>1 address it, as uncomfortable as it may be. 2 So either you can call the vote on 313 or 3 you can choose to table 313. But you just 4 can't move on.</p> <p>5 MS. PRICE: No. It's going to the 6 Planning Commission. That's the next point. 7 The amendment is going to the Planning -- 8 MR. PACK: 313 has already gone to the 9 Planning Commission. They've already 10 considered it and they've already said it's not 11 consistent with the Planning Commission water 12 and sewer plan.</p> <p>13 MS. PRICE: You don't listen very well. 14 The amendment is going to the -- 15 MR. PACK: There is no amendment to 313 16 before the Planning Commission. 17 MS. PRICE: -- Mr. Thomas -- 18 MR. PACK: -- keep on saying that over and 19 over. 20 I'm talking about the agenda that we voted 21 on that's printed here tonight, Ms. Price. I</p>

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<p>1 don't know what you're talking about. I'm 2 talking about the agenda that's printed that we 3 all agreed on no more than three hours ago when 4 we started at this. This is what I'm talking 5 about, 313 as printed in your packet. 6 MR. CALLAHAN: I'll tell you what -- 7 MR. PACK: 313 as printed in your packet. 8 MR. CALLAHAN: I don't want to hear any 9 more. I don't want to hear any more. We're 10 going to table it. So that ends that. 11 MS. PRICE: Mr. Callahan, you can't just 12 make it go away. There is an amendment -- 13 MR. CALLAHAN: I didn't. I said I tabled 14 it. I didn't make it go away. 15 MS. PRICE: -- amendment on the floor to 16 go to the Planning Commission. 17 MR. CALLAHAN: That's fine. Let it go. 18 MS. PRICE: And it needs to go to the 19 Planning Commission at their next meeting. 20 MR. CALLAHAN: Let it go, let it go. 21 MS. PRICE: But tabling it makes it go</p>	<p>1 motion -- 2 MR. PACK: Thank you. 3 MR. THOMAS: But the introduction, any 4 member can introduce the amendment. 5 MS. PRICE: Correct. An introduction of 6 the amendment is to go to the Planning 7 Commission. 8 MR. PACK: No, it's not. No, it's not. 9 MS. PRICE: Okay. Then you can tell your 10 county attorney that he's wrong. 11 He just told you an introduction is 12 different than a motion and a second to vote. 13 An introduction, just like introduction of a 14 resolution, goes to the Planning Commission. 15 MR. PACK: Ms. Price, you can introduce 16 anything. You can introduce in writing, you 17 can introduce verbally. 18 But that introduction is not a gateway, 19 it's not a free pass for that amendment to now 20 move forward. It still has to be acted upon. 21 MS. PRICE: (Inaudible.)</p>
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<p>1 completely away and that is unacceptable. 2 MR. CALLAHAN: No, it doesn't. You can 3 bring it up at any time. 4 MR. PACK: There is no amendment. 5 MR. CALLAHAN: You can bring it up at any 6 time. 7 MR. PACK: You can make your amendment at 8 any time, but the amendment that was introduced 9 last week, if I remember, two weeks ago, if I 10 remember correctly, the second to that 11 amendment was withdrawn. 12 MS. PRICE: Mr. Thomas, can you please 13 clarify, like you did to Mr. Leshner? You don't 14 need a second to introduce an amendment. 15 MR. THOMAS: A second is not needed -- 16 MR. PACK: You do need a second to an 17 amendment. You do. 18 MS. PRICE: Listen to him. 19 MR. THOMAS: The motion to amend has to 20 have a second, just like any other motion, and 21 there has to be a vote. And you all can make a</p>	<p>1 MR. PACK: -- on the table. 2 MS. PRICE: Mr. Thomas, please fix this. 3 You've told him three times an introduction can 4 go to the Planning Commission. 5 MR. THOMAS: That is correct. 6 MR. PACK: He did not say that. You said 7 that three times. He has not said that. 8 MR. THOMAS: I think there's a couple of 9 ways it could work. 10 The introduction, introduce a written 11 amendment, like was done with 313. And then 12 you can move that, you can send that to the 13 Planning Commission for their recommendation as 14 a comprehensive water and sewer plan amendment. 15 You can make a motion to amend Resolution 16 313 as set forth in this amendment, put it up. 17 And if it passes, then you send the resolution 18 as amended to the Planning Commission. 19 The way it's been done in the past is the 20 introduction was sent to the Planning 21 Commission. I don't think there's anything in</p>

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1 the rules or Robert's Rules that specifically  
 2 addresses that one way or the other.  
 3 To me, I think it actually makes more  
 4 sense to vote on the amendment first so you're  
 5 not sending piecemeal introduced amendments.  
 6 But you have a precedent for doing it that way  
 7 in the past, so I think you can do it either  
 8 way.  
 9 MR. CALLAHAN: So what I'm hearing -- bear  
 10 with me, Mr. Pack, bear with me. What I'm  
 11 hearing from Mr. Thomas is your recommendation  
 12 is call for the vote, that's what your  
 13 recommendation is, because this doesn't have  
 14 the amendment on it.  
 15 Is that what I'm hearing?  
 16 MR. THOMAS: This agenda does not have the  
 17 amendment on it. Or somebody can make a motion  
 18 to amend Resolution 313. When we did this with  
 19 the rules of procedure resolution, 311, where  
 20 somebody made a motion to amend a certain  
 21 section of that resolution by changing one

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1 sentence to read a different way or insert or  
 2 delete language.  
 3 So I mean that's an option as well.  
 4 MS. PRICE: So if I have to make a motion  
 5 to reintroduce this amendment that was already  
 6 read into the record and introduced, I'll do  
 7 that again. But we already did that and  
 8 everybody is ignoring the fact that the  
 9 amendment was properly introduced.  
 10 And you just said that if introduced, and  
 11 there's precedent for it, it can go to the  
 12 Planning Commission.  
 13 I don't care what makes more sense or  
 14 what's clear. If the rules allow and there's  
 15 precedent for an introduction of an amendment  
 16 to go to the Planning Commission, then that's  
 17 where it should go, period.  
 18 MR. THOMAS: I'm just pointing out the  
 19 options.  
 20 MS. PRICE: It's an option. But that  
 21 doesn't mean that that's the rule.

