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PLANNING COMMISSION OF TALBOT COUNTY, MARYLAND

Planning Commission Meeting

October 4, 2023, 9:00 a.m.

Bradley Meeting Room

Easton, Maryland

COMMISSION MEMBERS:

Chip Cuncell - Chairman

Bill Boicourt

James Corson

Paul Spies

Michael Strannahan

Reported by

Diane Houlihan

<p style="text-align: right;">Page 2</p> <p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2</p> <p>3 MR. COUNCELL: With that, we'll move to</p> <p>4 Commission questions, comments.</p> <p>5 Mike, you and Jean want to come back to</p> <p>6 the table just in case something pops up here.</p> <p>7 Who would like to go first? Bill.</p> <p>8 (Inaudible.)</p> <p>9 MR. COUNCELL: So --</p> <p>10 (Inaudible.)</p> <p>11 MR. COUNCELL: So I think -- let's talk</p> <p>12 about that a little bit. So I think that we</p> <p>13 should have an overall discussion. I think</p> <p>14 they're all intertwined to some degree and then</p> <p>15 kind of see what shakes out.</p> <p>16 Does that make sense?</p> <p>17 Jim, make sense?</p> <p>18 MR. CORSON: Yeah, that makes sense.</p> <p>19 MR. COUNCELL: In other words, to me when</p> <p>20 I look at it, there's bits and pieces, so forth</p> <p>21 and so on. So maybe we can do it with no</p>	<p style="text-align: right;">Page 4</p> <p>1 And initially we had a vote three to two that</p> <p>2 supported 381 (sic.). Then we rescinded our</p> <p>3 approval of 281.</p> <p>4 So going back to a comment that Lisa</p> <p>5 Ghezzi made, I claim that we never considered</p> <p>6 in that whole process the seven standards and</p> <p>7 the impact of this development on the county</p> <p>8 residents as a whole.</p> <p>9 So when MDE comes back and tells us to</p> <p>10 look at the maps, I mean we definitely have to</p> <p>11 look at all the maps, not just -- we were</p> <p>12 warned by Mr. Pullen that we should include the</p> <p>13 whole shot there. But I don't recall ever</p> <p>14 sitting down and certifying the maps on</p> <p>15 Lakeside as being consistent with the</p> <p>16 Comprehensive Plan.</p> <p>17 Added to that is the confusion we all</p> <p>18 talked about since then. Mike and I had the</p> <p>19 pleasure of being at the Public Works Advisory</p> <p>20 Board on Monday. These are very dedicated and</p> <p>21 technical people, and they were confused, too.</p>
<p style="text-align: right;">Page 3</p> <p>1 particular order, but in reference to all three</p> <p>2 resolutions.</p> <p>3 MR. BOICOURT: Okay. Well, I agree that</p> <p>4 all three resolutions are connected. And</p> <p>5 they're all I think well-intentioned responses</p> <p>6 to the letter that we keep talking about, the</p> <p>7 April 24th letter from MDE to try to resolve</p> <p>8 this issue.</p> <p>9 I'll repeat some of the points that are</p> <p>10 made on here that it is our responsibility, my</p> <p>11 understanding is that any modification, any</p> <p>12 amendment to the comprehensive water and sewer</p> <p>13 plan has to come in front of us to be certified</p> <p>14 as consistent with the Comprehensive Plan.</p> <p>15 But in addition, we're still bound by the</p> <p>16 larger issues in the Comprehensive Plan, and</p> <p>17 they were quoted here this morning, that to try</p> <p>18 to uphold the vision, which is to preserve the</p> <p>19 rural character of our county.</p> <p>20 The -- all three, in my opinion,</p> <p>21 resolutions really depend on Resolution 281.</p>	<p style="text-align: right;">Page 5</p> <p>1 So I think it's incumbent on us to get the</p> <p>2 maps right.</p> <p>3 The other issue is I really feel strongly</p> <p>4 that we are charged to uphold the Comprehensive</p> <p>5 Plan. And in that process, the word -- the</p> <p>6 word -- it goes back in the deep part of the</p> <p>7 Comprehensive Plan being when development</p> <p>8 occurs in the county, it should be done in an</p> <p>9 incremental basis.</p> <p>10 Well, I don't think we can support this as</p> <p>11 an incremental development. So what are our</p> <p>12 controls? Our controls are looking at the</p> <p>13 comprehensive water and sewer plan and then</p> <p>14 certifying any modification there, I repeat</p> <p>15 myself, as consistent with the Comprehensive</p> <p>16 Plan.</p> <p>17 So I think that we ought to go back to the</p> <p>18 County Council and say, look, we support the</p> <p>19 intent here, but the need to revisit the maps</p> <p>20 and to institute a mechanism where we, as a</p> <p>21 body, look at each incremental, I'll use that</p>

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1 word in a different way here, 100,000 gallons,
 2 400 EDUs, every time that is up, that we review
 3 it for the county and certify it as consistent
 4 with the Comprehensive Plan.
 5 That exact mechanism for that, I don't
 6 know yet. But that's something I think we
 7 ought to sit down with the County Council, with
 8 the Public Works Advisory Board, and try to
 9 work this out.
 10 MR. COUNCELL: Okay. Mr. Strannahan.
 11 MR. STRANNAHAN: Thank you, Bill.
 12 I think Bill covered things pretty well.
 13 I'm generally in agreement with what he said.
 14 There are some troubling things throughout
 15 this. In my opinion, they are all more than
 16 just interconnected. They're, all three of
 17 these, are intertwined.
 18 I think the resolutions, I want to make
 19 sure I get my resolution versus amendment
 20 correct. The resolutions were put forward with
 21 good intention.

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1 However, as we move through all of these,
 2 one is dependent upon the other. They're all
 3 dependent upon 281, or 281 as amended, as we
 4 were shown at the time.
 5 And I glad Ms. Ryan brought this up in her
 6 last statement, that when 281 was presented to
 7 us, as I recall, we were told that MDE came
 8 back and said when the county, and this comes
 9 from the county and MDE, as well as
 10 Mr. Showalter for the developer and Ms. Ryan
 11 for the Town of Trappe, that there were --
 12 which turned out to be mistaken. MDE asked why
 13 are you presenting these now, we are showing
 14 everything as mapped as S-1, W-1.
 15 Now we find out later, several years down
 16 the road, that whoever passed that information
 17 on to everyone involved, from the State to the
 18 county to the developer to the town, that they
 19 made a mistake. And I'm not saying there were
 20 any nefarious issues. But there was a mistake
 21 and that actually prior to 281, all of these

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1 lands were unprogrammed.
 2 281 and the amendment as amended did
 3 ultimately pass. I believe was later
 4 rescinded.
 5 However, if MDE and the State require the
 6 maps for the Town of Trappe be revisited, then
 7 the maps, and I'm assuming by maps, they're
 8 talking about a water map and a sewer map, then
 9 we need to revisit the entire maps, and which
 10 to do that correctly, need to go back as, part
 11 of it has been done, to the 2002 maps and move
 12 forward.
 13 Lakeside is a reality. It's there.
 14 Houses are up. Infrastructure is going in.
 15 But not specifically in these, but that it
 16 seems reasonable to work together moving
 17 forward with the Council and Trappe and
 18 everyone else that the 400 EDUs are a number
 19 that has been approved by the State, that
 20 that's a number that can be worked with.
 21 But the, using the S-1, W-1, S-2, W-2 as

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1 we're showing in these resolutions is moving --
 2 has jumped a step in this. We need to go back.
 3 I'm not saying that it should all always
 4 be unprogrammed. But we need to take a look
 5 at, first, make, my suggestion would be first
 6 make the first 400 EDUs as an S-1, W-1. And
 7 then, again, it's been brought up by many
 8 people today, look at the phasing, look at the
 9 timing.
 10 And we were told at the time then, and
 11 again, I'm rambling, I apologize, but that the
 12 reason that MDE was showing everything as S-1,
 13 W-1 was because of a passage of time, which I
 14 have since been told by legal scholars that
 15 that's not really a thing, because they showed
 16 it at that time as everything had been S-2, W-2
 17 for more than the five years. And that's how
 18 they came to the conclusion that everything in
 19 Trappe was now S-1, W-1 and basically there
 20 wasn't anything anybody could do about it.
 21 That was mistaken information.

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<p>1 So if we're going to revisit the maps, 2 which we're going to have to revisit because 3 MDE, the State of Maryland has told us so, we 4 have to revisit the maps in their entirety and 5 make sure that everything in those maps is 6 correct, starting at the beginning. 7 That is what's currently been accepted as 8 correct at this time, and my understanding, 9 what was then, at 2002, and make the 10 corrections necessary to get them to where they 11 should be or where the county wants them today. 12 The Town of Trappe does have a lot of 13 oversight in this. But from this point, I 14 believe the county has oversight over that 15 portion of the water and sewer. 16 That's all I have for now. 17 MR. COUNCELL: Mr. Spies. 18 MR. SPIES: All three of these I agree go 19 back to a time to our previous ruling, how 20 those went down and it got rescinded and all 21 that makes it difficult.</p>	<p>1 1 ourselves up for more confusion down the road. 2 2 The policy now is saying that we're 3 3 allotting a certain flowability. Let's stick 4 4 to that and hold them to (inaudible) number. 5 5 And as we go through, I'll have more 6 6 comments as we break down on each resolution. 7 7 But on the whole, that's kind of where I'm -- 8 8 this is confusing enough without trying to 9 9 add -- going above and beyond and adding 10 10 additional requirements. 11 11 MR. COUNCELL: Mr. Corson. 12 12 MR. CORSON: I agree with all the 13 13 Commissioners thus far on all this. 14 14 And I do believe the amendments are or the 15 15 resolutions are intentioned, well intentioned. 16 16 But I do think there's an importance here 17 17 and a responsibility. We have to sort of put 18 18 some consistency and flowability as in EDUs to 19 19 make sure that these maps are correct going 20 forward. 21 21 It's just something we have to consider</p>
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<p>1 But my biggest issue is when we determine 2 what our role is and determine that these are 3 consistent with the Comprehensive Plan is 4 really tricky. Lakeside is part of the 5 Comprehensive Plan. It's not part of our 6 Comprehensive Plan. It's difficult. 7 But also, the rural character issue. I 8 mean some people would argue the rural 9 character by consolidating that many homes in 10 one area saves the farms that my family and 11 Chip's family till. So it gets really tricky. 12 It's a difficult position. 13 The things that I think we should talk 14 about on all three as we get into each three is 15 because of the difficulty, I'm going to try to 16 shy away from putting, you know, going above 17 and beyond what our policy and code say. 18 If we are tracking things by unit 19 flowability, that's what I want to stick to. 20 But trying to add on top of that and track 21 number of housing units, I think we're setting</p>	<p>1 and have to get that right going back to 2002, 2 to make sure that we're all going from the same 3 place. 4 I'm going to have more later, but you guys 5 have summed it up pretty well. 6 MR. COUNCELL: Okay. Well, I'm probably 7 going to do this a little bit backwards, but 8 that's okay. 9 So to the property owners that are 10 identified by these parcels in 348, this will 11 get fixed. It probably may -- realistically, I 12 don't know that it's going to happen today. 13 But don't worry. This will be right. 14 To the Town of Trappe, I would say that I 15 don't think this Planning Commission has any 16 intention of going in and telling Trappe how to 17 design their PUDs on the ground as far as how 18 you lay out the development. 19 I think there are parts that the county 20 does need to be involved in that affects the 21 citizens of the county, but I don't think --</p>

