



Deposition of:
Talbot County Council Meeting

December 13, 2021

In the Matter of:
Talbot County Council Meeting

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COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

Continuation of Public Hearing
on Resolution 308 by Daniel Watson

December 13, 2021; 5:00 p.m.

Council Chambers, Easton, Maryland

COUNCIL MEMBERS:

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

Reported by
Diane Houlihan

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<p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2</p> <p>3 MR. CALLAHAN: Let's get ready to get</p> <p>4 started. But first let's all stand and say the</p> <p>5 Pledge of Allegiance to the Flag.</p> <p>6 (Pledge of Allegiance.)</p> <p>7 MR. CALLAHAN: Okay. Well, I appreciate</p> <p>8 it, everybody being here.</p> <p>9 So we're going to go ahead and let you,</p> <p>10 Dan, go ahead and get started and the</p> <p>11 continuation of your meeting and everything.</p> <p>12 If you want to go ahead, and the floor is</p> <p>13 yours.</p> <p>14 MR. WATSON: Thank you very much.</p> <p>15 MR. CALLAHAN: Yup.</p> <p>16 MR. WATSON: Good evening, Council</p> <p>17 Members. My name is Dan Watson. I live at</p> <p>18 8404 Akeley Manor Lane.</p> <p>19 Thank you very much for inviting me here</p> <p>20 tonight to complete the presentation in</p> <p>21 connection with Petition 21-01 that was filed</p>	<p>1 at this point, it was 350 two months ago, to</p> <p>2 join in and express support for Petition 21-01.</p> <p>3 And I'm really speaking for them also.</p> <p>4 That number is over 1.4 percent of the</p> <p>5 adult population of Talbot County. And the</p> <p>6 generally accepted ratio of people who write in</p> <p>7 on an issue, compared to those who are engaged</p> <p>8 that just don't take that step is about ten to</p> <p>9 one.</p> <p>10 So you're looking at something in the</p> <p>11 order of magnitude of 15 percent of the people</p> <p>12 in Talbot County who are already focused on</p> <p>13 this issue before tonight's disclosures. I'm</p> <p>14 sure there will be more.</p> <p>15 Resolution 281 that you adopted on</p> <p>16 August 11, 2020, nine months after it was</p> <p>17 introduced, was the county's one and only</p> <p>18 opportunity to influence the biggest project</p> <p>19 ever to happen in Talbot County. In adopting</p> <p>20 Resolution 281, you may hear me refer to it as</p> <p>21 R281, you gave an unconditional green light to</p>
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<p>1 back on May the 7th, more than seven months</p> <p>2 ago.</p> <p>3 This presentation began two months ago on</p> <p>4 October 12th, but it will be concluded tonight.</p> <p>5 Unlike the October meeting, Mr. Thomas and</p> <p>6 staff and I were able to meet in advance and</p> <p>7 communicate about ground rules. And that</p> <p>8 should make the evening go much more smoothly,</p> <p>9 and I hope not to use the full amount of time</p> <p>10 that was allotted.</p> <p>11 Not only to speed things up, but also to</p> <p>12 help make clear the points I'll be conveying</p> <p>13 tonight, I delivered to each of you almost two</p> <p>14 weeks ago a 15-page preview of this</p> <p>15 presentation, together with about 50 documents</p> <p>16 that substantiate the claims I'm making</p> <p>17 tonight.</p> <p>18 While I alone am responsible for my</p> <p>19 remarks tonight, I also want to remind everyone</p> <p>20 that Ms. Moran's roster shows that you all have</p> <p>21 received e-mails from over 412 other citizens</p>	<p>1 Lakeside, the 2,500 home subdivision and half a</p> <p>2 million square feet of retail space on the</p> <p>3 opposite side of Route 50 from the historical</p> <p>4 little Town of Trappe.</p> <p>5 The petition filed on the May the 7th, two</p> <p>6 months before any ship sailed or horse left the</p> <p>7 barn, was to urge you to rescind that action so</p> <p>8 that before the county had time for -- so that</p> <p>9 the county had time to answer important</p> <p>10 questions before construction of Lakeside got</p> <p>11 underway. The idea is that after we all</p> <p>12 learned what was really going on, the project</p> <p>13 could come back and be considered anew by the</p> <p>14 community.</p> <p>15 I'm here tonight, the reason I'm here</p> <p>16 tonight is to present you with new information</p> <p>17 that you, the Planning Commission, the public</p> <p>18 did not have during consideration of Resolution</p> <p>19 281, or in August 2020 when you adopted it.</p> <p>20 Based on this new information, I believe</p> <p>21 you will agree that the only proper course is</p>