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1 And so if we have done introductions  
 2 before and they have gone to the Planning  
 3 Commission, then that's exactly what should  
 4 happen because I don't have enough information,  
 5 nor does the rest of the Council have enough  
 6 information if they're willing to listen, to  
 7 get the Planning Commission's feedback on  
 8 whether this amendment is consistent with the  
 9 Comprehensive Plan.  
 10 That's all I want to know. It's one --  
 11 MR. DIVILIO: I understand that. I  
 12 understand that, Ms. Price. But what you're  
 13 looking at right now has been in front of the  
 14 Planning Commission.  
 15 MS. PRICE: No, it hasn't. The amendment  
 16 has not been in front of --  
 17 MR. CALLAHAN: I'm not saying that. I'm  
 18 not saying that now. I'm not saying that.  
 19 What we're dealing with tonight has been  
 20 in front of the Planning Commission.  
 21 MS. PRICE: Then there's a problem with

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1 what's written on our agenda this evening  
 2 because the amendment was introduced at the  
 3 last session. So that amendment --  
 4 MR. CALLAHAN: Let's go ahead. I'm going  
 5 to call for the vote. I'm going to call for  
 6 the vote for 313.  
 7 MR. LESHER: Mr. Callahan, I don't think  
 8 that we can do that since there's no --  
 9 (Cross talk.)  
 10 MS. PRICE: You can't. You can't do that.  
 11 MR. LESHER: -- recommendation from the  
 12 Planning Commission. We can't vote on this  
 13 because unamended it's not eligible to be voted  
 14 on.  
 15 We could withdraw sponsorship, as you have  
 16 offered to do. Ms. Price --  
 17 MR. CALLAHAN: I think that's what we  
 18 should do --  
 19 MS. PRICE: No.  
 20 MR. CALLAHAN: We've got to do either-or,  
 21 Mr. Leshner, because we got an attorney that

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1 gives us that option. We got an attorney that  
 2 gives us that option.  
 3 Go ahead, Mr. Pack.  
 4 MR. PACK: Just a point of clarification,  
 5 Mr. Leshner. You can vote on 313 as it's  
 6 drafted and as it appears.  
 7 So to say that you can't do that is  
 8 misleading.  
 9 You most certainly can vote on 313 as it  
 10 is drafted. It has gone before the Planning  
 11 Commission and the Public Works Advisory Board.  
 12 They both have made a ruling of inconsistency  
 13 on this document.  
 14 So to say that you can't vote on it is  
 15 misleading. You can. And if you wish to table  
 16 it and then reintroduce it later down the road,  
 17 you're more than welcome to do that. But let's  
 18 at least have some semblance of order.  
 19 MR. CALLAHAN: Right.  
 20 MR. PACK: 313 as it appears tonight can  
 21 be voted on.

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1 MS. PRICE: There is an amendment that was  
 2 introduced, period. And you're all ignoring  
 3 that, except for Mr. Leshner. He knows.  
 4 MR. DIVILIO: I don't believe I'm ignoring  
 5 it.  
 6 MR. CALLAHAN: I know I'm not.  
 7 MS. PRICE: It's so simple. There's an  
 8 amendment introduced and there's Council  
 9 members who are not willing to let the Planning  
 10 Commission weigh in on it. And that's the  
 11 proper procedure, and this is --  
 12 MR. PACK: Ms. Price, let's be very  
 13 simple. Introduce your amendment.  
 14 You pulled your second last week.  
 15 Call the vote on the amendment. If the  
 16 majority decides for the amendment to go  
 17 forward, then send it forward.  
 18 To keep on saying there was precedent is  
 19 also misleading because every time there has  
 20 been an amendment, there has been consensus,  
 21 consensus of the Council on that amendment.

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1 MS. PRICE: Mr. Thomas, can you repeat  
 2 yourself for a fifth time?  
 3 MR. THOMAS: The amendments only require  
 4 one for introduction. They don't require a  
 5 consensus for introduction. They require a  
 6 consensus for it to pass.  
 7 MR. PACK: Correct.  
 8 (Cross talk.)  
 9 MR. PACK: -- way to go forward. That's  
 10 just introduction.  
 11 MS. PRICE: No, no, no. Say that again.  
 12 Introduction can go to the Planning  
 13 Commission --  
 14 MR. PACK: No, it cannot.  
 15 (Cross talk.)  
 16 MS. PRICE: Mr. Thomas --  
 17 MR. PACK: -- pass.  
 18 MS. PRICE: That's not true.  
 19 Mr. Thomas, answer the question.  
 20 MR. THOMAS: Yes, I believe it can.  
 21 MS. PRICE: There you go, for the sixth

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1 time tonight.  
 2 MR. CALLAHAN: And Mr. Thomas, I want to  
 3 make sure I understand. So if this new  
 4 amendment can go to the Planning Commission, if  
 5 it can, that's fine, but it's not this one  
 6 we're looking at, it's a new one?  
 7 MS. PRICE: It's the one that was read  
 8 into the record.  
 9 MR. THOMAS: It would be the amendment to  
 10 313. It's not 313. They would just be looking  
 11 at the amendment to 313.  
 12 MR. PACK: But what Mr. Callahan asked  
 13 you, Mr. Thomas, was that's not what's on the  
 14 agenda tonight. That's what he asked you.  
 15 MR. THOMAS: The amendment is not on the  
 16 agenda, correct.  
 17 MR. PACK: Right.  
 18 MS. PRICE: So explain to me how it could  
 19 have been introduced, and maybe somebody wrote  
 20 the agenda incorrectly, but that amendment was  
 21 properly introduced at our last meeting. And

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1 so maybe somebody wrote it wrong.  
 2 But just because someone made a mistake in  
 3 how they wrote the agenda does not --  
 4 MR. PACK: There wasn't a second.  
 5 MS. PRICE: It doesn't need a second.  
 6 Mr. Thomas has told you that six times tonight.  
 7 Didn't need a second for introduction.  
 8 MR. CALLAHAN: Let's ask Mr. Thomas.  
 9 Let's ask Mr. Thomas. And I know we're putting  
 10 him on the spot.  
 11 Mr. Thomas, what do you think the best  
 12 avenue would go tonight on what you see in  
 13 front of us? You've heard all of us. We know  
 14 we want to try to get to the finish line with  
 15 this. So what do you recommend?  
 16 MR. THOMAS: I recommend that somebody  
 17 make a motion to adopt the amendment to  
 18 Resolution 313 and put it to a vote.  
 19 MS. PRICE: Can I ask why? How can we  
 20 vote on something that the Planning Commission  
 21 hasn't reviewed?

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1 MR. THOMAS: They still have to review it.  
 2 You can't --  
 3 MR. CALLAHAN: It's still going --  
 4 (Cross talk.)  
 5 MR. THOMAS: -- resolution until the  
 6 Planning Commission --  
 7 MS. PRICE: That is a predetermined  
 8 outcome because it's not going to pass and  
 9 everybody knows that.  
 10 So if it doesn't require three Council  
 11 members in the affirmative to go to the  
 12 Planning Commission and it can go to them  
 13 simply by one person introducing it, that's the  
 14 way it needs to be done because otherwise we  
 15 have a predetermined outcome that we're  
 16 disallowing a properly introduced amendment for  
 17 the Planning Commission to never review. That  
 18 is wrong.  
 19 MR. DIVILIO: I believe we're giving you  
 20 the opportunity to work with us to come up with  
 21 a better solution. I sort of think that that's

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1 what we're all asking for at this time.  
 2 Nobody is saying that this is a negative  
 3 or that we're completely against this.  
 4 You're asking for an amendment to a  
 5 resolution to go over to the Planning  
 6 Commission. And we're addressing some concerns  
 7 that we have. That's all that we're doing.  
 8 And yes. I, my biggest concern with them  
 9 is that we have confused MDE because things  
 10 have been done so many different times.  
 11 I have recently said over and over again  
 12 that I love how Annapolis breaks for a session  
 13 so people have time to sit back, reevaluate,  
 14 and come back together again.  
 15 And sometimes that's what you have to do.  
 16 Sometimes it takes a week. Sometimes it takes  
 17 a day.  
 18 MS. PRICE: We're not following proper  
 19 procedure. It was introduced. It may go to  
 20 the Planning Commission. And y'all are trying  
 21 to usurp that process.