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1 I'm not interested in telling you how to lay
 2 out your development.
 3 To the developer, I would say that I think
 4 you have the right to some predictability
 5 moving forward, assuming that things go right
 6 and you do what you say you're going to do, so
 7 forth and so on.
 8 Now, having said that, I'm going to move
 9 right to the resolutions.
 10 So Resolution 338. With some
 11 modifications, I don't know how anybody cannot
 12 embrace that. I don't know how the Town of
 13 Trappe can't embrace it, I don't know how the
 14 citizens of the county can't embrace it, and I
 15 don't know how the developer can't embrace it.
 16 So if we look at the 100,000 gallons
 17 units, MDE has made this very easy for us.
 18 We're going to look at this at every
 19 100,000-gallon units.
 20 I don't know why the county would not
 21 align with that 100,000-gallon unit. Everybody

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1 would understand it. If we could tie the 400
 2 EDUs to the 100,000 gallons, it's easy. It's a
 3 number. We all understand it. We all know it.
 4 We tie the EDUs to the 100,000 gallons, let --
 5 which would intermesh 347 into that. And they
 6 could be separate or they could go together.
 7 But at least we'd be on the same page, along
 8 with the mapping.
 9 This doesn't have to be this confusing and
 10 difficult. It does not have to be that way.
 11 We're making it that way. That's what I think.
 12 There has to be some continuity so that
 13 everybody understands.
 14 To some degree, if you look at 2,500 homes
 15 or EDUs or the flow of 540,000 gallons, we're
 16 ruling from the grave. That's the number one
 17 mistake. We're probably looking down the road,
 18 pick a number, ten, 15, 20 years. We don't
 19 know. We have no idea.
 20 Why would we box ourself into something
 21 that we can't change?

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1 I would argue that could benefit the
 2 county, it could benefit the town, it could
 3 benefit the developer. I don't see what's
 4 wrong with taking a look at this thing every
 5 four to five years or six years or possibly
 6 nine years.
 7 Mr. Alspach made the comment, you know,
 8 with the 100,000 gallons, whatever, in other
 9 words, the 400 may turn into a number quite
 10 larger than that. That scares the hell out of
 11 me. What are we talking?
 12 I guess I'll probably stop there.
 13 Again, it looks to me like we can tie it
 14 together somehow, even if they are separate
 15 resolutions.
 16 But now, do we want to delve into the
 17 resolutions one at a time, see what we think?
 18 MR. BOICOURT: I think so.
 19 MR. COUNCELL: Okay. Well, let's start.
 20 So we have several possibilities it looks
 21 to me like. It looks to me like we could --

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1 and again, Rebecca, Andy, chime in here.
 2 We could vote flat out to table them. We
 3 could discuss them and give guidance to the
 4 County Council, we would support them with
 5 these changes. Or we could find a finding of
 6 inconsistency and out the door they go.
 7 Is that...
 8 MR. MEEHAN: That's correct. Those are
 9 your options.
 10 MR. COUNCELL: Yup. I will say that I've
 11 reached out to the County Council and asked for
 12 a workshop to try to work through some of these
 13 issues.
 14 We know there's an amendment to 347. I
 15 was not aware of that until Brennan spoke up.
 16 So that's something may or may not happen.
 17 I don't know. That has to go up the ladder to
 18 the right channels, but I think that would be
 19 helpful if we could sit down, perhaps the
 20 Public Works Advisory Board, work through these
 21 things to see if it is possible how it works.

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1 But anyway, with that, let's start with
 2 Resolution 338.
 3 And Mike, we'll start with you.
 4 MR. SPIES: (Inaudible.)
 5 MR. COUNCELL: Yup.
 6 MR. SPIES: I think for all three, even if
 7 we're going to have an idea we're going to
 8 table it, having our general discussion so the
 9 public knows kind of where we stand and where
 10 we're headed, I think it's important so that
 11 they can respond and answer any of our
 12 questions or concerns.
 13 So even if we kind of know, like 347, in
 14 my opinion, if we know because of an amendment
 15 we're going to table it, let's have a little
 16 bit of discussion so --
 17 MR. COUNCELL: Yup.
 18 MR. SPIES: -- we're not kind of guessing
 19 where I sit or where I stand.
 20 MR. COUNCELL: Okay.
 21 MR. SPIES: and they can address it as we

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1 move forward.
 2 MR. COUNCELL: So procedurally, do we need
 3 a motion to start that discussion or can we
 4 have a discussion among ourselves and then come
 5 to a motion? Rebecca and Andy?
 6 MS. GUAY: You can discuss it and then call
 7 for a motion.
 8 MR. COUNCELL: Okay. Yup.
 9 MS. GUAY: Or entertain a motion.
 10 MR. COUNCELL: Yup. Okay.
 11 MR. BOICOURT: I want to support Paul here
 12 and the idea that I think that mentioning for
 13 the interest of the public and ourselves and
 14 the County Council, that we make some decision
 15 today.
 16 Tabling it just kicks it down the line to
 17 say we're not happy with it at the present for
 18 whatever reason and turn it back to the Council
 19 with a lack of support to me is the way to go.
 20 And articulating the specifics of what we would
 21 like to do or what we think would work.

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1 And so somehow tabling to me means we're
 2 going to push off that decision.
 3 I think we want to give a decision, in my
 4 opinion, to the County Council, this is how we
 5 feel. We think these are not, in my opinion,
 6 the right direction, but let's get down and
 7 solve these issues.
 8 MR. COUNCELL: Okay. I'm not sure we can
 9 do that. I think there's a way to do it.
 10 MR. MEEHAN: Aren't you saying look, what
 11 has been put before us is a decision whether
 12 this is consistent or whether the resolution is
 13 consistent or inconsistent. And if you find
 14 it's consistent, that's great. If you find
 15 it's inconsistent, what you're suggesting it's
 16 inconsistent, but if the County Council did X,
 17 Y, and Z, then we would find it acceptable or
 18 consistent.
 19 Is that what you're saying?
 20 MR. BOICOURT: That's exactly what I'm
 21 saying. Thank you.

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1 MR. MEEHAN: I don't disagree with that.
 2 MR. COUNCELL: Yup. Okay.
 3 MR. MEEHAN: It makes it much cleaner.
 4 MR. COUNCELL: Sure. Yup. Thank you.
 5 All right. Let's start with 338. Mike.
 6 MR. STRANNAHAN: 338 is a very
 7 well-intentioned bill. I don't have a lot of
 8 problems with it.
 9 As Chairman Councell stated, it concerns
 10 me with the 100,000-gallon, 250 per EDU, 250
 11 gallons per EDU, that those two seem to go hand
 12 in hand, hand and glove. If they go together,
 13 that's fine.
 14 But it does scare me, even starting with
 15 the first phase, that the 400 becomes 600 and
 16 the overall, assuming over the next 20, 30, 40
 17 years, this thing does go forward, that all of
 18 a sudden there are a lot more than the 2,501
 19 housing EDUs.
 20 And there needs to be some, there needs to
 21 be, which this tries to address, needs to be

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1 some oversight along the way because if the
 2 100,000 turns into instead of 400 EDUs, 600 or
 3 800 or more EDUs, we are looking a lot of years
 4 down the road. And that we need, we just --
 5 I'm not saying I wouldn't support this because
 6 I think this is the best of the three, but
 7 there is a lot of concern there, you said
 8 scares the hell out of us, what this could lead
 9 to in the future.

10 But with some more specificity and does a
 11 100,000 gallons and/or, that MDE has sent back,
 12 400 EDUs, do those two both control? Is it
 13 when we get to 100,000 gallons, we revisit it,
 14 or 80 percent of 100,000 gallons, or when we
 15 get to 400 EDUs, is it revisited?

16 We do need -- the county has to have, for
 17 the future, a hand in revisiting this with some
 18 teeth, with the ability to make sure things are
 19 going in the right direction.

20 And as Chairman Councill said, this --
 21 having a better look. We're only looking at

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1 the negative side. It could also have some
 2 positive side for the town, for developers.
 3 New technology is going to come along. New
 4 science is going to come along where we can --
 5 maybe they can build less plant and do a better
 6 job of treating effluent than with a full
 7 540,000 gallons in the end.

8 MR. COUNCELL: Mr. Spies.

9 MR. SPIES: I'm probably going to -- I
 10 don't want to speak for everyone. Have a
 11 little bit different view.

12 I don't have any issue with, you know, I
 13 understand why the developer and Trappe would
 14 not like to see the language about being held
 15 to that. But that, for something of this size
 16 and this precedent, being it's not something
 17 we've dealt with or even understand how this is
 18 going to progress over the next five, ten, 15
 19 years.

20 So just for me, it gives me more comfort
 21 when I make my decision that I haven't totally

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1 messed everything up. We're going to get -- we
 2 have another shot at it.

3 But where I am a little different is that
 4 I'm fine with putting the EDU units on as a
 5 reference point so people have a general
 6 understanding of how many houses that or homes
 7 and buildings that would entail, but I don't, I
 8 don't -- I wouldn't be for putting that saying
 9 100,000 or.

10 I don't think this, in my opinion, and
 11 you've heard both sides of this story, I don't
 12 think this is a growth regulation tool. I
 13 think this is a water and sewer plan. It helps
 14 Trappe and the county plan their water and
 15 sewer plan moving forward.

16 So that's what I think the 100,000-unit
 17 does. It allows how much sewer capacity do we
 18 need, how much water capacity, what does that
 19 look like.

20 So to me, because I don't view this as a
 21 growth development tool, that putting that

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1 400-unit cap either-or is kind of to me I don't
 2 want to say dirty politics, but it's not -- I
 3 just -- it's like what I said before. Putting
 4 another -- adding something on that we have to
 5 track, I don't think that that's the purpose of
 6 this. I think the purpose is a sewer and water
 7 management tool.

8 MR. STRANNAHAN: If I may very quickly.

9 Double negative, but I don't disagree with
 10 you on that.

11 But from the beginning, we have been told
 12 that Lakeside in its entirety is looking at I
 13 believe it's 2,501 housing EDUs, housing units.

