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COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

Council Work Session

June 27, 2023, 3:00 p.m.

Council Chambers, Easton, Maryland

COUNCIL MEMBERS:

Chuck F. Callahan

Pete Leshner

Keasha N. Haythe

Lynn L. Mielke

Dave Stepp

Reported by

Diane Houlihan

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<p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2</p> <p>3 MR. CALLAHAN: I want to welcome everybody</p> <p>4 this afternoon.</p> <p>5 We're going to go ahead and discuss water</p> <p>6 and sewer. MDE sent me a letter. So we had to</p> <p>7 respond to it.</p> <p>8 And Mr. Clarke and Mr. Thomas are going to</p> <p>9 help us explain all that. So we're going to</p> <p>10 sort of go ahead and get straight what we want</p> <p>11 to discuss.</p> <p>12 And Trappe is here. I appreciate you guys</p> <p>13 being here. So we'll go ahead and answer any</p> <p>14 questions that Trappe might have and we'll go</p> <p>15 from there.</p> <p>16 MR. STAMP: Mr. Council President, just</p> <p>17 for context, I was going to read a quick</p> <p>18 statement.</p> <p>19 MR. CALLAHAN: Yeah. Sure.</p> <p>20 MR. STAMP: That outlines what we're</p> <p>21 trying to do here today.</p>	<p>1 Without objection, Council, we can hand</p> <p>2 this over to Mr. Clarke and Mr. Thomas if you'd</p> <p>3 like.</p> <p>4 MR. CALLAHAN: That sounds great.</p> <p>5 MR. CLARKE: Ray Clarke, county engineer.</p> <p>6 MR. CALLAHAN: Sure.</p> <p>7 MR. CLARKE: It's nice to see you all.</p> <p>8 Again, as you may be aware, we did receive</p> <p>9 two letters. One was dated May 24th from the</p> <p>10 Maryland Department of the Environment. We</p> <p>11 also received a May 9th letter. And I'll kind</p> <p>12 of walk through that as we go through this.</p> <p>13 I think as we're looking at addressing I</p> <p>14 guess the issues in the letters, I think what</p> <p>15 we want to do is maybe go back and look at also</p> <p>16 what we've done with the comprehensive water</p> <p>17 and sewer plan update.</p> <p>18 We did a 2002 Report of the Review, which</p> <p>19 is an update to the comp water and sewer plan.</p> <p>20 I worked back in 2000 with the Maryland</p> <p>21 Department of the Environment, as well as</p>
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<p>1 MR. CALLAHAN: Yeah. Sure.</p> <p>2 MR. STAMP: So good afternoon, Council.</p> <p>3 The purpose of today's one-hour planned work</p> <p>4 session is to allow staff to follow up and</p> <p>5 discuss issues with the Council related to</p> <p>6 letters received from the Maryland Development</p> <p>7 of the Environment regarding the Lakeside</p> <p>8 development and the municipality of Trappe.</p> <p>9 Council, your county engineer, Mr. Ray</p> <p>10 Clarke, and Mr. Patrick Thomas, your county</p> <p>11 attorney, will be leading the discussion on</p> <p>12 issues related to the letters as well as how</p> <p>13 these issues intersect with the process of</p> <p>14 updating the comprehensive water and sewer plan</p> <p>15 through what is called the Report of the</p> <p>16 Review.</p> <p>17 We are also joined today by</p> <p>18 representatives from the municipality of</p> <p>19 Trappe, Ms. Lyndsey Ryan, and the town manager,</p> <p>20 Ms. Erin Braband. Lyndsey is the town</p> <p>21 attorney.</p>	<p>1 Maryland Department of Planning. Also</p> <p>2 collected data from all the towns at that time.</p> <p>3 And that's what basically was incorporated into</p> <p>4 the 2002 Report of the Review.</p> <p>5 The Council may be aware we are currently</p> <p>6 in the process of updating the comp water and</p> <p>7 sewer plan at this point in time. And we have</p> <p>8 developed one draft document. We'll kind of</p> <p>9 walk through that with you all today as well.</p> <p>10 So at this point, if you don't mind, I'll</p> <p>11 go ahead and get started.</p> <p>12 Again, we did --</p> <p>13 MR. CALLAHAN: And Mr. Clarke, could you</p> <p>14 go a little slower.</p> <p>15 MR. CLARKE: Sure.</p> <p>16 MR. CALLAHAN: So everybody can sort of</p> <p>17 help understand what's going on.</p> <p>18 MR. CLARKE: No problem.</p> <p>19 MR. CALLAHAN: And that would help you,</p> <p>20 too.</p> <p>21 MR. CLARKE: No problem. And then one of</p>

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1 the things I will point out kind of as we get
 2 started is that one of the things I would say
 3 within the May 9th letter, the Maryland
 4 Department of the Environment did indicate that
 5 ultimately we need to do this in coordination
 6 with the town.
 7 MR. CALLAHAN: Okay. Yeah. Sure.
 8 MR. CLARKE: So it's one of the things. I
 9 mean we've been working with the town.
 10 MR. CALLAHAN: Correct.
 11 MR. CLARKE: On a lot of the information
 12 and the mapping and whatnot.
 13 MR. CALLAHAN: Glad you made that clear.
 14 Yup.
 15 MR. CLARKE: Real quick, if I can go
 16 through this real quick. It fell asleep on me.
 17 Again, the 2002 Report of the Review was
 18 actually adopted by the County Council on
 19 October 22, 2002. MDE approved Resolution 100
 20 back I believe in February, on February 20,
 21 2003.