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1 MR. DIVILIO: I am not trying to stop that  
 2 process in any way other than to --  
 3 MS. PRICE: Council --  
 4 MR. DIVILIO: -- ask you for a little bit  
 5 more time that we could work together on  
 6 something.  
 7 MS. PRICE: This has been going on for  
 8 months. And it was properly introduced, and  
 9 this is the right thing to do, to wait two more  
 10 weeks for them to give us what they think and  
 11 then we can come back and we can finish this  
 12 conversation.  
 13 But we don't have all of the information  
 14 that we need to take a proper vote on this  
 15 amendment. And they have time to review it.  
 16 And that is the right thing to do, rather  
 17 than to usurp the process and to spend another  
 18 hour arguing over this and looking like fools.  
 19 It is a process that is proper, and this  
 20 Council is trying to stop it.  
 21 MR. CALLAHAN: I would say no, that is not

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1 true.

2 MS. PRICE: It only takes one Council

3 member one --

4 (Cross talk.)

5 MR. CALLAHAN: Ms. Price, this Council is

6 not trying to stop anything. Okay.

7 MS. PRICE: You're not letting it go to

8 the Planning Commission.

9 MR. CALLAHAN: We wouldn't have been three

10 months in meetings. So don't even try to go

11 down an avenue that we're not patient. We're

12 trying --

13 MS. PRICE: So Mr. Thomas just told you

14 that it only takes introduction by one Council

15 member to go to the Planning Commission.

16 MR. CALLAHAN: No, he didn't tell me that.

17 He told you to vote on it is what he told you.

18 MS. PRICE: No. He said that would be

19 easier. But sometimes, sometimes that's not

20 the way to do it. That's not what has to

21 happen.

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1 If that was the rule, if it was absolutely

2 Robert's Rules that we had to take a vote on

3 every amendment before we ever sent something

4 to the Planning Commission, then that's what we

5 would do. But that's not the case.

6 MR. CALLAHAN: What we should do.

7 MS. PRICE: No.

8 (Cross talk.)

9 MR. CALLAHAN: The thought process is is

10 we want to get this thing right and we want it

11 to go to the Planning Commission.

12 MS. PRICE: So let's send it. So let's

13 send it.

14 And I'm done for the evening. I'm done

15 for the evening.

16 It was properly introduced. We need to

17 send it to the Planning Commission. I'm done

18 speaking on it. If you guys want to do

19 something else and table it and ignore what

20 proper procedure is, then that's what you all

21 will have to decide on.

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1 But I know what the proper procedure is.

2 The county attorney told us. And it only takes

3 one Council member to introduce a resolution or

4 an amendment. And that has been done.

5 MR. DIVILIO: Mr. Callahan, out of

6 whatever term we've always used for it, I'm not

7 prepared to vote on this tonight. So I'd ask

8 that we set it aside.

9 MR. CALLAHAN: Thank you, Mr. Divilio.

10 Let's go ahead and set this thing aside and

11 we'll give it another couple of weeks.

12 MR. PACK: So we're just going to, you're

13 tabling it, right?

14 MR. CALLAHAN: Yup. Whatever term we

15 need.

16 MR. PACK: Okay. We just want to make

17 sure we use the correct procedure. You're

18 going to table 313. That's fine.

19 MR. CALLAHAN: Okay. Let's move on.

20 Let's move on to discussion of solar panels in

21 the county.

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1 MR. DIVILIO: We've got the golf, Parks

2 and Rec stuff.

3 MR. CALLAHAN: Oh, we do?

4 MR. DIVILIO: Yup. 1496.

5 MR. CALLAHAN: That's why I got you.

6 That's why I got you. Thank you there,

7 brother. Appreciate it.

8 And I think Preston is on here. So

9 Preston's going to be, he's going to be mad at

10 me; isn't he?

11 Please tell him I didn't try to bypass

12 him. Good Lord.

13 Madam Secretary, could you go ahead and

14 read the bill, please.

15 SECRETARY: Bill Number 1496, a bill to

16 repeal and reenact Chapter 102, Parks and

17 Recreation, Talbot County Code, and to enact a

18 new Chapter 76 entitled Golf Board.

19 MR. CALLAHAN: Okay. That sounds good.

20 I'm going to open that to the floor.

21 Preston, are you with us?



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1 MR. PEPER: I am. Can you hear me?  
 2 MR. CALLAHAN: Yeah.  
 3 MR. PEPER: I'm glad Frank had me there.  
 4 MR. CALLAHAN: I'll tell you what. I'm  
 5 going to pay for that one; aren't I? I'm going  
 6 to pay, you know. But I got a smile out of you  
 7 anyway.  
 8 Go ahead, buddy. Let us know what's  
 9 happening.  
 10 MR. PEPER: So this is something that's  
 11 been almost about, actually it's been almost a  
 12 calendar year just trying to get these rules in  
 13 place. This is something that really it's just  
 14 getting our rules into the code book so they're  
 15 enforceable.  
 16 We've had some problems at a couple of our  
 17 landings, Black Walnut Point and Claiborne, two  
 18 of them that with a little bit more teeth in  
 19 our ordinance we probably could have handled a  
 20 little bit quicker.  
 21 So this is not something that we're going

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1 to go overboard on. This is not something that  
 2 we're trying to get these laws in place, these  
 3 ordinances in place so we're able to go out  
 4 there and do things. It's mostly just so that  
 5 when there are things that are done wrong, that  
 6 we can address them in a more expedient way.  
 7 MR. CALLAHAN: Okay. Any Council want to  
 8 comment on this? We all pretty good on this?  
 9 Mr. Divilio, you're in charge of this.  
 10 MR. DIVILIO: Yes, I'm the liaison to the  
 11 Parks Board.  
 12 And yes, we have discussed this a few  
 13 times at meetings and gone back and cleaned  
 14 some things up.  
 15 And yes, it's -- there's a lot of  
 16 destruction that can go on in our parks.  
 17 There's a lot of vandalism, there's a lot of  
 18 trash, there's a lot of just bad things that  
 19 can go on after dark.  
 20 We want to keep this community safe,  
 21 clean, and a place where kids are able to go to

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1 these playgrounds and play and not be in danger  
 2 in any way of harmful equipment or people or  
 3 things like that.  
 4 So I want to give Preston the tools that  
 5 he needs to maintain them. And as we're  
 6 growing, which I'm excited that we are doing  
 7 and expanding our parks and community, I want  
 8 to make sure that he has the tools to keep  
 9 those safe as well as when they open.  
 10 So I'm prepared to support this.  
 11 MR. CALLAHAN: Any other Council member  
 12 want to say anything?  
 13 I think we're good. You're doing a good  
 14 job out there, Preston. Really appreciate it.  
 15 MR. PEPER: Thank you.  
 16 MR. CALLAHAN: Okay, buddy.  
 17 MS. MORRIS: Madam Secretary, will you  
 18 call the vote.  
 19 MR. PACK: Call for the vote.  
 20 MR. CALLAHAN: Yup.  
 21 SECRETARY: Mr. Callahan.