14 And I just want to make sure. This has
 15 been agreed, everybody. Mr. Showalter talked
 16 about it earlier today. That is the plan.

17 And that I will be long gone before we get
 18 there. But for the county, that we don't allow
 19 this to be a vehicle for going from 2,500 to
 20 4,000 to 5,000 to 2,500 or 2,599.

21 If we're dealing with real numbers of a

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1 maximum of 2,501, I'm not, I'm not -- I have no
 2 problem with going with 100,000-gallon limit
 3 for the first phase of it.
 4 I just don't want to see this, as was
 5 discussed in this section at the very beginning
 6 of this, that there will likely ultimately be
 7 the capacity there for potentially thousands
 8 more houses than what we've been told all along
 9 and what we were told here today.
 10 That's my only concern in this, that the
 11 ultimate end, the 2,500 houses doesn't turn
 12 into three, four, five, 6,000 houses.
 13 Thank you.
 14 MR. COUNCELL: Mr. Corson.
 15 MR. CORSON: I agree with what you guys
 16 are saying here with the EDUs versus the
 17 flowage here. And I think it is using the
 18 100,000 or the 400, it's a little bit
 19 deceptive. It can't be an or.
 20 We've heard Mr. Alspach say 900 and
 21 Mr. Showalter say 400. And probably the

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1 reality is somewhere right there in the middle.
 2 But I think it's important to be transparent on
 3 that.
 4 And agree with Commissioner Spies that
 5 this is a water and sewer-type program. And I
 6 think that is something that is much more
 7 easily monitored and tracked.
 8 And we've got a lot of time. This is not
 9 going to be 400 homes next week. This is going
 10 to take some time to roll out.
 11 So looking down the road, looking into the
 12 future, we're going to have the ability to come
 13 back and take another look at it and say
 14 however long it takes, whether it's three,
 15 five, ten.
 16 But I think the reality of the situation,
 17 by the time you get to that 100,000, it's going
 18 to be an amount of time that we should be able
 19 to take a look at it to make sure we are using
 20 best practices to make sure that we are
 21 consistent with the plan. And trying to hammer

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1 that now looking 15 years down the road is a
 2 very difficult task to do.
 3 MR. COUNCELL: Mr. Boicourt.
 4 MR. BOICOURT: Well, I want to -- I
 5 appreciate this discussion. I want to point
 6 out that a lot of really good points were made
 7 with regard to EDUs versus flow.
 8 You got to remember I think the most
 9 important issue here is the review and phases.
 10 So I'm less concerned at this point.
 11 I don't want to get to the point where we
 12 can't, at the end of the first phase when
 13 there's 480 or 650 units and finding that those
 14 are major stressors on the infrastructure of
 15 the county. Traffic, schools, all the seven
 16 standards.
 17 So I think that's the important issue, and
 18 I would support not specifying at this stage
 19 and leaving it to the discussion with the
 20 County Council and the Public Works Advisory
 21 Board and the Town of Trappe about what should

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1 be the proper thing.
 2 MR. COUNCELL: Okay. So as always, I'll
 3 take Bill's wisdom.
 4 So I was going to take the point that I
 5 disagree that the comp water and sewer plan is
 6 just about water and sewer and infrastructure.
 7 It's very clear. I agree with
 8 Mr. Alspach. It says, refers back to our
 9 Comprehensive Plan and the seven standards that
 10 take in that whole array of thing.
 11 So I guess I would support 338 with that
 12 100,000-gallon look.
 13 And then I agree with Bill. Talk to
 14 Public Works Advisory Board, meet with the
 15 County Council if it has support, and then see
 16 what that looks like, if EDUs become a part of
 17 that or not.
 18 It would seem to me, if you're looking at
 19 400 houses, that's one thing. If you're
 20 looking at six or 800, that's something else
 21 when it comes to, again, to the review of the

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1 Comprehensive Plan and what that does to meet
 2 those other seven standards.
 3 So I'll let it go today. But probably at
 4 some point, I'm going to think that that needs
 5 to be an important part of that discussion.
 6 MR. BOICOURT: I want to make one point,
 7 if I may, about the 338, is that inherently the
 8 background of this is the existing maps as they
 9 occur now. And that's something that I think I
 10 can't support.
 11 So I think until the maps have changed,
 12 the control is important, but the maps, getting
 13 the maps mistakes and confusion worked out.
 14 So if we can get -- I would -- again, my
 15 point is that I wouldn't support 338 as stands.
 16 But if, in fact, the maps were fixed and we
 17 agree on the mechanism for the review, I'd be
 18 supportive.
 19 MR. COUNCELL: I would agree.
 20 MR. STRANNAHAN: I would agree with that.
 21 MR. COUNCELL: So I guess when we talk

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1 about the maps, and we've heard a lot today.
 2 And I think I need to go back and look at the
 3 record.
 4 I agree. Someone said, I think it was
 5 Commissioner Strannahan, when we reviewed this,
 6 we were thinking of some classifications that
 7 were already there.
 8 If Chip Councill knew it was unprogrammed,
 9 would I have made the leap from unprogrammed to
 10 S-1, W-1, I don't know. Maybe I would have,
 11 maybe I wouldn't have.
 12 But I need to go back and look at the
 13 record and see exactly what we talked about,
 14 what we did.
 15 Someone mentioned that was during COVID.
 16 I think Ms. Ghezzi said. That wasn't a fun
 17 time. I mean it was stressful from a lot of
 18 reasons. But we can't go back.
 19 So anyway, I agree. Yeah. I just need to
 20 go back and take a hard look at some of that.
 21 MR. STRANNAHAN: And again, simply my

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1 opinion, but we can't get any of this right if
 2 we don't start out with the maps being correct.
 3 It all stems from the maps being correct and
 4 then we can make reasonable decisions on this.
 5 MR. COUNCELL: Okay. Anything further?
 6 MR. CORSON: No.
 7 MR. COUNCELL: Anybody want to entertain a
 8 motion?
 9 MR. BOICOURT: Mr. Chairman, I move that
 10 we thank the County Council for their effort
 11 here, but that the 338 as presented is not
 12 consistent with the Comprehensive Plan because
 13 it refers to a map that needs to be reviewed,
 14 but we do endorse the idea of a phased review
 15 and determine its consistency with the
 16 Comprehensive Plan, comprehensive water and
 17 sewer plan.
 18 MR. STRANNAHAN: Second.
 19 MR. COUNCELL: Okay. So we have a motion
 20 that 338 is inconsistent but would like to --
 21 we do support a phasing type that would include

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1 the maps and possibly the EDUs? Did I
 2 understand that --
 3 MR. BOICOURT: I'm taking the EDUs out--
 4 MR. COUNCELL: -- off the table?
 5 MR. BOICOURT: -- consensus here.
 6 MR. COUNCELL: Okay.
 7 MR. BOICOURT: That we don't want to get
 8 into that at the moment.
 9 MR. COUNCELL: Okay.
 10 MR. STRANNAHAN: I would, but I'm the
 11 minority.
 12 MR. COUNCELL: Then we'll do it as stands.
 13 MR. SPIES: I feel like we can make a
 14 ruling on this with saying that with the maps
 15 being updated --
 16 MR. COUNCELL: Okay. Let's hang on a
 17 minute. Okay.
 18 So we've got a motion by Commissioner
 19 Strannahan.
 20 MR. STRANNAHAN: (Inaudible.)
 21 MR. COUNCELL: I mean Commissioner

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<p>1 Boicourt. A second by Commissioner Strannahan.</p> <p>2 Now we'll go to discussion. So go ahead.</p> <p>3 MR. SPIES: I feel like we can make a</p> <p>4 decision on this if we put in the caveat that</p> <p>5 once the maps have been corrected and approved.</p> <p>6 I mean by not -- by saying we find it</p> <p>7 inconsistent, we're basically saying, almost</p> <p>8 saying that we're not going to fix the maps.</p> <p>9 But we know we're going to deal with the</p> <p>10 maps.</p> <p>11 If that's the only thing holding this up,</p> <p>12 why are we pushing this down the road if we're</p> <p>13 all in agreement?</p> <p>14 MR. COUNCELL: Okay. So I would -- I'm</p> <p>15 going to refer to our legal advice, but I think</p> <p>16 we have to vote on what is in front of us. We</p> <p>17 can't add to it. It has to come back from the</p> <p>18 County Council.</p> <p>19 So we would see a resolution hopefully</p> <p>20 that would change this to include the maps.</p> <p>21 And I think what Bill is saying is we find</p>	<p>1 MS. GUAY: Okay.</p> <p>2 MR. MEEHAN: But I think someone said it</p> <p>3 somewhere where you could say oh, we find it</p> <p>4 consistent as long as contingent on changing</p> <p>5 the map. What if they don't change the maps</p> <p>6 or --</p> <p>7 MS. GUAY: That would be your amendment.</p> <p>8 MR. STRANNAHAN: But if we find it</p> <p>9 inconsistent, the county -- it's not dead. The</p> <p>10 County Council -- this a question, even though</p> <p>11 it doesn't sound like one.</p> <p>12 But if we find it inconsistent, the County</p> <p>13 Council, having taken into consideration, as</p> <p>14 Bill said, can immediately come back with</p> <p>15 another resolution that could be found</p> <p>16 consistent.</p> <p>17 MS. GUAY: Correct. And you can vote up</p> <p>18 and down on his motion.</p> <p>19 MR. STRANNAHAN: On his motion. Exactly.</p> <p>20 MS. GUAY: Yes.</p> <p>21 MR. MEEHAN: That is correct.</p>
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<p>1 it inconsistent as presented. But if this</p> <p>2 mapping issue was worked out, we would support</p> <p>3 it.</p> <p>4 MR. SPIES: Well, we find it consistent</p> <p>5 with the maps corrected.</p> <p>6 MR. COUNCELL: But we --</p> <p>7 (Cross talk.)</p> <p>8 MR. STRANNAHAN: Consistent or not</p> <p>9 consistent.</p> <p>10 MR. SPIES: (Inaudible) we're not going to</p> <p>11 fix them.</p> <p>12 MR. COUNCELL: But we don't have the</p> <p>13 ability to add -- I don't think we can add to</p> <p>14 the resolution. That would have to be amended</p> <p>15 from the County Council.</p> <p>16 MS. GUAY: But I think what you're saying</p> <p>17 is you could add an amendment (inaudible)</p> <p>18 motion to vote on his amendment. And then it</p> <p>19 changes the original and you vote on that.</p> <p>20 You follow me?</p> <p>21 MR. BOICOURT: No.</p>	<p>1 MR. COUNCELL: So if that...</p> <p>2 MS. GUAY: So the motion still stands. The</p> <p>3 motion --</p> <p>4 MR. COUNCELL: Yeah. But it could be</p> <p>5 withdrawn. I mean the presenter of the motion</p> <p>6 could withdraw it if he wanted to start over.</p> <p>7 SPEAKER: He could.</p> <p>8 MR. BOICOURT: Well, the only modification</p> <p>9 I might make is that I made part of the motion</p> <p>10 that we come back to the County Council and</p> <p>11 talk about the reasons for it, the lack of</p> <p>12 determining of consistency.</p> <p>13 The most important issue is that it's</p> <p>14 inconsistent. I think if we, and especially in</p> <p>15 this issue, it's important enough to come back</p> <p>16 and explain why. And the reason why, the</p> <p>17 primary reason why, there are other issues</p> <p>18 here, is that the maps need to be redone.</p> <p>19 And we can't prejudge, in my opinion, how</p> <p>20 that is happening. So I'm unwilling to say</p> <p>21 okay, we fix it, we approve it as long as you</p>