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1 With that, we had a water section that
 2 identified the town's water system. In
 3 addition to that, we had a water service area
 4 map. What was referred to as figure, I believe
 5 it was figure 11.
 6 With that, at the time, in early 2000s,
 7 both the Town of Easton and the Town of Trappe
 8 were moving forward with I guess annexations
 9 and development going on with their towns. So
 10 we were looking at probably what the future
 11 planning would be in those areas, and that's
 12 what generated I guess what we have called the
 13 future planning maps, which were basically
 14 figures 12 and 24. We'll get into that a
 15 little bit.
 16 But one of the things I want to really
 17 highlight is that we had a water description
 18 and a water service map, figure 11. And then
 19 as you go into map or the description for the
 20 future planning, it basically says as land is
 21 annexed into the Town of Trappe, these areas

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1 would be designated as W-1 after amending the
 2 comprehensive water and sewer plan.
 3 So one of the things as we're going
 4 through the 2003 (sic.) Report of the Review or
 5 the updated comp water and sewer plan, we're
 6 basically taking all the resolutions that were
 7 adopted since 2002 and showing those as part of
 8 this new updated Report of the Review.
 9 MR. CALLAHAN: Got you.
 10 MR. CLARKE: And this here is, I just want
 11 to very quickly go through this. This is the
 12 figure 11. And if I may kind of show you these
 13 two triangle areas here, these areas I think
 14 have raised some questions and concerns with
 15 the future planning map.
 16 At the same time, we have this area here,
 17 which also was listed as a W-2 area. But when
 18 you go into the future planning map, basically
 19 that let's say bird-like figure, that actually
 20 I think becomes W-1, but it had not -- it's
 21 annexed into the town, but it had not gone

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1 through the comprehensive water and sewer plan
 2 update.
 3 It's also hard to see, but these two
 4 triangle areas are right here. And again, we
 5 had not gone through any type of comp water and
 6 sewer plan amendment process to update those to
 7 W-1. So that's one of the things when we look
 8 at this going forward, we're leaving those
 9 areas alone. So we're not reclassifying them.
 10 And then we go into the sewer service area
 11 maps. With that, again, highlighting. We have
 12 the sewer description, we have basically figure
 13 23, which is the sewer service map for the Town
 14 of Trappe. And then we have figure 24, which
 15 is the long-range planning map. The same
 16 verbiage is utilized. Again, after land is
 17 annexed into the Town of Trappe, these areas
 18 would be designated as S-1 after the comp water
 19 and sewer plan has been amended.
 20 So again, figure 23 is basically very
 21 similar to the water service map.

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1 Just highlight very quickly, this area
 2 here is Howell Point Road. That was actually
 3 not in the sewer service area but actually in
 4 the water service area. So as we look at
 5 reconciling with our resolutions, we did two
 6 resolutions that modified the sewer service map
 7 and only one resolution, Resolution 281, that
 8 modified the water map.
 9 MR. CALLAHAN: Ray, was that the section
 10 we did several years ago with Council?
 11 MR. CLARKE: Yes.
 12 MR. CALLAHAN: Down there. Because they
 13 all had failing systems?
 14 MR. CLARKE: Yes, sir.
 15 MR. CALLAHAN: We put them. Okay.
 16 MS. HAYTHE: Ray, can you repeat that
 17 again about the sewer service map and the water
 18 service map in regards to Resolution 281,
 19 please?
 20 MR. CLARKE: Yeah. Let me -- in
 21 relationship to Resolution 281, Resolution 281

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1 basically amended the water service map for the
 2 Town of Trappe as well as the sewer service
 3 area for the Town of Trappe.
 4 MS. HAYTHE: Okay.
 5 MR. THOMAS: For certain properties, which
 6 we'll talk about in a few minutes.
 7 MR. CLARKE: And then ultimately, if you
 8 look here, this is the water service area map.
 9 This is Howell Point Road. It was already in
 10 the town, in the town's water service area back
 11 in 2002. So it ultimately did not have sewer
 12 until let's say about six or seven years ago
 13 with being upgraded to an S-1 area.
 14 So again, this is the Howell Point area.
 15 Again, point out these two parcels here. This
 16 is S-2 right here. Over on this side of US
 17 Route 50, that's unprogrammed. And then as you
 18 go into this future classification map, we show
 19 basically these two triangular areas here as
 20 S-1. This bird-like figure here is S-1. And
 21 then kind of over in the east side basically

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1 being S-2.
 2 So with that, that was, again, that
 3 long-range planning map.
 4 What I want to kind of highlight now is
 5 since about I'm guessing maybe about June of
 6 last year, we have been engaged in collecting
 7 data from the towns. Ultimately with that,
 8 updating the water sections and the sewer
 9 sections for the towns, as well as the private
 10 entities and the county.
 11 And with that, one of the things we are
 12 currently doing, when we went to the Town of
 13 Trappe, we looked at Resolution 281 and
 14 ultimately utilized Resolution 281 as the basis
 15 for setting up the water descriptions and then
 16 ultimately the sewer descriptions.
 17 Now, what happened, though, in October 27,
 18 2002 (sic.), MDE issued the discharge permit.
 19 And when they issued that discharge permit,
 20 they had basically identified, you know, major
 21 permit modifications for anything above the

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1 currently adopted 100,000 gallons or issued
 2 100,000 gallons of flow. And then with that,
 3 ultimately anything above that 100,000 would be
 4 a major permit modification. So those are the
 5 things that were modified and that I worked to
 6 incorporate that into the sewer service area or
 7 service description.
 8 That being said, I forwarded that over to
 9 the town, along with we've had discussions with
 10 the town on the proposed mapping for the water
 11 and sewer service areas, as well as the water
 12 and sewer service descriptions.
 13 And then I think with that, we, I think it
 14 was January 31, 2023, earlier this year, we had
 15 a work session with the County Council. And in
 16 that, we provided you as well as the Public
 17 Works Advisory Board and the Planning
 18 Commission as kind of like the first draft of
 19 the comp water and sewer plan.
 20 And with that, we, based again on our
 21 discussions with the towns, provided maps for