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1 MR. CALLAHAN: Aye.  
 2 SECRETARY: Mr. Divilio.  
 3 MR. DIVILIO: Aye.  
 4 SECRETARY: Mr. Leshner.  
 5 MR. LESHNER: Aye.  
 6 SECRETARY: Ms. Price.  
 7 MS. PRICE: Aye.  
 8 SECRETARY: Mr. Pack.  
 9 MR. PACK: Aye.  
 10 MR. CALLAHAN: Thank you, Madam Secretary.  
 11 I appreciate it. Okay.  
 12 So I guess, Mr. Divilio, we're ready for  
 13 solar discussion; are we?  
 14 MR. DIVILIO: Yes, we are. Thank you.  
 15 And I will let Miguel kick this off for us.  
 16 MR. CALLAHAN: Okay. Miguel, you still  
 17 with us or you asleep?  
 18 MR. SALINAS: I'll still here.  
 19 MR. CALLAHAN: Okay. That's good.  
 20 MR. SALINAS: We also --  
 21 (Cross talk.)

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<p>1 MR. CALLAHAN: -- hanging in there with us</p> <p>2 tonight.</p> <p>3 MR. SALINAS: Thank you. Chip Councill,</p> <p>4 the chair of the Planning Commission, is also</p> <p>5 participating on this virtual meeting.</p> <p>6 We, the County Council and the Planning</p> <p>7 Commission, had a joint work session earlier</p> <p>8 today to discuss our existing solar</p> <p>9 regulations, which are in Chapter 190 of the</p> <p>10 Talbot County Code, for small scale, medium,</p> <p>11 and large scale solar energy systems.</p> <p>12 That was a very good discussion. I think</p> <p>13 there was concern expressed from the Planning</p> <p>14 Commission, who requested the work session,</p> <p>15 about the impact, the potential impact of large</p> <p>16 scale solar energy systems in terms of their</p> <p>17 placement in Talbot County and their impact on</p> <p>18 prime agricultural land and if there's an</p> <p>19 ability to look at amendments to the solar</p> <p>20 regulations for large scale energy systems,</p> <p>21 which are two megawatts or greater, if there's</p>	<p>1 matching grants with our MALPH program, with</p> <p>2 the State's MALPH program I should say, which</p> <p>3 is the main program that we provide matching</p> <p>4 funds for in order to acquire, for the State to</p> <p>5 acquire agricultural easements to be held in</p> <p>6 perpetuity.</p> <p>7 And so the request, the discussion at the</p> <p>8 work session was should we consider taking a</p> <p>9 look at that and looking at potential</p> <p>10 legislation to do that.</p> <p>11 MR. CALLAHAN: All right. Sounds good.</p> <p>12 All right.</p> <p>13 So any Council member want to comment on</p> <p>14 this or we just sort of -- we've had that great</p> <p>15 work session with Mr. Councill and Miguel and</p> <p>16 Brendan did a really good job with everything.</p> <p>17 I think you brought up some concerns.</p> <p>18 That's for sure. We want to try to preserve</p> <p>19 some of this farmland.</p> <p>20 So I think we're going to leave it up to</p> <p>21 you guys to go and ahead and get some</p>
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<p>1 a possibility to look at agricultural offsets</p> <p>2 to mitigate the impact of using prime</p> <p>3 agricultural land and prime agricultural soils</p> <p>4 for solar energy systems.</p> <p>5 And so I want to turn it over to Chip I</p> <p>6 think, President Callahan, if I can do that.</p> <p>7 MR. CALLAHAN: Absolutely. Chip, are you</p> <p>8 with us? Mr. Councill, you with us?</p> <p>9 MS. MORRIS: I do not see Mr. Councill as</p> <p>10 a participant on tonight.</p> <p>11 MR. SALINAS: I thought he was on. I</p> <p>12 apologize for that.</p> <p>13 And so I think to have some time to look</p> <p>14 at what are the possibilities for amendments to</p> <p>15 the regulations for potential agricultural</p> <p>16 offsets, including an in-lieu-of-fee-type of</p> <p>17 program, where on a per-acre basis, large scale</p> <p>18 energy, solar energy system developers would be</p> <p>19 able to provide a contribution on a per-acre</p> <p>20 basis to reserve into a restricted fund,</p> <p>21 restricted county fund that could be used for</p>	<p>1 information for us and keep going forward here.</p> <p>2 MR. LESHEN: Mr. Callahan, if I may, I'd</p> <p>3 like to use this opportunity to direct staff to</p> <p>4 proceed with drawing up a legislation that</p> <p>5 would effect a temporary moratorium. I think</p> <p>6 we said that five months should be able to do</p> <p>7 it for the timetable to get this through</p> <p>8 Planning Commission review for text amendment</p> <p>9 and through the legislative process.</p> <p>10 We want to be as brief as possible with</p> <p>11 any kind of action like this. We don't want to</p> <p>12 hold things up.</p> <p>13 MR. CALLAHAN: Yes, sir, yes, sir.</p> <p>14 MR. LESHEN: -- the minimum amount of time</p> <p>15 that it can take to get the review and this</p> <p>16 opportunity in place that will allow us to add</p> <p>17 to agricultural preservation through large</p> <p>18 solar arrays.</p> <p>19 So I'll ask for the moratorium on those</p> <p>20 for five months and legislation to support that</p> <p>21 at this time.</p>

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1 MR. CALLAHAN: Mr. Leshner, I couldn't  
 2 agree with you even more. Would you entertain  
 3 three months and if we need extension, we could  
 4 do that? That way -- we always can push it.  
 5 MR. LESHER: I will consent to whatever  
 6 length of time. And I'm sure if we have to  
 7 revisit this, three months? time seems, given  
 8 that we've got 60-day implementation or  
 9 effective date for any legislation, it seems to  
 10 me that you've got to build that in. And so  
 11 that only leaves really 30 days for us to get  
 12 this through, which with advertising deadlines,  
 13 I don't know that that's achievable. I think  
 14 that if we are -- three months that we will --  
 15 MR. CALLAHAN: It gives --  
 16 (Cross talk.)  
 17 MR. LESHER: I'll agree to whatever length  
 18 of time the body supports at this time.  
 19 MS. PRICE: I think we need a little bit  
 20 more than that. And it's possible that we  
 21 don't have the 60-day implementation period

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1 with in the case of a moratorium. But I think  
 2 it's -- and plus we can also shorten  
 3 moratoriums as well. We can extend them, but  
 4 we can also shorten them.  
 5 So I just want to make sure that staff,  
 6 and we do have to do advertising, but make sure  
 7 staff has enough time.  
 8 MR. CALLAHAN: Right.  
 9 MS. PRICE: And we can always change the  
 10 amount of months, but I think the direction to  
 11 at least draw up the whatever it is we're  
 12 drawing up...  
 13 MR. LESHER: So I believe that a  
 14 moratorium can take place, because it's  
 15 emergency legislation, can take place  
 16 immediately.  
 17 The legislation that we're drafting,  
 18 though, the ultimate text amendment, that will  
 19 require 60 days. And it's that timetable that  
 20 I'm concerned about being able to meet within a  
 21 90-day moratorium.