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1 put in the map fix.
 2 Well, let's figure out what the map fix
 3 really is.
 4 MR. STRANNAHAN: Yeah. We're willing to
 5 go back. We're willing to talk to the Council
 6 and say here is what we think needs to be
 7 done --
 8 MR. BOICOURT: Absolutely.
 9 MR. STRANNAHAN: -- in a new resolution,
 10 since this one, if it is found to be
 11 inconsistent. We can talk to them and say --
 12 (Cross talk.)
 13 MR. SPIES: That's my problem. They're
 14 not going to change anything to this
 15 resolution. They're not going to change one
 16 single word. And it's going to come back to us
 17 and we just fix the maps.
 18 MR. STRANNAHAN: If they --
 19 MR. SPIES: So why can't we just add the
 20 amendment that once the maps are fixed, that we
 21 find this, we could find, we find it

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1 consistent?
 2 MR. BOICOURT: Well, I think --
 3 MR. STRANNAHAN: If they don't change a
 4 word of it, if they don't change the resolution
 5 to make it, again, that's why we have legal
 6 counsel, they can't resubmit it as-is for what,
 7 two years or something like that.
 8 MR. MEEHAN: Two years.
 9 MR. STRANNAHAN: Yeah.
 10 MR. MEEHAN: That's correct.
 11 MR. STRANNAHAN: So it's not going to come
 12 back to us just as it is.
 13 If we find it --
 14 (Cross talk.)
 15 MR. COUNCELL: So --
 16 MR. SPIES: So then we would find it
 17 inconsistent for not the right reasons.
 18 MR. COUNCELL: So --
 19 MR. SPIES: Doesn't make sense.
 20 MR. COUNCELL: So Paul, your line of
 21 thinking is that we find it consistent if the

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1 mapping aligns with MDE's 100,000-gallon? Is
 2 that --
 3 MR. SPIES: My point is we're all in
 4 agreement on this bill, that it's consistent
 5 once the maps are fixed.
 6 So either add an amendment saying once the
 7 maps are fixed, that we find it consistent, or
 8 table it until after we get the maps
 9 consistent.
 10 MR. COUNCELL: Okay. So let's take that a
 11 step further.
 12 Are you saying that the maps align with
 13 MDE's 100,000 gallons? Is that what you're
 14 saying?
 15 MR. SPIES: Correct. But --
 16 MR. COUNCELL: I support that.
 17 MR. SPIES: So my point being is if we're
 18 going to find this inconsistent, send it back,
 19 and they're not going to change anything, it's
 20 just held up because of something we've got to
 21 vote on a week from now or ten minutes from

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1 now. That doesn't make any sense --
 2 (Cross talk.)
 3 MR. STRANNAHAN: That can be okay, except
 4 that what we're asked to vote on today is what
 5 exists today.
 6 MR. SPIES: Then table it.
 7 MR. COUNCELL: No. I think we could find
 8 it, I think we have the ability to find it
 9 consistent. We have the ability to make a
 10 motion that we find it consistent if the
 11 mapping aligns with the 100,000-gallon flow as
 12 set forth by MDE.
 13 Is that right or not?
 14 MR. BOICOURT: We have that capability.
 15 I disagree with that because we don't know
 16 how these maps will be corrected. And so as a
 17 result --
 18 MR. COUNCELL: But then we get another...
 19 MR. BOICOURT: So I don't think we ought
 20 to prejudge that decision.
 21 Right now, I find this inconsistent with

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<p>1 the Comprehensive Plan.</p> <p>2 I don't prejudge the county to say we're</p> <p>3 not going to change it and not respond to this.</p> <p>4 I think they will.</p> <p>5 So that's the hope. I mean we want to</p> <p>6 work this in partnership. And they're very, in</p> <p>7 my opinion, they're very likely, because of the</p> <p>8 good intentions of this, very likely to do the</p> <p>9 right thing.</p> <p>10 So I don't think we ought to prejudge that</p> <p>11 at all. That's not our business.</p> <p>12 MR. MEEHAN: I go back. You still have</p> <p>13 the option to table it, like Mr. Spies said,</p> <p>14 too. That is another option.</p> <p>15 MR. BOICOURT: Yeah. That was not my</p> <p>16 choice in the motion.</p> <p>17 MR. MEEHAN: I know. But I'm telling that</p> <p>18 to the whole Commission, that that is an</p> <p>19 option.</p> <p>20 MR. BOICOURT: Thank you.</p> <p>21 MR. COUNCELL: Jim?</p>	<p>1 So if we can approve it now, and once that</p> <p>2 map comes back to us and it's found acceptable,</p> <p>3 that should solve the problem.</p> <p>4 MR. STRANNAHAN: Or we can not approve it</p> <p>5 now. As soon as the map comes back to us and</p> <p>6 we agree with it, a resubmission with the new</p> <p>7 maps could be found consistent.</p> <p>8 SPEAKER: Yeah. That's cleaner.</p> <p>9 MR. COUNCELL: Yup.</p> <p>10 MR. STRANNAHAN: And that's cleaner, and</p> <p>11 there's less chance for error in that.</p> <p>12 MR. COUNCELL: Okay.</p> <p>13 MR. MEEHAN: So you're saying find it --</p> <p>14 MR. STRANNAHAN: Yeah. I seconded.</p> <p>15 MR. MEEHAN: You seconded.</p> <p>16 MR. STRANNAHAN: Yes.</p> <p>17 MR. MEEHAN: I agree. Okay.</p> <p>18 MR. BOICOURT: There is a motion.</p> <p>19 MR. COUNCELL: Yeah. Rebecca, can you</p> <p>20 read the motion?</p> <p>21 MS. GUAY: Mr. Boicourt made the motion 338</p>
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<p>1 MR. CORSON: I'm sort of with Paul on</p> <p>2 this. If we can make it all contingent on the</p> <p>3 maps getting corrected based on MDE's 100,000.</p> <p>4 I don't see a whole lot of point of</p> <p>5 dragging this thing out and kicking the can</p> <p>6 down the road again if that's our only hold-up.</p> <p>7 So I think if we can -- if it's consistent</p> <p>8 other than for that piece of it, knowing that</p> <p>9 that piece of it is going to get fixed...</p> <p>10 MR. BOICOURT: I have no idea what making</p> <p>11 things consistent with 100,000-gallon flow rate</p> <p>12 is going to look like. I don't think anybody</p> <p>13 really does.</p> <p>14 And therefore, I'm very unwilling to</p> <p>15 support something that says okay, as long as</p> <p>16 you do the fix, everything is fine. And I</p> <p>17 don't think it is.</p> <p>18 MR. CORSON: Well, those maps would have</p> <p>19 to be approved by us on --</p> <p>20 MR. BOICOURT: That's correct.</p> <p>21 MR. CORSON: -- the fix.</p>	<p>1 as presented is not consistent because it</p> <p>2 refers to a map that needs to be reviewed, but</p> <p>3 we do endorse the idea of a phased review and</p> <p>4 determine its consistency with the comp water</p> <p>5 and sewer plan.</p> <p>6 MR. BOICOURT: That was better than I</p> <p>7 said. Thank you.</p> <p>8 MS. GUAY: No. He typed it. I didn't.</p> <p>9 MR. MEEHAN: It was as he said.</p> <p>10 MR. COUNCELL: Yes.</p> <p>11 MR. MEEHAN: And so the change, if the</p> <p>12 County Council were to follow through with this</p> <p>13 suggestion, the change to the resolution would</p> <p>14 be significant enough. So that would basically</p> <p>15 then be a new resolution and, therefore, you</p> <p>16 would not be barred by the two-year rule.</p> <p>17 MR. BOICOURT: Right.</p> <p>18 MR. COUNCELL: Yup.</p> <p>19 MR. STRANNAHAN: That's how I look at it.</p> <p>20 MR. COUNCELL: Okay. Further discussion?</p> <p>21 Call for a vote.</p>

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<p>1 Commission Boicourt. 2 MR. BOICOURT: Aye. 3 MR. COUNCELL: Commissioner Strannahan. 4 MR. STRANNAHAN: Aye. 5 MR. COUNCELL: Commissioner Spies. 6 MR. SPIES: No. 7 MR. COUNCELL: Commissioner Corson. 8 MR. CORSON: No. 9 MR. COUNCELL: I vote aye. Okay. 10 We're going to move to 347, the EDUs. We 11 heard that there's an amendment coming for 12 this. 13 So with that, we'll start. Maybe we go 14 ahead and start with a motion and then we'll go 15 with discussion. 16 MR. SPIES: Well, doesn't this just fall 17 in the same line as the last one? 18 MR. STRANNAHAN: Yes. 19 MR. MEEHAN: Well, does it refer to the 20 map? 21 MR. STRANNAHAN: Yes.</p>	<p>1 rather than find inconsistent and say bring it 2 back, clean it up? 3 MR. CORSON: I don't think we can touch 4 this one or the other one. It's the same 5 issue. 6 MR. STRANNAHAN: Right. It's the same 7 issue. The maps need to be fixed before we 8 can... 9 MR. COUNCELL: Andy, you want to weigh in 10 on this? You look like you want to say 11 something. 12 MR. MEEHAN: So it's the same issue, but 13 we're going to handle it two different ways. 14 MR. COUNCELL: No. I don't think it is 15 the same issue, Paul. 16 I think what we've said -- all right. So 17 in 338, it says that we support a phased 18 approach with a review. 19 These EDUs, in my view, there's -- we 20 already know there's going to be an amendment, 21 but then we heard of, instead of the</p>
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<p>1 MR. MEEHAN: Okay. 2 MR. STRANNAHAN: And the EDUs. It's also 3 proposed, proposed EDUs. Each one lines up 4 with the mapping, with a number, which -- 5 (Cross talk.) 6 MR. SPIES: -- can't find anything 7 consistent. 8 SPEAKER: Right. 9 MR. COUNCELL: Well, I think the question 10 I have or the confusion is -- and maybe, again, 11 I think this week brought out some new flow 12 rates or new total capacities, whatever you 13 want to call it. 14 So I think this one needs a little bit of 15 work. I think there were some things that 16 Brennan brought out, one of the amendments. 17 I, maybe in this case, would -- I don't -- 18 well. 19 MR. BOICOURT: Get everybody at the same 20 table -- 21 MR. COUNCELL: Well, is this one to table</p>	<p>1 540,000 gallons, it was the 716, 18 whatever. 2 MR. TARLETON: 718. 3 MR. COUNCELL: Yeah, yeah. So maybe we've 4 heard that somewhere over the last four years, 5 but that's the first time that that clicked 6 with me. So maybe that's my fault. 7 But again, I think some of these things 8 need to align with each other. And maybe that 9 comes back into the phased approach. Maybe it 10 goes somewhere else. 11 So I guess it's a... 12 MR. MEEHAN: So you put the question to me 13 could -- is it -- can the Commission postpone, 14 table? Is that what you were asking me? 15 MR. COUNCELL: You would rather postpone 16 than table? 17 See, I've -- 18 MR. MEEHAN: It's because the problem is 19 we have this amendment that's in the pipeline 20 apparently but hasn't been presented to the 21 Council. But we know about it.</p>