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<p>1 the water and the sewer service areas in that.</p> <p>2 In that first draft, basically the maps were</p> <p>3 identified as map ten and 18.</p> <p>4 Now, the map numbers changed on us because</p> <p>5 we had originally put the kind of like tier</p> <p>6 maps upfront. So we've actually moved those</p> <p>7 back, which resulted in the changing of these</p> <p>8 map numbers. So just if you're wondering why.</p> <p>9 MR. THOMAS: And just to be clear about</p> <p>10 these two maps that Ray is talking about, these</p> <p>11 municipal review maps, those were based on</p> <p>12 discussions at the staff level.</p> <p>13 And Ms. Ryan can speak to this a little</p> <p>14 bit, too. But they would still have to go</p> <p>15 through the Town of Trappe's review and</p> <p>16 approval process and ultimately require an</p> <p>17 amendment to the plan because there are certain</p> <p>18 properties on there that would be reclassified.</p> <p>19 MR. CALLAHAN: To their plan or our plan?</p> <p>20 MR. THOMAS: Yeah. So these two maps on</p> <p>21 the next two slides that Ray will show you</p>	<p>1 their letter, they're asking for the county,</p> <p>2 ultimately looking at updated EDUs for all the</p> <p>3 phases of the development. And then the other</p> <p>4 item is basically updated figures for water and</p> <p>5 sewer service with corrected classifications</p> <p>6 for all of the parcels within the Town of</p> <p>7 Trappe, including the Lakeside development.</p> <p>8 And then the third one is a corrected or</p> <p>9 corrected Exhibit A and B, A was the water map,</p> <p>10 B is the sewer map, from Resolution 281 in a</p> <p>11 new comp water and sewer plan amendment.</p> <p>12 MR. THOMAS: And again, sorry, just to be</p> <p>13 clear. MDE specifically asked for map updates</p> <p>14 addressing the fact that there were parcels</p> <p>15 that were shown on the maps attached as the</p> <p>16 exhibits to Resolution 281 that were not part</p> <p>17 of the Lakeside development or the resolution,</p> <p>18 but they were shown as having different</p> <p>19 classifications than they have in the water and</p> <p>20 sewer service plan.</p> <p>21 They weren't part of the application.</p>
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<p>1 labeled map to be used, those are like the</p> <p>2 designations that the town, the towns and</p> <p>3 county staff have been discussing. Anything</p> <p>4 that's not currently classified would still</p> <p>5 have to be amended through the amendment</p> <p>6 process.</p> <p>7 MR. CALLAHAN: I got you. Okay.</p> <p>8 MR. CLARKE: And then again, in talking</p> <p>9 with the town, we were looking at these</p> <p>10 triangular areas possibly being W-2 and S-2 and</p> <p>11 then ultimately maintaining the bird-like</p> <p>12 figure as W-2 and S-2.</p> <p>13 And then again, this was actually</p> <p>14 incorporated in that document that we provided</p> <p>15 the Public Works Advisory Board, the Planning</p> <p>16 Commission, and the Council in that first</p> <p>17 draft.</p> <p>18 That being said, we then -- this is also</p> <p>19 the sewer service map. So just highlight that.</p> <p>20 What then came after we had this, MDE then</p> <p>21 forwarded a letter to us on April 24th. And in</p>	<p>1 They weren't considered to be amended. They</p> <p>2 weren't -- and the legislative intent was</p> <p>3 clear, that there was no intent to reclassify</p> <p>4 any properties other than the ones specifically</p> <p>5 identified in the text of the resolution.</p> <p>6 So we weren't asked to reclassify, remap</p> <p>7 any of the Lakeside properties from MDE. And</p> <p>8 we don't believe we need to go back and do an</p> <p>9 amendment to the plan to change properties that</p> <p>10 had never been reclassified, remapped. They</p> <p>11 were just simply shown as an incorrect color.</p> <p>12 MR. CALLAHAN: Right.</p> <p>13 MR. THOMAS: In an exhibit.</p> <p>14 MR. CALLAHAN: So that's some of the</p> <p>15 confusion?</p> <p>16 MR. THOMAS: Yes.</p> <p>17 MR. CALLAHAN: In the public?</p> <p>18 MR. THOMAS: Right.</p> <p>19 MR. CALLAHAN: Okay.</p> <p>20 MR. CLARKE: And I think the other point</p> <p>21 that was part of the confusion as well was MDE,</p>

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1 part of their letter on May 24th was
 2 referencing maps 12 and 24.
 3 MR. CALLAHAN: Right.
 4 MR. CLARKE: Which was those long-range
 5 planning maps.
 6 I then forwarded an e-mail back to them
 7 explaining that we really need to get away from
 8 those maps. We need to do an audit ultimately
 9 on the water and sewer maps for the Town of
 10 Trappe.
 11 And that's kind of where we ended up kind
 12 of going with that.
 13 MR. CALLAHAN: Okay.
 14 MR. CLARKE: And then ultimately, MDE sent
 15 us back a response to my e-mail related to that
 16 saying yes, okay, we'll move forward with that.
 17 But one of the things that they did
 18 respond back in their May 9th letter, and
 19 again, highlighted, in coordination with the
 20 town. So we need to work with the Town of
 21 Trappe on this.