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1 MR. DIVILIO: I'll go ahead and second  
 2 Mr. Leshner's five-month moratorium.  
 3 And now that we've got a second it, I'd  
 4 like to say a couple of things about this real  
 5 quick.  
 6 MR. CALLAHAN: Go ahead.  
 7 MR. DIVILIO: I don't want anyone in the  
 8 public to hear moratorium and think that we're  
 9 trying to stop this.  
 10 As you saw earlier, I often believe that  
 11 sometimes you have to slow down to go faster.  
 12 Sometimes you have to stop what you're doing  
 13 and completely reevaluate.  
 14 We have one chance to get this right.  
 15 We've seen different areas when they try to put  
 16 regulations in place to prevent this from  
 17 coming, and we've seen it get overruled by the  
 18 State and the county was not listened to.  
 19 This is our opportunity to put a plan  
 20 together, knowing that the State has a plan for  
 21 this, that the State wants I believe it was 23

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1 or 17,000 acres I think it was of solar panels  
 2 that they want around the State.  
 3 This is coming. There are incentives to  
 4 do it. And what I want to do is a couple of  
 5 things. I want to make sure that the farmland  
 6 is maintained underneath of it and used as much  
 7 as possible, whether we're doing low growing  
 8 plants to help the bees pollinators, whether  
 9 we're doing the very aggressive plantings of  
 10 produce between the solar panels so that the  
 11 community is able to crop share from that, as  
 12 well as I want to make sure that we're not  
 13 putting -- that we're -- if any of these  
 14 facilities in the future put the big panels  
 15 out, new technology comes in, everybody has it  
 16 on their shingles, and the company just goes  
 17 bankrupt. I don't want to see 700 acres of  
 18 solar panels just left out because the company  
 19 is gone.  
 20 I have some -- I believe we all have  
 21 genuine concerns for this, but it's something

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1 that we have to -- that is going to come. And  
 2 so we want to make sure we get the best  
 3 benefit, which is, in turn, taking the money or  
 4 getting money from this and keeping farmland in  
 5 ag preservation.  
 6 We have lots of farmers every year that  
 7 come to us and are applying for it. And  
 8 unfortunately, we don't have the dollars to do  
 9 it. I think sometimes it's one, two, maybe  
 10 three farms get some acreage put into this.  
 11 So it's a wonderful opportunity for us,  
 12 and I just want to make sure that we're taking  
 13 the full advantage of it and keeping everybody  
 14 in mind.  
 15 So it's not a no forever. It's just a  
 16 short moratorium to put us on the clock and  
 17 make sure that we work quickly, aggressively  
 18 together to make sure this is right.  
 19 MR. CALLAHAN: Thank you, Mr. Divilio.  
 20 Well said. Thank you, thank you.  
 21 And you're right. Moratorium, the

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1 moratorium word starts to scare people. And  
 2 all it means to us here as a Council and the  
 3 community and the farmers to get this right.  
 4 So it's a small price to pay for a few  
 5 months for a lifetime in Talbot County. That's  
 6 for sure. So I want to make that right.  
 7 That's for sure. Okay.  
 8 Any other Council member? Okay.  
 9 And Miguel, you good?  
 10 MR. SALINAS: I'm good. I think I  
 11 understand direction. Yes.  
 12 MR. CALLAHAN: Thanks a lot, Miguel. I  
 13 know it's been a little bit long day for you,  
 14 too. So really appreciate you hanging in there  
 15 with us. You know what I mean? Really  
 16 appreciate it.  
 17 Okay. Up next is county manager.  
 18 Mr. Stamp.  
 19 MR. STAMP: Good evening.  
 20 MR. CALLAHAN: Good evening.  
 21 MR. DIVILIO: I'm sorry. Do we need a

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1 vote on that? We had a motion and a second.  
 2 MR. CALLAHAN: Oh, we did? I'm sorry.  
 3 MR. THOMAS: Any member can direct the  
 4 county attorney to proceed with drafting it.  
 5 So it doesn't need a motion and a second.  
 6 MR. DIVILIO: Okay.  
 7 MR. THOMAS: I got my direction from  
 8 Mr. Leshner.  
 9 MR. STAMP: Okay. You want me to go  
 10 forth?  
 11 MR. CALLAHAN: Yup.  
 12 MR. STAMP: Council, thank you. I only  
 13 have two items for you this evening.  
 14 The first one, I have Ray Clarke here,  
 15 your county engineer, requesting Council's  
 16 approval to send a letter to MDE to have Talbot  
 17 County assume ownership and operation of The  
 18 Preserve at Wye Mills wastewater treatment  
 19 plant, as was discussed in the November 9th  
 20 meeting.  
 21 You have the letter in your packet, and

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1 Mr. Clarke is here to answer any questions  
 2 relative to this.  
 3 Mr. Clarke.  
 4 MR. CLARKE: Yes. We did, Council, we did  
 5 have some discussions with the MDE's assistant  
 6 AG's office. And they were looking for a date  
 7 certain as to when we would transfer the or I  
 8 guess when the county would take over the  
 9 facility.  
 10 It's a little difficult to do that. So  
 11 working with Patrick, I think we're now going  
 12 to look at taking over the facility by doing an  
 13 amendment to the comprehensive water and sewer  
 14 plan. There's going to be kind of a process, a  
 15 little I guess some time associated with that.  
 16 So what we've done is really kind of  
 17 provided them with kind of a time frame of  
 18 probably the spring or early summer would be  
 19 the time that we would end up taking over the  
 20 facility.  
 21 At the same time, we also need to draft

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1 the transfer agreement as well.

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

3 Any questions, any questions from Council?

4 MR. LESHHER: So we need a motion to

5 authorize the letter?

6 MR. STAMP: Please.

7 MR. LESHHER: I will so move.

8 MR. DIVILIO: I'll second.

9 MR. CALLAHAN: Okay. We got a motion and

10 second it, Madam Secretary, to send a letter.

11 SECRETARY: Mr. Callahan.

12 MR. CALLAHAN: Aye.

13 SECRETARY: Mr. Divilio.

14 MR. DIVILIO: Aye.

15 SECRETARY: Mr. Leshher.

16 MR. LESHHER: Aye.

17 SECRETARY: Ms. Price.

18 MS. PRICE: Aye.

19 SECRETARY: Mr. Pack.

20 MR. PACK: Aye.

21 MR. STAMP: Thank you, Council. And thank

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1 you, Mr. Clarke.

2 The second item I have, Council, is I'm

3 requesting Council approval to fund a midyear

4 cost of living increase for county employees at

5 a rate of 3.5 percent in the amount of \$408,500

6 to be funded from FY22 contingency.

7 This would be retroactive to January 1,

8 2022.

9 There are adequate funds to cover the cost

10 of this request, leaving about \$347,408 in

11 contingency.

12 MR. CALLAHAN: Thank you, Mr. Stamp.

13 Council, discussion?

14 MR. LESHHER: You know, we've, we are, we

15 are losing employees. We've heard about

16 vacancies in various departments.

17 We know what the job environment is out

18 there. We've seen this all over our community.

19 It is tough to fill positions, and employees

20 are moving to better paying positions. They're

21 out there. It is, if you will, a job seeker's

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1 market.

2 We need to do something to stem the tide

3 here. We need to ensure that our employees

4 have the incentives that they need to remain

5 loyal to Talbot County. And so I'm prepared to

6 support this.