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<p>1 MR. CORSON: We can't do anything with 2 that. 3 MR. BOICOURT: That's one reason, that's 4 one glaring reason to table it if that's -- 5 MR. COUNCELL: Rebecca likes the word 6 postpone, but I was grown up with the word that 7 you table it. 8 MS. GUAY: You want to postpone it? 9 MR. COUNCELL: Okay. 10 MR. MEEHAN: Postpone. 11 MR. BOICOURT: That's why we have a 12 lawyer. 13 MR. COUNCELL: That's why we got you. 14 MR. STRANNAHAN: One other issue, if I 15 may, and this may or may not be appropriate at 16 the moment. 17 But it was brought up several times in 18 discussion today, not just with the maps, but 19 particularly with this one, when we're looking 20 at potential EDUs and flow and S-1, S-2, 21 whatever, we're dealing with immediate priority</p>	<p>1 MR. MEEHAN: Postpone. 2 MR. STRANNAHAN: Postpone. One says 3 postpone, one says table. 4 Postpone this until a later date. 5 MR. COUNCELL: Okay. Got a motion to 6 postpone Resolution 347. 7 Is there a second? 8 MR. CORSON: Second. 9 MR. COUNCELL: Got a motion by Commissioner 10 Strannahan, a second by Commissioner Corson to 11 postpone Resolution 347. 12 Further discussion? Paul? 13 MR. SPIES: No. I'm good. 14 MR. COUNCELL: Okay. Call for the vote. 15 Commissioner Corson. 16 MR. CORSON: Aye. 17 MR. COUNCELL: Commissioner Boicourt. 18 MR. BOICOURT: Aye. 19 MR. COUNCELL: Commissioner Strannahan. 20 MR. STRANNAHAN: Aye. 21 MR. COUNCELL: Commissioner Spies.</p>
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<p>1 status, which is -- and then S-2, which is 2 three to five years. And we're looking at 3 1,217, or something like that, units in 4 immediate priority status. 5 It's going to be taken out well beyond 6 where S-2 and W-2 even goes before we even 7 approach 1,217 or whatever the number. I'm not 8 looking at the number right now, but something 9 in that range. 10 So we're not looking at what is going to 11 be in the next zero to two years or three to 12 five years. We're looking decades out, but 13 we're still proposing approving these things 14 now within those time frames and that now the 15 five-year time frame. 16 I don't know that we can do that, 17 particularly not with the maps question. 18 MR. COUNCELL: Further discussion? 19 Are we ready for a motion? 20 MR. STRANNAHAN: I'll move that we table. 21 MR. COUNCELL: Postpone.</p>	<p>1 MR. SPIES: Aye. 2 MR. COUNCELL: I vote aye as well. Okay. 3 348, the mapping. Let's start with 4 discussion. 5 Commissioner Corson, do you want to go 6 first? 7 MR. CORSON: Now, are we in the same 8 position here we are with the other two? 9 I mean that's my question here. We're 10 talking about changing the maps and we're not 11 sure (inaudible). 12 MR. BOICOURT: And that's what it's 13 calling for. Sorry. Go ahead. 14 MR. COUNCELL: Yup. Go ahead, Bill. 15 MR. BOICOURT: Well, I think that the 16 problem with, the primary problem with 348, it 17 says exactly what we want to do except when the 18 detail says that the possible exclusion of 19 Lakeside parcels. That's unacceptable. 20 So I would find it on that basis 21 inconsistent because we -- as MDE has -- it's</p>

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<p>1 been pointed out many times this morning that</p> <p>2 the MDE's letter said that we update the</p> <p>3 figures for water and sewer service with</p> <p>4 corrected classifications for all the parcels</p> <p>5 within the Town of Trappe and then including</p> <p>6 the Lakeside development. And that's MDE's</p> <p>7 emphasis.</p> <p>8 MR. COUNCELL: So Rebecca, was there, or</p> <p>9 Brennan, was there another e-mail that MDE</p> <p>10 walked that part back, including Lakeside, or</p> <p>11 was that a County Council decision?</p> <p>12 MS. GUAY: (Inaudible.)</p> <p>13 MR. TARLETON: I think there has been</p> <p>14 several e-mails.</p> <p>15 MS. GUAY: (Inaudible).</p> <p>16 MR. TARLETON: I was going to say you kind</p> <p>17 of put me on the spot.</p> <p>18 MS. GUAY: Yeah.</p> <p>19 MR. TARLETON: Give me a minute, please.</p> <p>20 MR. COUNCELL: So Brennan, while you're</p> <p>21 looking at that, we'll have a little bit more</p>	<p>1 think in our mind that the entire Trappe water</p> <p>2 and sewer map should be included in the review?</p> <p>3 I think that's what it comes down to.</p> <p>4 MDE said including Lakeside. But then</p> <p>5 somebody said they walked that back later.</p> <p>6 Is that true? Is that right? Is that not</p> <p>7 right?</p> <p>8 MR. MEEHAN: Well, I don't know. I can</p> <p>9 only tell you what they said. And this is an</p> <p>10 e-mail to a number of folks from last Friday,</p> <p>11 September 29th.</p> <p>12 And you want me just to read it?</p> <p>13 MR. BOICOURT: Well, I --</p> <p>14 MR. COUNCELL: Right.</p> <p>15 MR. BOICOURT: In my view, it's not</p> <p>16 relevant.</p> <p>17 We're dealing what we have in front of us.</p> <p>18 MR. MEEHAN: Okay.</p> <p>19 MR. BOICOURT: And what the verbiage said,</p> <p>20 that even if it may not be the intent, it</p> <p>21 appears to exclude Lakeside. And that's not</p>
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<p>1 discussion.</p> <p>2 So Paul, what are your thoughts?</p> <p>3 MR. SPIES: It's all going to get -- all</p> <p>4 my thoughts are based on finding if what</p> <p>5 was presented in front of us is consistent with</p> <p>6 the Comprehensive Plan.</p> <p>7 So it all comes down to determining if</p> <p>8 those two properties along Barber Road were</p> <p>9 mapped correctly. And I'm assuming that they</p> <p>10 were mapped correctly as S-2.</p> <p>11 So would that, just correcting the maps on</p> <p>12 that, I find it consistent with the</p> <p>13 Comprehensive Plan, but that's the...</p> <p>14 MR. COUNCELL: So the reality of this</p> <p>15 resolution is according to what's in front of</p> <p>16 us, it excludes Lakeside.</p> <p>17 So the question would be, in my mind, it</p> <p>18 would be nice to clean this up for the land</p> <p>19 owners that are involved.</p> <p>20 But does that leave -- does that take</p> <p>21 Lakeside out of the equation already, or do we</p>	<p>1 correct and that's not something we should</p> <p>2 approve of, in my opinion.</p> <p>3 MR. COUNCELL: Okay.</p> <p>4 MR. STRANNAHAN: Go back to what I said</p> <p>5 earlier. If the maps are inconsistent and</p> <p>6 wrong, and I'm not saying that everything about</p> <p>7 them is, but if we're going to review them, we</p> <p>8 shouldn't just pick and choose certain parcels.</p> <p>9 We should make sure -- because we're talking</p> <p>10 about a single sewer map. We're talking about</p> <p>11 a single water map. And we need to make sure.</p> <p>12 If we're saying the map is consistent with</p> <p>13 these changes, then we need to be sure that the</p> <p>14 entire map as it exists, after the couple of</p> <p>15 changes, is consistent, not say but excluding</p> <p>16 Lakeside.</p> <p>17 I mean there's an implication there that</p> <p>18 that part of it might not be consistent or</p> <p>19 getting consistent with the plan would change</p> <p>20 that somewhat.</p> <p>21 If the maps need to be changed, which they</p>

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1 apparently do, we need to look at the maps in
 2 their entirety and make sure everything in that
 3 map is correct.
 4 MR. SPIES: So point of clarification. So
 5 for me, just to clarify so I can rule on it.
 6 Are we able to make a determination if the
 7 maps are right or wrong in what we're voting on
 8 today?
 9 I feel like we're voting on if the
 10 corrections that they made to the map as
 11 presented to us are consistent with the
 12 Comprehensive Plan.
 13 Say the map was totally wrong. Say five
 14 of the properties on it were wrong and we know
 15 that they were wrong. Do we -- does that come
 16 in -- I just need to know. Does that come into
 17 play of what we're ruling on right now?
 18 We're not ruling on if the map is correct.
 19 We're ruling if the number of changes that were
 20 circled on the map are consistent with the
 21 Comprehensive Plan. Correct?

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1 MR. COUNCELL: Okay. Yeah. So there was
 2 testimony that these maps are wrong.
 3 Mike, Jean, are these maps correct or
 4 there still, is there something that's not
 5 right with these maps?
 6 MS. WEISMAN: These maps are correct.
 7 MR. SPIES: Again, so your people are
 8 trying to get me to make a ruling in this seat
 9 which I think is incorrect.
 10 Our job here today is to look at the
 11 resolution that was put in front of us with a
 12 number of changes to the maps and say, not
 13 dealing with the rest of the map, we're dealing
 14 with the changes that were in Resolution 348
 15 and saying these changes that we've submitted
 16 to you in front, unfortunately, which I hate
 17 postponing also, I have to put blinders on with
 18 the rest of the map. I have to say are these
 19 changes that they made to these properties
 20 consistent with the Comprehensive Plan, is my
 21 opinion.