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1 And ultimately, this amendment will
 2 include maps, which incorporate any changes to
 3 the town's water and sewer service
 4 classifications that the county may deem
 5 necessary.
 6 So again, working with the towns. And
 7 then we ended up having a meeting with the Town
 8 of Trappe --
 9 MR. LESHHER: Back one slide. Just,
 10 Mr. Thomas, I want to understand. Item number
 11 three there is a corrected Exhibit A and B,
 12 which are maps?
 13 MR. THOMAS: Yes.
 14 MR. LESHHER: In a new comprehensive water
 15 and sewer plan amendment.
 16 But I was understanding you to say not in
 17 a new amendment.
 18 MR. THOMAS: So we've advised MDE that the
 19 properties that were reclassified and remapped
 20 in Resolution 281 that were specifically called
 21 out in the resolution by map and parcel

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1 reference, those are correctly shown on the
 2 exhibit as being reclassified as S-1, W-1, S-2,
 3 W-2.
 4 Any other properties that may have been
 5 miscolored on those maps could not have legally
 6 been changed because they didn't go through the
 7 amendment process as required under State law.
 8 So we've provided that information to MDE
 9 and we're awaiting their approval.
 10 MR. CALLAHAN: Right.
 11 MS. HAYTHE: Do we have a copy of that
 12 map?
 13 MR. CLARKE: I do have copies of the maps
 14 as we go through this that we developed for
 15 that will become Exhibits A and B, yes.
 16 MS. HAYTHE: Do we have a copy of the map
 17 that we were just talking about?
 18 What was that map number?
 19 MR. CLARKE: I think you mean the
 20 exhibits?
 21 I can find it for you. I do have them in

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1 the back. I thought we may need them.
 2 These are the maps that were part of
 3 exhibit -- this is Exhibit A within the comp
 4 water and sewer plan. And ultimately,
 5 basically showing these areas here, which was
 6 Lakeside. This is the S-2 portion of Lakeside.
 7 Again, these were W-2, W-2, and W-2 here.
 8 There was also this area up here that was
 9 actually classified as W-3, but they were not
 10 part of Resolution 281.
 11 MS. HAYTHE: But they were just shown in
 12 the map that was submitted?
 13 MR. CLARKE: Correct.
 14 MR. THOMAS: They were shown in the map.
 15 For example, those two little triangular
 16 properties at the bottom left there.
 17 MS. HAYTHE: Yes.
 18 MR. THOMAS: Those are not part of the
 19 Lakeside development. They were not
 20 addressed -- they were not called out at all in
 21 the resolution and they weren't -- our position

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1 is they weren't reclassified and remapped. So
 2 you wouldn't do a sewer, you wouldn't do a
 3 water and sewer plan amendment to change those
 4 properties back because they haven't been
 5 changed in the first place.
 6 MS. HAYTHE: They have always been W-2?
 7 MR. THOMAS: No. They're unprogrammed.
 8 MR. CLARKE: Let me go back up.
 9 And this map, sorry, this map here,
 10 they're actually unprogrammed. In the 2002,
 11 they're unprogrammed.
 12 MS. HAYTHE: Okay.
 13 MR. CLARKE: So not losing those.
 14 Again, work in coordination with the town.
 15 Again, one of the things, we did meet with
 16 the town representatives on May 24th.
 17 After meeting with the town, I ended up we
 18 provided them with updated maps, primarily
 19 Exhibits A and B.
 20 And then ultimately, we had had
 21 discussions with the town on let's say their

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1 municipal review. With that, we then provided
 2 or I provided basically maps for their review
 3 for the municipal thing.
 4 But then we also identified what those
 5 parcels were in a column and the tax map number
 6 and whatnot. And I'll show you those as well.
 7 Basically, this here is what we're
 8 referring to as let's say the new Exhibit A.
 9 The new Exhibit A would be Resolution 281. As
 10 Mr. Thomas has indicated, we're not showing
 11 these two triangular areas as being
 12 reclassified. They're going to remain
 13 unprogrammed.
 14 Ultimately, this area was a W-2 area. The
 15 one thing that we did find is that all of these
 16 parcels here for Lakeside were included in
 17 Resolution 281. They were called out by their
 18 tax map and parcel number.
 19 The one area that was not was this parcel
 20 here. That parcel, which is tax map 55, parcel
 21 one, was actually classified as a W-3 S-3 and

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1 ultimately was not included in Resolution 281.
 2 So because it was not included in Resolution
 3 281, it should remain as a W-3 S-3.
 4 And then for the sewer side, again, we
 5 have Resolution 281. The parcels that are
 6 listed here.
 7 And then for 259, we show the parcels that
 8 were there. Again, we had two resolutions that
 9 amended the sewer service maps for the Town of
 10 Trappe.
 11 MR. THOMAS: So those are the only two
 12 resolutions that have been adopted by the
 13 Council and approved by MDE since 2002 to
 14 change any water and sewer classifications in
 15 the town.
 16 MR. CLARKE: The next slide I have here is
 17 basically working with the Town of Trappe.
 18 One of the things that we did is we took
 19 all the information from our previous meetings
 20 with them back in let's say late 2002. And
 21 then ultimately looked at some of the areas

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1 within the Town of Trappe and looked at what
 2 kind of classifications they should be.
 3 And one of the things we learned on our
 4 meeting with May 24th with the town, and it was
 5 brought to our attention that right now, this
 6 little square down here in the S-3 area, right
 7 now the Town of Trappe is looking at
 8 consolidating their two wastewater treatment
 9 plants for La Trappe Heights, which is this
 10 community right here. This is La Trappe
 11 Heights here.
 12 So they've identified that they're going
 13 to need to have this little triangle for a new
 14 pump station to have that area reclassified for
 15 W-1 S-1.
 16 And again, working with the Town of
 17 Trappe, we probably -- we need to have that
 18 reclassified to assist them if they're going
 19 after any types of funding through the State
 20 and whatnot. And we did identify that.
 21 Now, one of the things we did is we also