7 MR. CALLAHAN: Thank you, Mr. Leshher.

8 Any other Council member?

9 MR. DIVILIO: So I agree. This is a, it's

10 a very unusual time for employees. There's a

11 lot of opportunity. And when you're looking in

12 that 15 to \$18 range per hour, you're seeing

13 signs at places you've never seen it before,

14 fast food places. And unfortunately, that's

15 the night shift that you don't realize and you

16 may not get all 40 hours a week that you're

17 expecting to. But they see it, and it sticks

18 with them and they get upset. They're

19 disappointed. They're thinking that I deserve

20 more.

21 We've seen inflation driving the price up.

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1 This is not a big increase that anybody is

2 going to get in their paycheck. Hopefully it

3 will be enough to fill up the tank. You know,

4 a lot of people might have only been buying a

5 half a tank of gas or a quarter tank of gas and

6 just trying to get by.

7 And my goal is to help them get through

8 this time now.

9 And it's also a unique time when you're on

10 social media. If you're looking at the county

11 employees that do so much for this county, it's

12 nonstop that they get bashed on everything.

13 Roads aren't cleared fast enough, salt is put

14 down too early. Everybody is complaining that

15 snow may not even come.

16 They're out there trying to save you. The

17 police force that they keep getting beat up

18 upon.

19 These are the same people who volunteer

20 for your Little League team. You don't seem to

21 care that they're coaching, yet all of a sudden

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1 they're a bad guy when they throw their uniform  
 2 on.  
 3 The EMTs that are having challenging times  
 4 of running more calls with sicker patients with  
 5 a virus that they're scared of.  
 6 These are extremely challenging times, and  
 7 I just ask that the public recognize that and  
 8 be somewhat kinder and civil to one another and  
 9 stop the complaining.  
 10 And if you're a social media moderator,  
 11 for goodness sakes, hold yourself accountable.  
 12 All those people who are posting everything on  
 13 your forums, you're the one who is in charge of  
 14 that. You're approving that message that's  
 15 going out there. And it's making it difficult  
 16 on people's mental health. And we already know  
 17 how challenged everyone is right now.  
 18 So a small little pay increase that we're  
 19 offering right now, it's not enough. I wish we  
 20 could do more. But we're doing the best that  
 21 we possibly can under these conditions, and

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1 we're going to keep evaluating as we go through  
 2 the budget.  
 3 We gave the county manager the direction  
 4 of having a flat budget. And instantly I'm  
 5 hearing things that this, that we have to do a  
 6 COLA increase, which I recognize.  
 7 And then we hear about Kirwan and we see  
 8 about the teacher pay.  
 9 And we know that there is a big gap  
 10 amongst people in this community. And if I can  
 11 do a little bit now and we have the money to do  
 12 it, I'm happy to do it.  
 13 And so I am fully in support of this.  
 14 But I just ask one another to just check  
 15 on each other and not put each other down so  
 16 much.  
 17 MR. CALLAHAN: Thank you, Mr. Divilio.  
 18 Any other Council member want to comment  
 19 on that?  
 20 MR. PACK: I will just briefly. I think a  
 21 mid-season COLA is appropriate. We all have

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1 seen the inflation numbers, gas prices going  
 2 up, grocery bill, prices going up. Utility  
 3 costs just to heat your home, those costs have  
 4 gone up.  
 5 So I think any way that we can help our  
 6 workforce, whether it's \$30 to go towards  
 7 groceries or \$30 to go towards gas. I think  
 8 the act of us showing that we are in touch with  
 9 the current climate out there speaks more than  
 10 the 3.5 COLA increase.  
 11 I think sometimes your workforce wants to  
 12 make sure you're still in touch and engaged  
 13 with what they're dealing with.  
 14 To Mr. Divilio's point, if we had more to  
 15 give more, then I think the Council would  
 16 probably lean to do that. And hey, there may  
 17 be another COLA coming up in FY23. We'll look  
 18 at that.  
 19 So I certainly support this. I think that  
 20 it certainly will let the workforce know that  
 21 we are in touch with what the current climate

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1 is that they're dealing with. Thank you.  
 2 MR. CALLAHAN: Thank you, Mr. Pack. Well  
 3 said.  
 4 Ms. Price.  
 5 MS. PRICE: Thank you. I am definitely in  
 6 support of this as well.  
 7 It is difficult, though, to make these  
 8 decisions midyear. I was taught a long time  
 9 ago by Mr. Tommy Duncan early on that you just  
 10 don't do things in the middle of the year and  
 11 making long-term decisions.  
 12 And we are on the cusp of doing our  
 13 budget. We just had our opening budget  
 14 discussions this evening.  
 15 But sometimes you have to do something.  
 16 And we do have the best employees I think of  
 17 any of the counties in the state.  
 18 So we will be having further discussions.  
 19 We're getting some feedback on a study that's  
 20 being done to figure out where our salaries  
 21 need to be adjusted. So this is a step in the

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1 right direction.

2 MR. CALLAHAN: Thank you, Ms. Price.

3 I would agree with Council. We have, I

4 think, Mr. Stamp, we have over 500 employees,

5 full time, part time.

6 I think they need reassurance that we're

7 the leaders here and we need them. They need

8 to know they're needed and appreciated.

9 The last couple of years has been I mean

10 just hard on all of us.

11 So I'm in support of this, too.

12 And it's important that we have a

13 positivity of us being behind these employees

14 and supporting them and supporting their

15 families.

16 We see what's going on in the world right

17 now, and it's a little tough and expenses are

18 going up, inflation is going up. And anything

19 like Mr. Pack said, 30, \$40 could make a big

20 difference.

21 So let's go ahead and put this. I think

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1 Madam Secretary, I think do we have to go ahead

2 and put this to a vote?

3 SECRETARY: Yes.

4 MR. CALLAHAN: Okay. Do I have a motion?

5 MR. DIVILIO: So moved.

6 MR. LESHHER: Second.

7 MR. CALLAHAN: I got a motion and a second

8 to give three and a half percent COLA midyear

9 increase. Madam Secretary, could you call the

10 vote, please.

11 SECRETARY: Mr. Callahan.

12 MR. CALLAHAN: Aye.

13 SECRETARY: Mr. Divilio.

14 MR. DIVILIO: Aye.

15 SECRETARY: Mr. Leshher.

16 MR. LESHHER: Aye.

17 SECRETARY: Ms. Price. Ms. Price.

18 MS. PRICE: Oops. I guess I didn't have

19 it on. Aye.

20 SECRETARY: Mr. Pack.

21 MR. PACK: Aye.

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1 MR. STAMP: Thank you, Council. You all

2 have expressed your feelings well. And

3 certainly on behalf of the employees, I thank

4 you.

5 We have some of the best employees that

6 anyone could have. And they're out there

7 providing service to the public, critical

8 services. And this a great expression of your

9 support of them. And again, thank you.

10 So that concludes the county manager

11 report for this evening. Again, thank you,

12 Council.

13 MR. CALLAHAN: Thank you, Mr. Stamp. Well

14 done. Appreciate all your service, too. Okay.

15 Now we're ready for public comment.

16 Mr. Durham, do we have anybody online?

17 MR. DURHAM: We do have a person online

18 wishing to speak.