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1 So keep talking about four other
 2 properties that are inconsistent that makes
 3 that map wrong. We're presented from the
 4 county that this map is right, which you can
 5 have a different opinion personally.
 6 MR. STRANNAHAN: Absolutely.
 7 MR. SPIES: Personally I can have a
 8 different opinion.
 9 But sitting in my seat at this position, I
 10 feel like we have to say the map is right and
 11 we have to make a ruling on just those
 12 properties. And I don't feel like I can do that.
 13 MR. COUNCELL: So I would counter that is
 14 I agree with you.
 15 But in my mind, I don't know why the
 16 entire map was not included. In other words,
 17 why was Lakeside specifically excluded? Why
 18 wouldn't you say here is the whole thing, these
 19 are the changes?
 20 MR. SPIES: I agree. I've got a list of
 21 20 questions through this whole process that I

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1 feel like have been done wrong.
 2 But what we're ruling on, like I'm not the
 3 County Council. We're ruling on saying these
 4 few things, blinders on of other things, we
 5 have to rule on if these changes submitted in
 6 348, if we find those, how they did it, what
 7 they did, is that in line with the
 8 Comprehensive Plan.
 9 We all know that there's other issues, but
 10 I don't think that's what I'm legally allowed
 11 to do here today.
 12 MR. BOICOURT: We've had enough evidence
 13 that though this may fit what the
 14 interpretation of the comprehensive water and
 15 sewer plan, as articulated sort of and in
 16 Resolution 281, there's clear evidence that, in
 17 my opinion, that doesn't even comply with that.
 18 And in addition, I disagree with 281 in --
 19 and the reason is that we had never really
 20 reviewed this with the understanding of where
 21 it started in terms of the actual

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<p>1 classification for S-1 through the whole thing. 2 So I think that I feel very comfortable 3 with saying that this is not correct in the big 4 picture. 5 MR. SPIES: I think we're overstepping, 6 but that's my opinion. 7 (Cross talk.) 8 MR. BOICOURT: -- our job to certify. 9 MR. SPIES: I don't see how -- we've just 10 had the county tell us that those maps are 11 correct. And we're sitting here saying no, 12 they're not. 13 That's our role on this? It could be our 14 role when we're discussing the maps in the 15 correct procedural application. 16 But sitting here today ruling if 348 is in 17 line with the Comprehensive Plan, do we have 18 the ability to say that the maps, legally do we 19 have the ability to say no, the experts have 20 told us they're right, but I don't agree with 21 that. I don't --</p>	<p>1 does 348, is it in line with our Comprehensive 2 Plan. 3 And what we're ruling on is we go down the 4 seven things and point out where it is not in 5 line with it. 6 We can't say the map is not correct, it 7 wasn't done right, which personally you can 8 have that opinion. But I don't think we can 9 sit here and say when we've just been told that 10 it is correct. 11 And again, that's why we're all here. 12 There's five of us. We can all have five 13 different opinions -- 14 MR. STRANNAHAN: Absolutely. 15 MR. SPIES: -- and vote five different 16 ways. 17 MR. BOICOURT: There's two things wrong in 18 my opinion. 19 One, I still hold that the maps are wrong. 20 The second thing, though, is that the -- I 21 think it's very important, is that this</p>
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<p>1 MR. STRANNAHAN: I appreciate what you're 2 saying. 3 MR. SPIES: I think we're overstepping 4 what we're tasked to do by the county. 5 MR. STRANNAHAN: The county also told us 6 in 2020 that the area of the Lakeside project 7 was all S-1, W-1 -- 8 MR. SPIES: Mike, I (inaudible). 9 MR. STRANNAHAN: Absolutely. 10 MR. SPIES: I just said there's ten things 11 that I disagree with this whole process. 12 MR. STRANNAHAN: And I -- 13 MR. SPIES: We're -- 14 MR. STRANNAHAN: I understand -- 15 MR. SPIES: I don't have the ability to 16 list those ten things today and say let's have 17 an open discussion on the ten things where 18 we've taken a misstep. 19 What we're tasked with today is saying 20 we're presented with the maps that the county 21 says is correct. And we're tasked with saying</p>	<p>1 verbiage appears to say that we're going to 2 exclude Lakeside parcels. I think that's 3 wrong. So I can't support it. 4 MR. MEEHAN: The verbiage says what? 5 MR. BOICOURT: That the Lakeside parcels 6 are excluded from consideration of 348. 7 MR. SPIES: But again -- 8 MS. GUAY: If I may, just for a point of 9 clarity. 10 I think the two of you might actually be 11 saying the same thing because if they are 12 excluded, then you're only voting on what is 13 being circled on the map 348. Correct? 14 MR. TARLETON: Meaning (inaudible) 281 and 15 the map in 2002 (inaudible) the Lakeside 16 development properties that are shown, which 17 would then be necessary to be addressed in a 18 separate resolution. 19 MS. GUAY: If I follow you, Mr. Spies, 20 you're saying -- 21 MR. SPIES: My point is we don't have the</p>

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1 right, as my position, as a Commission member
 2 to say they should have written the bill
 3 differently.
 4 We're tasked with saying how the bill was
 5 written and presented to us, is it in line with
 6 the Comprehensive Plan.
 7 I agree. That -- Lakeside should have
 8 been involved.
 9 But I just don't see how we're able to sit
 10 here and say we're going to find it
 11 inconsistent because they didn't write it
 12 right. That -- we're not tasked with telling
 13 them how they wrote it or how they submitted
 14 it, if it's right or wrong.
 15 We're tasked with saying how it was
 16 submitted to us in the form today, is it
 17 consistent with the Comprehensive Plan.
 18 MR. MEEHAN: Or not.
 19 MR. SPIES: Or not.
 20 MR. BOICOURT: And I find that's fine.
 21 And I find it very easy to say that on the

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1 basis of the fact that it appears to exclude,
 2 in my reading of this, and I understand your
 3 view. But I think that's a very archaic view
 4 of how the intent, in my opinion, of the
 5 county.
 6 In this case, that would then obviously
 7 cause major confusion in my opinion. So I
 8 stand with my view of problems with this.
 9 MR. SPIES: So if we go down the seven
 10 standards, so how do we rule that it's not
 11 consistent as submitted? Because that's what
 12 we're tasked with.
 13 MR. STRANNAHAN: Well, for one thing, as
 14 far as the mapping goes, we were told by one
 15 set of experts that the map as shown is
 16 correct.
 17 We were also told by other legal experts
 18 who testified here today that in reality, the
 19 portion that we're talking about and dealing
 20 with today, supposedly being moved back to
 21 where it's correct in this, should be moved

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1 back to unprogrammed --
 2 MR. COUNCELL: No, no, no. That's not
 3 what we're talking about today. Right?
 4 (Cross talk.)
 5 MR. COUNCELL: -- today should be
 6 programmed.
 7 MR. STRANNAHAN: On the small parcel.
 8 MR. COUNCELL: Is there a small parcel
 9 that's --
 10 MR. STRANNAHAN: That the parcel on Barber
 11 Road from 2002 was unprogrammed.
 12 MS WEISMAN: No. On here, I can show you what
 13 we've got. There was a piece that was
 14 unprogrammed in 2002.
 15 MR. TARLETON: It's up in the top right.
 16 Now --
 17 MS. WEISMAN: Now it's on the bottom left.
 18 MS. WEISMAN: You know what, my little arrows
 19 didn't show up.
 20 (Inaudible.)
 21 MR. SPIES: I mean, Chip, you've done this

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1 before. I mean why don't we go down the seven
 2 standards and then someone convince me which
 3 standard is not in line?
 4 MS. WEISMAN: Here is your comparison of the
 5 2002 Report of the Review versus Resolution 348.
 6 This is the property that was S-3 in 2002
 7 but was changed in 281 to S-2. (Inaudible)
 8 turned back (inaudible).
 9 MR. STRANNAHAN: I was looking at the
 10 yellow parcel. I'm sorry.
 11 MS. WEISMAN: You're looking at this.
 12 MR. STRANNAHAN: And that which was
 13 unprogrammed in 2002.
 14 MS. WEISMAN: Right. But if you read Resolution
 15 281, it specifically says parcels, tax map
 16 (inaudible.)
 17 (Cross talk.)
 18 MR. STRANNAHAN: Doesn't address this.
 19 Okay.
 20 But again, I have a problem with if the
 21 maps were wrong, the maps were wrong, period.

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<p>1 And that 281 was dealt with with incorrect 2 information being officially passed to us. 3 MS. WEISMAN: But 281 specifically removes those 4 parcels as S-2. 5 MR. STRANNAHAN: Okay. And explicitly 6 excludes others that may already be -- 7 MS. WEISMAN: It does not. Like it doesn't 8 mention what's (inaudible). So that's 9 (inaudible). 10 MR. COUNCELL: Paul, I think you're right. 11 But I don't see how we can look at part of 12 the Trappe sewer map without looking at all of 13 it. 14 So I'll entertain any motion that comes 15 up. But this, a lot of this -- well, yeah. 16 MS. WEISMAN: This does include the entire map 17 of Trappe. 18 MR. COUNCELL: Yeah. I know, I know, I 19 know. 20 But I'm like Paul. I think there's some 21 unanswered questions.</p>	<p>1 this amendment. 2 MR. COUNCELL: So sitting here, I guess I 3 would come down as if I look at the seven 4 standards and what we're -- when it talks about 5 policy, I think everything should have been 6 included and everything should have been on the 7 table. 8 And as I said before, there's things in 9 281 that I need to go back and look at what was 10 said, what the record says, what we believed, 11 what we were, you know, the facts on the ground 12 at that time. 13 So I guess I'm going to hang my hat on the 14 policy part of the seven standards, in that the 15 whole area, that there are other issues with 16 that map. 17 I don't know. 18 Paul, I agree with you. 19 MR. SPIES: I just think -- 20 (Cross talk.) 21 MR. COUNCELL: I agree. It's a reach.</p>
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<p>1 MR. SPIES: It's impossible not to, as 2 sitting in these chairs, to not (inaudible). 3 But we've done it before. We've pulled up 4 rulings like this and just gone down the seven 5 standards. 6 MR. COUNCELL: Yeah. 7 MR. SPIES: And I think if we got this 8 thing back on course and went down the seven 9 standards, that would be an easy way to make a 10 decision. 11 I just don't feel like we have the ability 12 legally to make a determination if the maps are 13 right or wrong, and I don't think that it's the 14 time or place to do that on this determining if 15 348 is consistent with the Comprehensive Plan 16 is my main point. 17 All the other points, once we get away 18 from off topic, I agree with. I agree with 19 Mr. Boicourt. I agree with Mike. I agree. 20 But what we're tasked with today is 21 presenting and making a determination on just</p>	<p>1 MR. SPIES: I think it's going to come 2 back, and I think it's going to come back and 3 kick us you know where. So... 4 MR. STRANNAHAN: That's okay. I'm not 5 worried about that. 6 MR. SPIES: Well, we should be worried 7 about doing like what we're tasked to do. 8 MR. BOICOURT: Well, I think going from 9 the seven standards, not just policy, we can go 10 down the pace of development, if, in fact, this 11 is a correct map (inaudible) development in my 12 opinion. 13 And then which involves infrastructure, 14 highways, traffic, schools. 15 MR. SPIES: So we're saying we have the 16 ability to sit here and say approved? It went 17 through the official approve process and we can 18 sit here today and say that something submitted 19 to us as approved and correct, it went through 20 everything correctly, voted on by how our 21 government is set up, we have the ability, the</p>