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<p>1 put all of those parcels in here in this table 2 kind of showing those parcels based upon our 3 discussions with the Town of Trappe. 4 Now, is this table 100 percent correct? 5 Actually we made a boo-boo. We ended up 6 basically in this area here, we have some 7 parcels, some of the properties here, 8 especially these two parcels here, were 9 automatically, they were in the 2002 Report of 10 the Review. So we added them to the map, but 11 they don't need to be added to the map. So I 12 just wanted to make that clarification. 13 And we also did that really for the sewer 14 map as well. We went through. And talking 15 with the town, they were looking at trying to 16 have these areas, those triangular areas, 17 reclassified to S-2, maintaining the bird-like 18 figure here as S-2. Again, highlighted here 19 that this is going to be an S-3. That was not 20 included in Resolution 281. So we would have 21 to have an amendment to move that forward into</p>	<p>1 for phases two and three, is that correct, in 2 their letter of April 24th? 3 MR. THOMAS: Do you have the letter? 4 MR. CLARKE: Yeah, I do have the letter. 5 I think they asked for all. 6 MR. THOMAS: I believe they do. It says 7 updated EDUs for all phases of the development. 8 MS. MIELKE: Were EDUs established back 9 when 281 was enacted? 10 MR. CLARKE: Yes. When they were looking 11 at doing this, they were asking for the number 12 of EDUs back -- 13 MS. MIELKE: Do we have a copy of what was 14 represented to be the EDUs at that time? 15 MR. CLARKE: We, I believe we did. And I 16 think, at the time I think the developer and/or 17 town provided I think the first two phases. 18 But I think MDE has come back and they're 19 asking for all phases at this point. So we -- 20 MS. MIELKE: What I'm asking for is the 21 map at the time.</p>
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<p>1 a classification of S-2 at this point in time. 2 So with that, kind of walking through some 3 of the I guess with the letter, MDE's letter, 4 ultimately we're looking at recommendations. 5 Shortly after receiving the April 24th letter, 6 I e-mailed Lyndsey Ryan, who ended up sending 7 back I guess the maps showing the phases. And 8 then with that, identified what the number of 9 EDUs are per phase. 10 So at this point in time, unless the town 11 tells us otherwise, that's probably what -- 12 that's the information we will provide as part 13 of the EDUs. 14 MR. THOMAS: Yeah. So that would require 15 an amendment. Right now, the plan, the 16 comprehensive water and sewer plan does not set 17 forth the phases or the EDUs for development. 18 So that will require an amendment to the 19 comprehensive water and sewer plan, which we 20 hope to bring forward at the Council's meeting. 21 MR. LESHER: They're only really asking</p>	<p>1 MR. CLARKE: The map that I have is map, 2 it was I think dated the 2017 -- 3 MS. MIELKE: Excuse me. Not a map. But a 4 breakdown of the phases of development. 5 MS. HAYTHE: Lyndsey has something, Chuck. 6 MR. CALLAHAN: Yeah. Come on up. 7 MS. RYAN: I don't know if I can be 8 helpful, but at the time 281 was discussed, the 9 understanding was that it was 2,501 dwelling 10 units. So that would be 2,501 EDUs. 11 MS. MIELKE: So there was no breakdown of 12 phases and EDUs at the time that 281 was 13 enacted? 14 MS. RYAN: It was five phases and 15 approximately 500 units per phase. I'm sure 16 there were discussions of that at the time. 17 MS. MIELKE: Was there any delineation 18 like there is on this slide as to what the 19 units were and where they were, each phase? 20 MS. RYAN: Not that I can recall exactly, 21 but there was an understanding that it was</p>

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<p>1 2,501 units and that the division of S-1 W-1 in 2 the top half and S-2 W-2 in the bottom half 3 would be half of 2,501 and then the other half 4 of 2,501.</p> <p>5 MS. MIELKE: The reason I ask that 6 question is there is a breakdown of phases in a 7 2019 breakdown, which is inconsistent with what 8 is shown there.</p> <p>9 MS. RYAN: So the --</p> <p>10 MS. MIELKE: So I was wondering what was 11 that used for, was it relied upon, and why is 12 it different now?</p> <p>13 MS. RYAN: I'm not sure exactly what 14 you're looking at. I imagine what you're 15 looking at is the 2019 adopted PUD plan.</p> <p>16 What we're looking at right now is a 17 concept plan, which was not formally adopted as 18 part of the PUD plan. It hasn't been amended. 19 So it still is that PUD plan that you were 20 looking at.</p> <p>21 But again, it's approximately 500 units</p>	<p>1 from north to south, as it was explained back 2 in 2020 during a presentation on 281.</p> <p>3 So are we supposed -- is this supposed to 4 supplant Exhibit A and B in 281, this concept 5 plan?</p> <p>6 MR. THOMAS: The concept plan that shows 7 the phases, no.</p> <p>8 I think what we provided to MDE was simply 9 a map that says these are the water and sewer 10 classifications in the town as they currently 11 exist as enacted by the 2002 Report of the 12 Review, as amended by Resolution 259, and as 13 amended by Resolution 281.</p> <p>14 What I think now has to happen is there 15 has to be an amendment to the plan that adds 16 the phases and EDUs for all phases of the 17 development into the plan because that 18 information is currently not in there.</p> <p>19 MR. LESHAR: So will we get a map that 20 will show that phasing to be responsive to that 21 request?</p>
<p>1 per phase.</p> <p>2 MS. MIELKE: So at the time that 281 was 3 enacted, the reliance for the EDUs was based 4 upon the PUD plan?</p> <p>5 MS. RYAN: I don't know that there was a 6 reliance on the EDUs based on the PUD plan. I 7 believe it was on the overall 2,501 approved 8 units.</p> <p>9 MR. LESHAR: So Resolution 281 breaks 10 Lakeside into some S-1 and some S-2?</p> <p>11 MR. THOMAS: Correct.</p> <p>12 MR. LESHAR: And we were -- it was 13 explained to us at the time that the S-1 would 14 essentially be the first three of those five 15 phases and the S-2 area would be the phases 16 four and five, the final two phases.</p> <p>17 But looking at this phasing plan, phase 18 two extends way down to the southeast area. 19 This looks like a completely different -- it 20 looks like a -- it kind of spawls through the 21 area rather than going in an orderly fashion</p>	<p>1 MR. THOMAS: I was, I was looking at what 2 MDE had in the approval letter for Resolution 3 281 where they actually had a table that 4 listed, that had the listing of the phases and 5 the uses and the EDUs for each. So that's one 6 way to do it.</p> <p>7 A map could certainly go along with that. 8 I don't know that it necessarily has to, but it 9 may be...</p> <p>10 MR. LESHAR: Should we request that from 11 the town for clarity sake?</p> <p>12 MR. THOMAS: We certainly can.</p> <p>13 MR. LESHAR: Let's do that.</p> <p>14 MR. THOMAS: Certainly can.</p> <p>15 MS. HAYTHE: So does that attachment or 16 that map that was with that, match this concept 17 plan or is it different?</p> <p>18 MR. CLARKE: Just so we're all on the same 19 page here, we're saying this map here?</p> <p>20 MS. HAYTHE: Yes. The recommendations.</p> <p>21 MR. CLARKE: We tried to look at it. It</p>