19 If anyone else wishes to speak, please use

20 the raise hand button on your computer or the

21 asterisk three on your phone.

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1 This is a 410-822 number. Caller, please

2 begin.

3 MR. CALLAHAN: So caller, could you say

4 your name and where you're from?

5 And Mr. Pack, could you take the time.

6 That would be great.

7 MR. PACK: Mr. Callahan, I am a bit under

8 the weather tonight. I would yield to

9 Mr. Leshher to keep time if you wouldn't mind.

10 MR. CALLAHAN: Okay. No problem, no

11 problem, buddy, you know.

12 Okay. Caller, welcome tonight.

13 MR. ALSPACH: Okay. Thank you for that,

14 Mr. Callahan. This is Tom Alspach calling, on

15 behalf of Talbot Preservation Alliance.

16 MR. CALLAHAN: How you doing, Tom?

17 MR. ALSPACH: -- as you know. May I

18 proceed?

19 MR. CALLAHAN: Yes, sir, you can.

20 Welcome.

21 MR. ALSPACH: What I would like to do is

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1 just elaborate very briefly on a letter I sent  
 2 to the Council this morning that interestingly  
 3 relates somewhat to your discussion just a few  
 4 minutes ago about a letter that you're sending  
 5 out having to do with the county taking over  
 6 responsibility for the wastewater, the failing  
 7 wastewater spray field plant at The Preserve at  
 8 Wye Mills.  
 9 And my concern, as I expressed in my  
 10 correspondence, is that three, four, five years  
 11 down the road, you'll be writing another letter  
 12 like that about the county taking over  
 13 responsibility for the Lakeside Trappe East  
 14 spray field plant, which is going to be a much  
 15 more monumental undertaking than The Preserve  
 16 at Wye Mills.  
 17 And the reason I have this concern is that  
 18 the developer of the Trappe East Lakeside  
 19 project, as you may not know because it's been  
 20 under the radar screen, will be absolved of all  
 21 responsibility for operation and maintenance of

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1 the spray field plant as soon as it's  
 2 completed. The agreement between the developer  
 3 and the Town of Trappe is that the developer  
 4 shall turn the new spray field plant over to  
 5 the Town of Trappe and the Town of Trappe shall  
 6 accept it and shall be responsible for  
 7 operating it thereafter.  
 8 The Town of Trappe has no experience with  
 9 operating a plant like this. Presumably they  
 10 can hire some folks, but inevitably there are  
 11 going to be problems. You've heard  
 12 uncontradicted evidence from many sources about  
 13 the high rate of failures of these programs, up  
 14 to as much as 50 percent of them have problems.  
 15 And where I'm coming from on this is that  
 16 as we're moving ahead with further discussion  
 17 of this facility and this development, there  
 18 needs to be some means of ensuring ongoing  
 19 responsibility of the developer for the  
 20 efficient and proper operation of this  
 21 wastewater spray field plant going into the

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1 future so that it does not become  
 2 responsibility of and burden on the taxpayers,  
 3 as very much could be the case given what the  
 4 agreements now provide.  
 5 In the short time I have right now, I'm  
 6 not going to propose answers to that, but I  
 7 think the discussion should be opened up  
 8 because this is an issue that's been ignored in  
 9 all the other controversy we've had. But it's  
 10 very, very critical.  
 11 And right now, the county has no  
 12 protection at all against ultimate  
 13 responsibility for operation of this new spray  
 14 field plant for 2,500 homes once it is turned  
 15 over to the Town of Trappe, which is not going  
 16 to have the financial wherewithal to operate  
 17 that facility if it fails and if substantial  
 18 corrections, improvements, repairs, etc., have  
 19 to be made.  
 20 So I just wanted to bring to the Council's  
 21 attention while we're still in the beginning

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1 phases of all this and hope that we can have  
 2 discussion and steps taken about how the county  
 3 taxpayers will be protected against ultimate  
 4 responsibility for operating that spray field  
 5 plant, similar to what we're looking at now  
 6 with The Preserve at Wye Mills.  
 7 So those are my comments. I hope you  
 8 might take a look at the letter I sent this  
 9 morning, which, again, does not offer all the  
 10 answers but hopefully opens a discussion for  
 11 your consideration and we can have some further  
 12 talks about how to address what I think could  
 13 be a very significant problem going into the  
 14 future that we ought to try to resolve now.  
 15 So that's it. Thanks for hearing me out.  
 16 I appreciate it.  
 17 MR. CALLAHAN: Thank you, Mr. Alspach. I  
 18 appreciate it.  
 19 Okay. Mr. Durham, anybody else?  
 20 MR. DURHAM: That was our only caller.  
 21 MR. CALLAHAN: Okay. So I guess if that's



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1 the only caller, we're down to Council  
 2 comments.  
 3 And I'm losing my buddy, Mr. Pack. So I  
 4 don't think you have too much more to say, do  
 5 you, buddy? You good?  
 6 MR. PACK: No, I do not. I just want to  
 7 say Happy Presidents Day. And I'm out.  
 8 MR. CALLAHAN: Okay. Hope you feel  
 9 better.  
 10 Ms. Price. Let's take off mute. Let's go  
 11 off mute.  
 12 MS. PRICE: Happy 2/22/22 Tuesday. Thank  
 13 you.  
 14 MR. CALLAHAN: Okay. Thank you.  
 15 Mr. Divilio.  
 16 MR. DIVILIO: I just, after that last  
 17 caller, I mean it's just so much misinformation  
 18 and confusion and fear that everybody loves to  
 19 spread. I just -- so this is a Trappe project.  
 20 Is this right, Mr. Thomas, this is in the Town  
 21 of Trappe? And so Trappe would maintain the

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1 wastewater treatment facility at Lakeside. So  
 2 if it failed, it would be on the burden of the  
 3 Town of Trappe, right, not Talbot County  
 4 citizens?  
 5 MR. THOMAS: The facility is located  
 6 within the corporate limits of the Town of  
 7 Trappe, yes.  
 8 MR. DIVILIO: Okay. So yeah. And the  
 9 idea that these people that keep claiming that  
 10 the Town of Trappe is incapable of running a  
 11 facility, it just, again, it gets me right back  
 12 to what really bothers me of we do a great job  
 13 of finding and retaining excellent people here  
 14 in Talbot County.  
 15 We have the benefit of people moving here  
 16 from all over the world because of the  
 17 wonderful things that we have. The little  
 18 America in Maryland where you can surf in the  
 19 summertime and ski in the wintertime in Deep  
 20 Creek.  
 21 We've got beautiful waters. We attract.