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1 rescission of Resolution 281. Not to kill
 2 Lakeside, but so that the applicant can bring
 3 it back again in a proper context, untainted by
 4 falsehoods and misrepresentations.
 5 A point that needs making right up front
 6 is this: The County's authorization for
 7 Lakeside to proceed is a land use decision.
 8 It's a land use decision if ever there was one.
 9 Probably the most important land use decision
 10 ever made in Talbot County.
 11 It is now somehow an esoteric technical
 12 matter having to do with wastewater science.
 13 That is why these basic decisions about
 14 Lakeside, including rescission, is your
 15 responsibility and not the Maryland Department
 16 of Environment's, or MDE's.
 17 Under Maryland law, land use decisions are
 18 the purview of county government. There is no
 19 question that you, comprised of the County
 20 Council, have the authority to rescind 281,
 21 particularly based on new information that

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1 affects public health of your constituents, as
 2 discussed on October 12th, or new information I
 3 will present tonight showing how the applicant
 4 corrupted the county's land use review process
 5 with falsehood and misrepresentation.
 6 Not only is your right to rescind
 7 unconstrained, but in the context of
 8 information you heard on October the 12th
 9 bearing on the threat to public health, it is
 10 clearly your responsibility as well. You are
 11 our Board of Health.
 12 Under your rules, I am here to state my
 13 case. So I would like to ask that you hold any
 14 questions until I finish laying out the whole
 15 story. That will be both the fastest and
 16 clearest route. And I'm happy to take
 17 questions and have a general discussion at the
 18 end if you like.
 19 These remarks are structured into four
 20 parts. First some perspective on where we are.
 21 Then presentation of my central argument that

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1 falsehoods and misrepresentations corrupted a
 2 proper consideration of Resolution 281.
 3 Followed by evidence, indeed I think proof of
 4 backing up my points. And finally, just a few
 5 concluding remarks.
 6 On December 1st, a couple of weeks ago, I
 7 delivered to MDE and others, including the
 8 Attorneys General's Office and EPA and
 9 yourselves, a 15-page letter replete with
 10 footnotes and some 55 exhibits in that document
 11 to express as clearly as I am able the points I
 12 will be making here tonight.
 13 Some other documents obtained through PIA
 14 requests since December 1st further
 15 substantiate these claims.
 16 Exhibit 2 of the letter to MDE is
 17 especially important, as it defines what I mean
 18 by that obviously harsh word, falsehood, which
 19 I will use a lot here tonight.
 20 I'm not a reckless man, and I know I am
 21 making very serious allegations that the review

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1 and the approval process of Lakeside
 2 culminating in approval of Resolution 281 last
 3 August was corrupted by falsehoods. That is
 4 facts were presented as true that were untrue.
 5 I would like to read of bit of what I said
 6 in that letter to MDE on this important point
 7 and ask anyone who is concerned about what I'm
 8 saying, this word falsehood and so forth, to
 9 read all of Exhibit 2. This is part of what I
 10 wrote.
 11 These terms, falsehood, false, untrue, are
 12 used throughout these materials. Sometimes
 13 awkwardly. To me, there is very compelling
 14 evidence that strongly suggests a statement or
 15 purported fact is not true. And I set forth my
 16 evidence for that claim.
 17 But other as yet undiscovered evidence
 18 might have a bearing on the actual truth or
 19 falseness of a fact, of course. My
 20 characterization is not absolutely conclusive,
 21 which is why a professional investigation is