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<p>1 doesn't match up completely with the water and 2 sewer maps as we have them today. 3 MR. THOMAS: So what you have is you will 4 have some portions of some phases that are S-1 5 W-1 and portions of it that are S-2 W-2. 6 MR. CALLAHAN: Right. 7 MR. THOMAS: But the EDUs don't, the 8 overall EDUs don't vary drastically. I think 9 they're relatively equal between the two 10 phases. I mean between the two 11 classifications. 12 MR. CLARKE: So I'm kind of putting these 13 maps up here, map number eight and map number 14 17 I believe. These are actually going to be 15 what we're suggesting would be maps, the 16 Exhibits A and B. So for the water and sewer, 17 this would be map A. Or I'm sorry. For the 18 water. And this would be map or Exhibit B. 19 And then I showed that kind of in this 20 recommendation again. 21 Per MDE, they're seeking the Exhibits A</p>	<p>1 And I think as Patrick noted, this map 2 here definitely would have to go through a comp 3 water and sewer plan amendment process to 4 really reclassify those parcels that either 5 have a different classification, whatever the 6 classification is as it relates to 2002 to be 7 brought in as either W-1 S-1 or W-2 S-2, or W-3 8 S-3. So again, working with the town on that. 9 MR. CALLAHAN: But saying that, just 10 making sure that the public isn't confused. 11 That's two different scenarios. There's a 12 Lakeside and there's other properties. 13 MR. CLARKE: That is correct. 14 MR. CALLAHAN: That's the confusion. 15 We're doing two things at once. 16 MR. CLARKE: I know. 17 MR. LESHER: So would it make sense to ask 18 that, request from the town the map that shows 19 this phasing superimposed on this new exhibit 20 that would be part of the comprehensive water 21 and sewer plan?</p>
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<p>1 and B, which would be our accounting or 2 reconciliation of the water and sewer maps 3 based upon those adopted resolutions that 4 modified the 2002 maps and bring them up to 5 date. So that would be the Exhibits A and B. 6 And then the next question I think what we 7 have right now with MDE is, again, they're 8 looking at, from what MDE has told us, they 9 want to basically come and have a map where 10 they can point their finger and say okay, this 11 parcel, tax map this and parcel such-and-such, 12 that MDE says okay, that's S-1, the town says 13 it's S-1, the county says it's S-1. Or if the 14 county says -- MDE points to another parcel, 15 W-2. They want that that same map to be 16 available for everybody, that the town says 17 it's W-2 and the county says it's W-2. 18 So they're looking for that and they've 19 asked the county in coordination with the town 20 to provide that map. So that's what we're 21 working on.</p>	<p>1 MR. CLARKE: I mean we can make a request. 2 MR. THOMAS: We certainly can ask. I 3 think that's appropriate. 4 MR. LESHER: And that phasing, I presume 5 that the phasing doesn't necessarily follow 6 existing parcel property lines? 7 MR. CLARKE: No, it does not. 8 MR. LESHER: Because, in fact, the 9 division between the S-1 and the S-2 area 10 already does not follow -- 11 MR. CLARKE: Correct. 12 MR. LESHER: -- existing property lines? 13 MR. THOMAS: Correct. 14 MR. LESHER: So presumably the phasing 15 wouldn't either? 16 MR. THOMAS: Correct. 17 MS. MIELKE: Should there be a deadline 18 for presentation of that? 19 MR. THOMAS: Yes. 20 MS. HAYTHE: So just to clarify, phases 21 one through three in Resolution 281 was W-1 S-1</p>