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1 five of us, to just sit here and say no, those
 2 maps are wrong?
 3 MR. BOICOURT: Yeah. But the point I had
 4 was a lot of those changes to the comprehensive
 5 water and sewer plan were never put before us
 6 for a legal determination.
 7 MR. SPIES: Again, I still agree. But
 8 that's not the process of what we're doing on
 9 348.
 10 MR. COUNCELL: Right.
 11 MR. SPIES: We're doing, we're supposed to
 12 be doing here today is what has been approved
 13 and the tools that the county has given us and
 14 the Comprehensive Plan that's approved, whether
 15 you agree with it or not, that's a personal
 16 opinion. Legally the maps are approved, the
 17 Comprehensive Plan is approved.
 18 So we have to go through the seven
 19 standards and say is it in line or is it not.
 20 Tell me that -- keep saying that we've
 21 done this wrong and they didn't submit the

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1 right information back then is all great points
 2 and correct. But it doesn't come into play
 3 with what we're voting on today, in my opinion.
 4 MR. BOICOURT: If, in fact, these were all
 5 approved of and correct, as it stands today, I
 6 would support it.
 7 But they haven't been.
 8 MR. SPIES: So legally in front of us
 9 today is --
 10 (Cross talk.)
 11 MR. BOICOURT: -- I don't believe.
 12 MR. SPIES: How our government, what today
 13 in front of us has not been approved and passed
 14 that we're allowed to determine?
 15 MR. BOICOURT: The government is relying
 16 on Resolution 281.
 17 MR. SPIES: So we're sitting today that
 18 the bill --
 19 (Cross talk.)
 20 MR. SPIES: You disagree with it. But
 21 that's a personal stance.

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1 MR. BOICOURT: I don't think it is. They
 2 don't have the Planning Commission --
 3 MR. SPIES: -- easier way to take a vote
 4 in line with you guys is go through the seven
 5 standards and show me where it's not in line.
 6 And I'll be like great point.
 7 MR. BOICOURT: I think what you're asking
 8 for is that we go through and certify or not
 9 certify every parcel on that map and claim that
 10 the (inaudible) part, the (inaudible) has not
 11 been certified.
 12 MR. SPIES: (Inaudible) voting process
 13 saying something that's been submitted and
 14 approved and voted on, that I think we disagree
 15 that something was done right, we're setting a
 16 precedent for things down the road to make that
 17 argument.
 18 And I don't think that that's, I don't
 19 think that's our role.
 20 Our role --
 21 MR. BOICOURT: I disagree.

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1 MR. SPIES: Well.
 2 MR. STRANNAHAN: But also, do we, as far
 3 as you brought up precedence, do we start a
 4 precedent where people had, some of them moving
 5 forward, want to get something accomplished but
 6 they can't get accomplished as a whole. And
 7 even though the entire Town of Trappe is part
 8 and parcel of this, so let's take a small bite
 9 here. We get that done. And then we take
 10 another small bite and another small bite and
 11 another small bite. And each little tiny
 12 nibble, we can say okay, well, that one is not
 13 so bad, and fit that in.
 14 But in the end, we've taken up the
 15 entire --
 16 MR. SPIES: I don't think you want Paul
 17 Spies (inaudible) on how the government should
 18 run.
 19 MR. BOICOURT: Maybe we do.
 20 MR. SPIES: We have a -- we've been tasked
 21 with doing it in a certain way.

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1 And many times up here that I've had to
 2 vote a certain way that didn't make common
 3 sense to me or align with my personal opinion.
 4 MR. STRANNAHAN: We all have.
 5 MR. SPIES: Right. So I think that's
 6 where we're at right now.
 7 (Inaudible) for me, from my difficult
 8 point right now, sitting here looking at 348,
 9 agreeing with you and Commissioner Boicourt
 10 about how things were done in the past, I
 11 agree. That there's some things that how, with
 12 the information I'm given, with the
 13 Comprehensive Plan I'm given, the mapping that
 14 I'm given, to determine if this is in line with
 15 the Comprehensive Plan, I don't see how I could
 16 vote anything different. I'm not tasked with
 17 voting anything different.
 18 I'm not tasked with saying County Council,
 19 we submitted a bill that I would have written
 20 differently. County Council, I'm not happy
 21 with how you're taking little bites out.

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1 But that has nothing to do with what we're
 2 tasked with doing here today. We're tasked
 3 with they gave us, whether you like the
 4 amendment or the bill or not, we're tasked with
 5 saying is what is submitted here and approved
 6 and voted on by them, is this in line with the
 7 Comprehensive Plan.
 8 And then all the other issues, I think if
 9 we feel that strongly about it, then we need to
 10 address them in the appropriate way. This, I
 11 don't feel like this is the appropriate way.
 12 MR. COUNCELL: Let's take a five-minute
 13 break.
 14 (Recess taken.)
 15 MR. COUNCELL: So we'll go ahead and come
 16 to order again.
 17 Again, we're talking about Resolution 348.
 18 I don't know if this is something that may
 19 or may not work. I'm hesitant to do this in a
 20 way, but I think at a basic level, Paul is
 21 right.

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1 I think I would like to see the County
 2 Council include Lakeside in this review of the
 3 map.
 4 I wonder if, I'm asking the question, if
 5 we were to postpone this and ask the Council to
 6 include Lakeside, then that would give us clear
 7 direction. Either they have the heart to do
 8 that or they don't.
 9 Does that solve part of the problem or are
 10 we just kicking the can down the road?
 11 I'm like Paul. I got a lot of unanswered
 12 questions, but some of those aren't -- they may
 13 or may not be before us. And maybe that's not
 14 the answer.
 15 But does that move us --
 16 MR. BOICOURT: I think it's a good way,
 17 but it's inconsistent with our earlier decision
 18 on the basis, in fact, that 281, in particular,
 19 is not something that we have approved and that
 20 the maps need to be fixed. That's not
 21 consistent with that.

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1 MR. COUNCELL: So I guess the problem I
 2 have is in 281, in my view, my vote was
 3 inconsistent based off the flow into Trappe
 4 Creek. But guess what's happening today?
 5 So how long are we going to hold onto our
 6 inconsistency with 281, because the nails are
 7 being driven, the houses are going up? So are
 8 we going to hold onto that for the next 20 --
 9 and I'm not -- I understand what you're saying.
 10 But does that mean that we never approve
 11 anything to do with Lakeside because we voted
 12 down 281? I mean I'm asking the question.
 13 MR. BOICOURT: No. The reason, the idea
 14 is to get back and review the maps, which
 15 was -- then we could move forward and use the
 16 seven standards a lot easier, given that we
 17 understand that we got 100,000 gallons per day
 18 permit that MDE has issued.
 19 (Inaudible) do the planning.
 20 And then the Trappe sewage treatment plant
 21 issue is not totally separate from that, but

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<p>1 that's -- it's bigger than the present problems 2 with Trappe sewage treatment plant, in my 3 opinion. 4 MR. COUNCELL: All right. What's the 5 pleasure of the group? 6 MR. BOICOURT: (Inaudible) come up with. 7 MR. COUNCELL: Well. 8 MR. STRANNAHAN: You're Mr. Experience 9 here. 10 MR. BOICOURT: All right. Well, I'll try 11 something here, especially since, this was a 12 preamble, especially since with regard to 337, 13 (sic.)we said the maps need to be fixed. And Paul 14 has brought up an issue that I'm listening to 15 that these maps are fixed already. 16 I don't agree with that, but I'll start 17 with this. 18 Mr. Chairman, I move that we find that 19 Resolution 348 is not consistent with the 20 Comprehensive Plan because it doesn't -- it 21 appears not to include the entire parcels and</p>	<p>1 But so I would, for discussion purposes, 2 I'm not in line with it. 3 But again, there's five of us. 4 MR. COUNCELL: So my hope would be that 5 they would come back and do that. But if they 6 don't and we postpone it, we can revisit this 7 same exact. 8 Is that correct, if we postpone? 9 MR. MEEHAN: If you postpone. 10 MR. COUNCELL: Ask the Council to consider 11 including Lakeside, those maps. If they don't, 12 then we come back and look at this in November 13 exactly as it's presented. If they say no, 14 then we move on this. 15 MR. MEEHAN: I believe that's an option, 16 yes. 17 MR. COUNCELL: I would like to give them 18 the opportunity to do that. 19 MR. STRANNAHAN: I can support that. 20 MR. MEEHAN: Do it. 21 MR. COUNCELL: No. We have a motion on</p>
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<p>1 because, as we have agreed before, the maps 2 need to be fixed. 3 MR. STRANNAHAN: I'll second that. 4 MR. COUNCELL: Okay. We have a motion by 5 Commissioner Boicourt and a second by 6 Commissioner Strannahan to find inconsistency 7 based off of the maps needing to be fixed. 8 Further discussion. 9 MR. BOICOURT: And including the entire 10 Lakeside maps in addition. 11 MR. COUNCELL: Including Lakeside, yeah. 12 MR. SPIES: (Inaudible) along the lines of 13 postponing this, sending it back and saying we 14 want you to include Lakeside and then give them 15 the choice of saying vote on what we sent you, 16 which I think they should tell us, before they 17 say okay, we'll include Lakeside. So... 18 MR. COUNCELL: That's where I am. 19 MR. SPIES: I just, I don't feel like that 20 motion will hold weight on non-consistency is 21 my concern.</p>	<p>1 the floor. We're discussing. 2 MR. BOICOURT: Somebody has put the motion 3 on the floor. 4 MR. STRANNAHAN: And a second. 5 MR. BOICOURT: The advantage in that, even 6 though I'd like to make a decision on that, is, 7 first of all, we've already come back with a 8 vote on 337(sic.), which pleases me, that says 9 we got to revisit the maps. 10 By postponing it, it gets out of the 11 immediate problem (inaudible) with what Paul's 12 (inaudible). And so it doesn't address whether 13 these are correct or not. So I can live with 14 that, as long as we get a message back to the 15 County Council that the maps need to be fixed. 16 And we've already done that. 17 So I mean -- 18 MR. COUNCELL: Well, we've asked that they 19 fix them and we've asked that they align them. 20 So we've asked two things. We'll see what 21 comes back.</p>