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1 We're close to D.C., the Kennedy Center. We  
 2 attract some amazing individuals with excellent  
 3 educations, as well as our schools educate  
 4 these students who come back and have wonderful  
 5 careers here.  
 6 So as far as the community hearing people  
 7 say that the small municipality of Trappe is  
 8 just incapable of operating a facility, it  
 9 really offends me because that's speaking to my  
 10 peers on that Town Commission.  
 11 I don't expect any of them to be  
 12 wastewater treatment facility experts, just as  
 13 I'm not for Talbot County. But thank goodness  
 14 for Ray Clarke and his team that I can  
 15 reference. And I expect Trappe to do the exact  
 16 same thing.  
 17 Easton can only grow so big. At some  
 18 point we're going to grow into Caroline County  
 19 down Matthewstown Road or we're to extend all  
 20 the way down to St. Michaels or Oxford. Or we  
 21 can stop the growth in Easton and focus it on

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1 another area that has been building and getting  
 2 ready for this for over a decade. Okay.  
 3 So this fear spreading, I just, I don't  
 4 understand it and it really does bother me.  
 5 Again, I'm always happy to sit down and go  
 6 through this stuff with anyone. I respond back  
 7 to the e-mails that I get. And I do have  
 8 questions, I do have concerns, and I address  
 9 those regularly. And I'm happy that we're  
 10 moving forward with this.  
 11 Again, we keep hearing over and over again  
 12 what about the school, what are we going to do  
 13 about the school, are you going to build a  
 14 bigger White Marsh. We're not going to build a  
 15 bigger Easton Elementary. We've already maxed  
 16 that one out. That's brand new and full,  
 17 right.  
 18 So yes, eventually White Marsh will be  
 19 expanded. But that doesn't mean a third roof  
 20 on Easton Elementary School.  
 21 So there's a lot of great things going on

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<p>1 in this community. There's a lot of great                  2 people in this community. There's also just a                  3 lot of people who just get pleasure out of                  4 spreading gossip, misinformation, and just                  5 trying to drive up their own what they think is                  6 a joke. And I don't like that. I have a real                  7 big problem with it. I don't find it ethical                  8 at all.</p> <p>9 So I apologize for my rant tonight, but                  10 it's just so disappointing because we do have                  11 some excellent people here at the top who are                  12 going to make sure we're happy, we're healthy,                  13 and safe.</p> <p>14 MR. CALLAHAN: Thank you, Mr. Divilio. I                  15 appreciate that.</p> <p>16 Mr. Vice President.</p> <p>17 MR. LESHER: Mr. Callahan, nothing further                  18 tonight.</p> <p>19 MR. CALLAHAN: Okay. So I'll go ahead and                  20 comment a little bit, just quick.</p> <p>21 With everything that's going on with</p>	<p>1 2021. And then adjourning into closed session                  2 to discuss real estate, legal, and personnel                  3 matters, as listed on the statement for closing                  4 that meeting.</p> <p>5 On Tuesday, March 1st, at four o'clock                  6 p.m. and Thursday, March 3rd, at 4:30 p.m., the                  7 County Council will be holding budget                  8 presentations from county departments and                  9 agencies.</p> <p>10 Therefore, is there a motion to adjourn                  11 this meeting and reconvene at noted?</p> <p>12 MR. CALLAHAN: Council. I think Council                  13 is gone. I make a motion.</p> <p>14 SECRETARY: Okay.</p> <p>15 MR. CALLAHAN: Yeah. Madam Secretary.</p> <p>16 SECRETARY: Mr. Callahan.</p> <p>17 MR. CALLAHAN: Aye.</p> <p>18 SECRETARY: Mr. Divilio.</p> <p>19 MR. DIVILIO: Aye.</p> <p>20 SECRETARY: Mr. Leshner.</p> <p>21 MR. LESHER: Aye.</p>
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<p>1 Trappe, I can say this, I'm very proud of them                  2 for going forward with their new plant and                  3 stuff. So that's a big move for them. And I                  4 think they've got great things coming. They                  5 got a great Council. So I want to commend                  6 them. And anything that this Council can do,                  7 you guys need to reach out to us so we can help                  8 you resolve these problems. Trying to keep it                  9 positive.</p> <p>10 So being that's said, Trappe needs to know                  11 that the county is here for them to help them.</p> <p>12 So with that said, Mr. Leshner can you go                  13 ahead and close the session, please.</p> <p>14 MR. LESHER: Will do. On Tuesday,                  15 March 8th beginning six o'clock p.m., the                  16 Council will be convening in open session at                  17 two o'clock p.m. for a work session with county                  18 staff, Sheriff Gamble and staff,                  19 representatives from Easton, Oxford, and                  20 St. Michaels and police chiefs on House Bill                  21 670, Maryland Police Accountability Act of</p>	<p>1 SECRETARY: Ms. Price.</p> <p>2 MS. PRICE: Aye.</p> <p>3 SECRETARY: Mr. Pack.</p> <p>4 MR. PACK: Aye.</p> <p>5 MR. CALLAHAN: All right. Council, have a                  6 good evening, Council. Thanks a lot.                  7 (Meeting concluded at: 8:38 p.m.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>

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

5  
6 I further certify that the examination was  
recorded stenographically by me and then transcribed  
7 from my stenographic notes to the within printed  
matter by means of computer-assisted transcription  
in a true and accurate manner.

8  
9 I further certify that the stipulations  
contained herein were entered into by counsel in my  
presence.

10  
11 I further certify that I am not of counsel  
to any of the parties, not an employee of counsel,  
nor related to any of the parties, nor in any way  
12 interested in the outcome of this action.

13 AS WITNESS my hand Notorial Seal this 3rd  
day of March, 2022, via Webex.

14  
15 

16  
17 Diane Houlihan  
Notary Public

18  
19  
20 My commission expires September 16, 2025  
21

<b>1</b>	<p><b>2021</b> 36:13,16 37:5 164:1 <b>2022</b> 1:7 143:8 166:13 <b>2025</b> 25:10 166:20 <b>2030</b> 70:8 <b>22</b> 1:7 <b>220</b> 15:18 <b>22nd</b> 6:12,14 <b>23</b> 136:21 <b>24</b> 26:14 <b>244,000</b> 21:14 <b>245,000</b> 21:15 <b>246</b> 11:20 <b>25</b> 27:11 <b>25,000</b> 31:11 <b>25th</b> 5:13 <b>281</b> 69:7 82:5 88:4 88:20 102:1</p>	<p>109:11,16 110:18 113:6 114:5,9,20 117:10,10,11 118:18 124:18 <b>32</b> 24:18 <b>347,408</b> 143:10 <b>35</b> 18:18 20:12 <b>350,000</b> 12:18 <b>37</b> 21:15 29:21 40:9 <b>38,000</b> 21:15 <b>3rd</b> 164:6 166:13</p>	<b>7</b>
<p><b>1</b> 70:1,2 143:7 <b>1,100,000</b> 24:5 25:18 <b>1,500</b> 32:16 38:19 <b>1.4</b> 24:16 <b>100</b> 15:21 22:7 <b>102</b> 125:16 <b>11</b> 21:1 <b>11.30.</b> 20:19 <b>12</b> 38:2 54:5,6 88:9,9,9 <b>1362</b> 166:15 <b>14</b> 69:15 <b>1496</b> 125:4,15 <b>14th</b> 72:14 <b>15</b> 69:15 88:9 144:12 <b>15th</b> 6:12,13 <b>16</b> 24:11 166:20 <b>160</b> 15:20 <b>17</b> 69:15 <b>17,000</b> 137:1 <b>171</b> 22:11 <b>18</b> 84:13 144:12 <b>19</b> 69:15 <b>190</b> 50:2,5 51:16 60:13 130:9 <b>1st</b> 164:5</p>	<b>3</b>	<b>4</b>	<b>8</b>
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