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<p>1 and then four and five was not? That was like 2 W-3. 3 MR. CLARKE: Right now, you have roughly, 4 let's say roughly phases one and two and let's 5 say parcel three are W-1 and S-1. 6 And then you have down here would be let's 7 say phases four and five. That would be 8 basically now W-2 and S-2 and possibly W-3 S-3. 9 MS. HAYTHE: Okay. So it's going to be a 10 mix? 11 MR. CLARKE: Yes. 12 MR. LESHAR: And then, again, to be 13 responsive to MDE, as they give us that phasing 14 plan on the map, we have a detail that will 15 give a number of requested EDUs in each of 16 those five phases? 17 MR. CLARKE: Right. 18 MR. THOMAS: Yes. 19 MS. MIELKE: But the maps -- I mean not 20 the maps. The phases are different from what 21 was produced by the town at the time that we</p>	<p>1 MS. MIELKE: It was never presented as 2 part of the approval. 3 MR. LESHAR: The past few weeks are the 4 first I've seen it. 5 MR. CLARKE: Right. 6 MS. HAYTHE: What is the deadline to 7 submit the maps to MDE? Is there a deadline? 8 Did they give us a deadline? 9 MR. CLARKE: We've been trying I think to 10 try and get this back to them before the end of 11 July. I think their letter was dated May 24th. 12 So we are working on trying and get this back 13 to them by let's say July 24th. So we're 14 working on that. 15 MR. THOMAS: And our intent, again, is to 16 have the resolution to introduce in July on the 17 map, the EDU phasing issue. And then we can 18 notify MDE -- 19 MS. MIELKE: What's the deadline for the 20 town to get back to us so that we can adhere to 21 that process?</p>
<p>Page 39</p> <p>1 were considering the resolution and this one. 2 MR. LESHAR: Well, we can let the town 3 sort that out. 4 MS. MIELKE: Well, I think we need to go 5 on record that we've identified that and they 6 have to explain it. 7 MR. LESHAR: Sure. 8 MR. THOMAS: Absolutely. 9 MS. MIELKE: Because this says that phase 10 two will be Lakeside Park, whereas back when 11 they were submitting the PUD. 12 MS. HAYTHE: PUD. 13 MS. MIELKE: PUD, they were saying that 14 phase two would be the Lakeside Center. So 15 it's different. I think that they need to 16 explain that. 17 MR. LESHAR: I mean this exhibit that 18 shows that phasing plan, that's never been I 19 think officially submitted as anything, maybe 20 to the towns, but certainly not to the county. 21 That's never been a part of the...</p>	<p>Page 41</p> <p>1 MR. CLARKE: I would say as soon as 2 possible, at the end of this week. 3 MR. THOMAS: The end of the week. 4 MR. CLARKE: The other thing -- 5 MS. MIELKE: So July 1st? 6 MR. THOMAS: July 1st. 7 MR. CLARKE: I mean the other thing we may 8 want to also try and do is have a coordinated 9 meeting with the county and the town and MDE to 10 go through all this. 11 MS. MIELKE: We need the documents first 12 before we have that. 13 MR. THOMAS: Yes. 14 MR. LESHAR: Okay. Thank you. 15 MR. CLARKE: So that's basically what we 16 have for you all. 17 I mean any questions for us or any 18 other... 19 MR. CALLAHAN: Hey, I want to just reach 20 out. Lyndsey, did you want to comment on that 21 or...</p>

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<p>1 MS. RYAN: No. We'll certainly -- I think</p> <p>2 we've had discussions about submitting the EDUs</p> <p>3 per phase, but I want to be careful to make</p> <p>4 sure everyone understands that the phases</p> <p>5 aren't sequential. So I'm not sure --</p> <p>6 MR. CALLAHAN: Would you mind coming up</p> <p>7 here so we can talk. I appreciate it. Thank</p> <p>8 you.</p> <p>9 MS. RYAN: Not a problem.</p> <p>10 MR. CALLAHAN: Yup. If you can start over</p> <p>11 in that mike please, I appreciate it.</p> <p>12 MS. RYAN: Yup. So the phases, as it's</p> <p>13 always been discussed, are going to be market</p> <p>14 driven. And they have the ability to go</p> <p>15 between phases one, two, and three, depending</p> <p>16 on markets and what type of housing unit is</p> <p>17 within each one.</p> <p>18 So they're not supposed to be sequential</p> <p>19 where phase one is going to be finished before</p> <p>20 moving to phase two. So I think clarifying</p> <p>21 that is important.</p>	<p>1 to...</p> <p>2 MR. STAMP: Summarize.</p> <p>3 MR. CALLAHAN: What do you think? Do you</p> <p>4 got anything else? Anything you want to add to</p> <p>5 the talk here?</p> <p>6 MS. HAYTHE: Summarize.</p> <p>7 MR. STAMP: Summarize.</p> <p>8 MR. THOMAS: So just to briefly summarize,</p> <p>9 so we are working on a resolution that will</p> <p>10 address the EDU and phasing issues. MDE has</p> <p>11 asked us to.</p> <p>12 We forwarded them the maps that show the</p> <p>13 current water and sewer classifications that</p> <p>14 have been adopted, which we believe are</p> <p>15 correct. We're awaiting their approval of</p> <p>16 that.</p> <p>17 Doesn't require legislative action because</p> <p>18 we're not amending, we're not amending</p> <p>19 anything.</p> <p>20 And then any changes to the maps from</p> <p>21 their current classifications will require</p>
<p>Page 43</p> <p>1 Again, the 2,501 units has always</p> <p>2 remained.</p> <p>3 I do recall at some point when the</p> <p>4 amendment was first submitted, 281 was first</p> <p>5 submitted, it was an entire map and it did have</p> <p>6 some of the phasing on there. And then we had</p> <p>7 agreed to split it in half.</p> <p>8 So there is a map somewhere. I'm sure</p> <p>9 it's in my file. I can provide it.</p> <p>10 MR. CALLAHAN: Okay. Does Council have</p> <p>11 any questions for Lyndsey? That's good. Okay.</p> <p>12 MS. RYAN: Thank you.</p> <p>13 MR. CALLAHAN: I think you got a Council</p> <p>14 here; don't you? Yup.</p> <p>15 MS. RYAN: Yes.</p> <p>16 MR. CALLAHAN: Do you want to come up and</p> <p>17 say anything?</p> <p>18 COUNCILMAN SCHMIDT: I'm good. Thank you.</p> <p>19 Lyndsey I think covered pretty much everything</p> <p>20 we need.</p> <p>21 MR. CALLAHAN: Okay. Patrick, you want</p>	<p>Page 45</p> <p>1 whether we do it as part of the -- it will be</p> <p>2 subsequent to the Report of the Review. That</p> <p>3 will require an amendment to the plan. We'll</p> <p>4 have to go through the comprehensive water and</p> <p>5 sewer plan amendment process.</p> <p>6 MR. CALLAHAN: Good, good.</p> <p>7 Mr. Clarke, you good?</p> <p>8 MR. CLARKE: I'm good. And any</p> <p>9 information y'all need from us, we'll be more</p> <p>10 than happy to provide that to you.</p> <p>11 MR. LESHHER: One final question, and this</p> <p>12 is simply because I was at the Public Works</p> <p>13 Advisory Board meeting last week.</p> <p>14 There was, there's sort of, in the middle</p> <p>15 of Lakeside, sort of a pipe stem of unannexed,</p> <p>16 unprogrammed land. And there's apparently a</p> <p>17 parcel that I guess is divided. It's part of</p> <p>18 Lakeside. And with that little pipe, the pipe</p> <p>19 stem portion of that was shown in a draft map.</p> <p>20 But we now recognize that that was never the</p> <p>21 legislative intent behind that.</p>