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<p>1 MR. BOICOURT: Yeah. But it's not just 2 (inaudible). 3 MR. COUNCELL: Yeah. I understand. Yeah. 4 But yeah, I understand. 5 MR. BOICOURT: Understand. So I'm -- I 6 can live with that. 7 MR. COUNCELL: Okay. So the choice -- 8 MR. BOICOURT: I can withdraw my motion. 9 I will do so. 10 MR. COUNCELL: We have a withdraw. 11 Does our seconder withdraw? 12 MR. STRANNAHAN: Yes. 13 MR. COUNCELL: Okay. So we'll start over. 14 MR. BOICOURT: Mr. Chairman, I move that 15 we postpone consideration of Resolution 348 for 16 a lot of uncertain issues that need to be 17 resolved. 18 MR. COUNCELL: So are -- what -- okay. 19 MR. BOICOURT: I can make it sharper than 20 that, but until the County Council addresses 21 337 (sic.).</p>	<p>1 intent as it was -- 2 MR. BOICOURT: Good luck. 3 MS. GUAY: And you said wait until the 4 decision by the county to otherwise fix the 5 maps are -- 6 (Cross talk.) 7 MR. BOICOURT: -- decision on fixing the 8 maps. 9 MS. GUAY: (Inaudible.) 10 MR. COUNCELL: You good? 11 MS. GUAY: Yes. 12 MR. COUNCELL: You want to read it back to 13 us? 14 MS. GUAY: Well, yes. 15 MR. COUNCELL: And it might need a little 16 tweak. So go ahead. 17 MR. BOICOURT: She does better than I. 18 MR. COUNCELL: Yeah. 19 MS. GUAY: Mr. Boicourt moved to postpone 20 consideration for R348 because of confusing 21 matters that have not been addressed and to</p>
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<p>1 MR. STRANNAHAN: I think it's important 2 that Lakeside is -- that we would like to 3 see -- 4 MR. BOICOURT: Yeah. 5 MR. STRANNAHAN: -- Lakeside (inaudible). 6 MR. COUNCELL: Okay. We got to get back 7 onto the motion. So think about it, and let's 8 re-craft the motion a little bit. 9 MR. BOICOURT: Well, the suggestion -- I 10 move that we postpone this to request that the 11 county include the entire Lakeside process and 12 that the decision on the part of the county 13 with regard to revisiting the maps is done. 14 That would make it easy. 15 MR. COUNCELL: Okay. We have a motion. 16 Do we have a second? 17 MR. STRANNAHAN: I'll second that. 18 MR. COUNCELL: Okay. We have a motion by 19 Commissioner Boicourt and a second by 20 Commissioner Strannahan. 21 Rebecca is wordsmithing that with the</p>	<p>1 wait until Council's decision or decision by 2 the county to fix the maps (inaudible). 3 MR. BOICOURT: And to include -- 4 MR. COUNCELL: No. I don't think it's 5 347. 6 MR. BOICOURT: 337. 7 MS. GUAY: I'm sorry. 338. 8 MR. BOICOURT: 338. Sorry. 9 MS. GUAY: -- Lakeside. 10 MR. BOICOURT: I got confused on that. 11 And the request that they include the 12 entire Lakeside property. 13 MR. COUNCELL: Yeah. 14 MS. GUAY: Okay. 15 MR. COUNCELL: Further discussion. 16 MS. GUAY: (Inaudible.) 17 MR. COUNCELL: Let's call for the vote. 18 Commissioner Spies. 19 MR. SPIES: Aye. 20 MR. COUNCELL: Commissioner Strannahan. 21 MR. STRANNAHAN: Aye.</p>

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<p>1 MR. COUNCELL: Commissioner Boicourt.</p> <p>2 MR. BOICOURT: Aye.</p> <p>3 MR. COUNCELL: Commissioner Corson.</p> <p>4 MR. CORSON: Aye.</p> <p>5 MR. COUNCELL: I vote aye as well. All</p> <p>6 right.</p> <p>7 MR. BOICOURT: Thank you for the solution.</p> <p>8 MR. COUNCELL: Well, we've accomplished</p> <p>9 nothing. No. I think we're sending a message.</p> <p>10 I don't believe we've accomplished --</p> <p>11 MR. BOICOURT: It also avoids the problem</p> <p>12 that I think is --</p> <p>13 MR. COUNCELL: Okay.</p> <p>14 (Cross talk.)</p> <p>15 MR. BOICOURT: -- that Paul came up with.</p> <p>16 MR. COUNCELL: Next on our agenda under</p> <p>17 item five, discussion items. Brennan, what do</p> <p>18 we got?</p> <p>19 MR. TARLETON: We have currently no items</p> <p>20 for discussion and we have no future planned</p> <p>21 meetings outside regularly-scheduled Planning</p>	<p>1 clearly.</p> <p>2 MR. MEEHAN: I understand what you're</p> <p>3 getting at.</p> <p>4 MR. SPIES: -- what I'm saying.</p> <p>5 MR. CORSON: I think you're saying, you're</p> <p>6 basically saying whatever comes before is</p> <p>7 deemed to be legally good, is voting against it</p> <p>8 because we don't feel that it's accurate.</p> <p>9 MS. GUAY: Right. Are you asking for a</p> <p>10 legal determination regarding your scope of</p> <p>11 review about what is put in front of you and</p> <p>12 what the county staff provides to you?</p> <p>13 MR. SPIES: It didn't come to a head today</p> <p>14 because we postponed.</p> <p>15 But one of the reasons we were going to</p> <p>16 vote something down was because in an opinion</p> <p>17 of multiple people on the board, that something</p> <p>18 that had legally passed was incorrect and not,</p> <p>19 thus not legal, which that to me is a personal</p> <p>20 opinion. And up here on the board, we have to</p> <p>21 use the tools that we're passed through the</p>
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<p>1 Commission meetings at this point in time.</p> <p>2 MR. COUNCELL: Okay. Staff matters.</p> <p>3 MR. SPIES: I would like one (inaudible),</p> <p>4 just because I feel like this is going to come</p> <p>5 up again, this issue.</p> <p>6 I'd like a legal determination and kind of</p> <p>7 an explanation of like our ability, our right</p> <p>8 or ability up here to determine if either the</p> <p>9 code that's passed or mapping that's passed and</p> <p>10 submitted to us, are we legally allowed as</p> <p>11 commissioners to determine that they are</p> <p>12 incorrect or not.</p> <p>13 So if I'm voting on something, can I say</p> <p>14 I'm not going to vote on this because I believe</p> <p>15 the mapping or the code is incorrect when it's</p> <p>16 been submitted to us and passed that it is</p> <p>17 correct. Can we use that as a determination?</p> <p>18 I think it's going to come up.</p> <p>19 MR. MEEHAN: Let us think about it and</p> <p>20 we'll get a memorandum to you.</p> <p>21 MR. SPIES: And I might not be saying that</p>	<p>1 process.</p> <p>2 MS. GUAY: Got it.</p> <p>3 MR. SPIES: So can we use that as a</p> <p>4 determination on...</p> <p>5 MR. COUNCELL: I think what you're saying</p> <p>6 is how far outside of the scope of what we see</p> <p>7 can we go.</p> <p>8 MR. SPIES: I mean this simplifies it.</p> <p>9 But if I got a speeding ticket for going</p> <p>10 75, and I say well, that's a two-lane road, I</p> <p>11 think the speed limit should be 80. So I</p> <p>12 don't...</p> <p>13 MR. BOICOURT: I think we want to be</p> <p>14 really careful here because I mean my basis for</p> <p>15 questioning here is the fact that we rescinded</p> <p>16 our approval of 281. And that's on record.</p> <p>17 MR. SPIES: But I'm agreeing with you also</p> <p>18 because I had to -- how the mapping came up</p> <p>19 about how we're going to determine is a concern</p> <p>20 to me.</p> <p>21 So am I allowed to use my personal opinion</p>

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1 on that or do I have to use the approved maps
 2 that were approved through the legitimate legal
 3 process? Can I use my own opinion on that or
 4 do I need -- if those maps were submitted and
 5 gone through the process and everyone other
 6 than me says that they're correct and the legal
 7 tool to use, can I say well, I'm going to vote
 8 against this because I believe that they were
 9 done incorrectly? I just need an opinion.
 10 MR. MEEHAN: As a general basis, not
 11 specifically as to this case?
 12 MR. SPIES: Correct.
 13 MR. MEEHAN: Right. And I have --
 14 MR. SPIES: Think about it.
 15 MR. MEEHAN: I will. We will do that.
 16 MR. SPIES: -- be able to move forward I
 17 guess.
 18 MR. MEEHAN: Okay.
 19 MR. COUNCELL: Okay. Staff matters. Item
 20 six.
 21 MR. TARLETON: No additional staff matters


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1 at this point in time.
 2 I just want to let you know we've got
 3 three vacancies in our department for one for a
 4 code compliance officer, one for a zoning
 5 technician, and one for a housing coordinator
 6 that we're actively looking for (inaudible).
 7 MR. COUNCELL: Good.
 8 MR. BOICOURT: How do you get any work
 9 done?
 10 MR. TARLETON: You know, I ask myself that
 11 some days. But we're doing all right all
 12 things considered right now. So we're hoping
 13 to get some people on-boarded soon, get
 14 everybody trained, and be back to full
 15 capacity. We're doing all right at this time.
 16 MR. BOICOURT: Good for you.
 17 MR. COUNCELL: All right. Next on our
 18 agenda, item seven, work sessions.
 19 Brennan, Andy, Rebecca, I would like to
 20 request a workshop with the County Council if
 21 they will have us.

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1 MR. TARLETON: Okay.
 2 MR. MEEHAN: Will do.
 3 MR. BOICOURT: Do you want the Public
 4 Works Advisory Board there?
 5 MR. COUNCELL: If the County Council would
 6 like to include the Public Works Advisory
 7 Board, that would be good. If they think it's
 8 going to be too large, then we'll go from
 9 there. I would hope that they would, but I
 10 guess that would be their choice.
 11 MR. BOICOURT: Sure.
 12 MR. COUNCELL: Yeah.
 13 (Inaudible.)
 14 MR. COUNCELL: Commission matters, agenda
 15 item eight. Anything for the good of the
 16 group?
 17 Hearing none, we will adjourn at 12:55.
 18 Thank you very much.
 19 (Meeting concluded at: 12:55 p.m.)
 20
 21

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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 Planning Commission Audio, personally
 4 appeared before me at the time and place herein set
 according to law, was interrogated by counsel.
 5
 I further certify that the examination was
 6 recorded stenographically by me and then transcribed
 from my stenographic notes to the within printed
 7 matter by means of computer-assisted transcription
 in a true and accurate manner.
 8
 I further certify that the stipulations
 9 contained herein were entered into by counsel in my
 presence.
 10
 I further certify that I am not of counsel
 11 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 Notarial Seal this 10th
 day of October 2023 at Easton, MD.
 14

 15
 16 _____
 Diane Houlihan
 Notary Public
 17
 18
 19 My commission expires September 16, 2025
 20
 21

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