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1 MR. THOMAS: Those, no. And in fact, I'm
 2 glad you mentioned that. So those two little
 3 pieces there, that one that hangs down. So the
 4 text of the resolution expressly says
 5 reclassifying, remapping properties within the
 6 limits of the Town of Trappe.
 7 Those properties are not within the town.
 8 They weren't called out in the resolution.
 9 They weren't shown on the map. So if we are
 10 going with the legislative intent and what the
 11 resolution says, those properties were not
 12 included. And I don't think they're shown as
 13 even phases of the development in any plans.
 14 MR. LESHAR: No. Clearly not. But there
 15 was some question because that parcel I guess
 16 was partially in the annexed area and partially
 17 outside of the annexed area. There was a draft
 18 that showed it differently.
 19 So we've looked at the legislative
 20 language and now clarified that that was never
 21 the intent.

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1 MR. THOMAS: Correct.
 2 MR. LESHAR: Okay. Thank you.
 3 MR. CALLAHAN: Okay. Well, that concludes
 4 our work session with Trappe.
 5 I really appreciate Trappe coming and I
 6 appreciate the constituents coming out and
 7 hearing us. So hopefully that cleared up a lot
 8 of answers for us.
 9 Okay. Thank you.
 10 (Work Session concluded at: 3:40 p.m.)
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1 STATE OF MARYLAND
 2 I, Diane Houlihan, a Notary Public in and
 3 for the State of Maryland, County of Baltimore City,
 4 do hereby certify that the within named, Talbot
 5 County Council Audio, personally appeared before me
 6 at the time and place herein set according to law,
 7 was interrogated by counsel.
 8
 9 I further certify that the examination was
 10 recorded stenographically by me and then transcribed
 11 from my stenographic notes to the within printed
 12 matter by means of computer-assisted transcription
 13 in a true and accurate manner.
 14
 15 I further certify that the stipulations
 16 contained herein were entered into by counsel in my
 17 presence.
 18
 19 I further certify that I am not of counsel
 20 to any of the parties, not an employee of counsel,
 21 nor related to any of the parties, nor in any way
 interested in the outcome of this action.
 AS WITNESS my hand Notarial Seal this 5th
 day of July, 2023, at Easton, MD.


 DIANE HOULIHAN
 Notary Public

My commission expires September 16, 2025

1	2000 4:20 2000s 7:6 2002 4:18 5:4 6:17,19 8:7 11:11 12:18 22:10 24:13,20 26:9 32:11 35:4 36:6 2003 6:21 8:4 2017 29:2 2019 30:7,15 2020 32:2 2023 1:7 13:14 48:13 2025 48:20 22 6:19 23 9:13,20 24 7:14 9:14 18:2 24th 4:9 15:21 18:1 22:16 25:4 27:5 28:2 40:11,13 259 24:7 32:12 27 1:7 12:17 281 10:7,18,21 10:21 12:13,14 16:10,16 19:20 21:10 23:9,17 24:1,3,5 26:20 28:9 29:8,12 31:2,9 32:2,4 32:13 33:3 37:21 43:4	26:19 36:7,8 38:2,8,8 31 13:14 3:00 1:7 3:40 47:10	addressing 4:13 16:14 adds 32:15 adhere 40:20 adopted 6:18 8:7 13:1 24:12 30:15,17 35:3 44:14 advised 19:18 advisory 13:17 15:15 45:13 afternoon 2:4 3:2 ago 10:10 11:12 agreed 43:7 ahead 2:5,10 2:13 5:11 allow 3:4 amended 9:19 11:1 15:5 17:1 24:9 30:18 32:12,13 amending 8:1 44:18,18 amendment 9:6 14:17 15:5 16:11 17:9 19:1,15,17 20:7 22:3 26:21 27:15,18 32:15 36:3 43:4 45:3,5 annexations 7:8 annexed 7:21 8:21 9:17 46:16,17
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