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<p>1 appropriate.</p> <p>2 Falsehoods can be simple, genuine,</p> <p>3 innocent mistakes. It happens all the time.</p> <p>4 It's still a falsehood.</p> <p>5 Falsehood can arise from a listener</p> <p>6 drawing a logical but wrong inference from</p> <p>7 facts said by a speaker because other facts are</p> <p>8 not known to that listener. The falsehood can</p> <p>9 arise from simple omission of a material fact.</p> <p>10 There's a reason that an oath is a promise to</p> <p>11 tell the whole truth.</p> <p>12 Falsehoods arise from confusion, and</p> <p>13 falsehoods can be purposeful lies, bold or</p> <p>14 subtle. Falsehoods can be created or</p> <p>15 perpetuated over time simply because of</p> <p>16 people's faulty memories or part of a story is</p> <p>17 remembered but part of it's forgotten and so</p> <p>18 on.</p> <p>19 Because Dan Watson has no way to</p> <p>20 differentiate or know or prove the reasons</p> <p>21 behind any falsehood, and as I have no</p>	<p>1 rescinded. Each one standing alone would be</p> <p>2 reason enough to rescind 281.</p> <p>3 The first item is a big deal. And it was</p> <p>4 the only one that I was able to present on</p> <p>5 October the 12th. Severe pollution in La</p> <p>6 Trappe Creek caused by problems and</p> <p>7 deficiencies with the existing Trappe</p> <p>8 wastewater treatment plant. You all remember</p> <p>9 the photos.</p> <p>10 Incredibly enough, Resolution 281 that you</p> <p>11 adopted permits Lakeside to connect 120 homes</p> <p>12 and possibly many more to that system. Not</p> <p>13 only polluting our waters, but contributing</p> <p>14 more to an existing public health hazard, as</p> <p>15 you heard.</p> <p>16 This first issue is not first because I</p> <p>17 think it is the most important and most</p> <p>18 outrageous, but only because it was the most</p> <p>19 obvious. It is the one that everybody in</p> <p>20 Talbot County knows about and are rightly</p> <p>21 outraged about. It's the one that's easiest to</p>
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<p>1 intention to state or imply the motive, the</p> <p>2 purposefulness, the innocence, or the reason</p> <p>3 that any falsehood arose, the terminology</p> <p>4 falsehood will just have to do.</p> <p>5 So to the point. Why must Resolution 281</p> <p>6 be rescinded? Resolution 281 must be reversed</p> <p>7 and rescinded because its approval was based on</p> <p>8 false pretenses and misrepresentations. I'm</p> <p>9 going to lay that all out for you. That's why</p> <p>10 I'm here tonight, and it's troubling.</p> <p>11 But first, it's necessary to back up a</p> <p>12 moment.</p> <p>13 And Ms. Moran, if you could put up the</p> <p>14 first slide, please.</p> <p>15 SECRETARY: Other than this one? The next</p> <p>16 one?</p> <p>17 MR. WATSON: Yes. This one. Thanks.</p> <p>18 The first -- here you will recognize the</p> <p>19 slide that I put up on October 12th. It's the</p> <p>20 same one. And it lists five independent</p> <p>21 reasons that why Resolution 281 must be</p>	<p>1 understand and the outrage is captured in</p> <p>2 photographs.</p> <p>3 The issue of falsehoods and</p> <p>4 misrepresentations I'm presenting here tonight</p> <p>5 I think is a more serious form of pollution,</p> <p>6 but there are no photographs.</p> <p>7 Everyone should know this, too. Among the</p> <p>8 people who heard the information presented</p> <p>9 about the existing plant and La Trappe Creek on</p> <p>10 October 12th were our Planning Commissioners.</p> <p>11 They, too, heard Matt Pluta, the Choptank</p> <p>12 Riverkeeper, as he delivered independent lab</p> <p>13 reports showing that every day that plant puts</p> <p>14 out effluent at 13 times, not double or triple,</p> <p>15 but 13 times the nitrogen concentration as a</p> <p>16 modern plant. And Maryland Department of</p> <p>17 Environment somehow says that's fine because</p> <p>18 remarkably in 2019 they gave Trappe a discharge</p> <p>19 permit that has no nitrogen limits in it at</p> <p>20 all.</p> <p>21 Worse, Shore River's lab reports, you'll</p>

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1 remember, showed that E coli and fecal coliform
 2 in the little stream just below the Trappe
 3 plant, where sludge hasn't been removed in over
 4 20 years, is more than ten times greater than
 5 the State of Maryland's safe limit.
 6 Tom Hughes, who you know, just got written
 7 confirmation from MDE this week that it has not
 8 monitored conditions in La Trappe Creek for at
 9 least five years, which is their requirement.
 10 And we think probably not since 1998. And
 11 where is the Department of Natural Resources in
 12 all this, by the way, DNR?
 13 You, Council members, and the Planning
 14 Commissioners also heard Dr. Smullen detail a
 15 litany of severe problems with the Trappe
 16 plant. Not just with the treatment plant
 17 itself, but with terrible inflow and
 18 infiltration problems in its collection system
 19 that occur even with normal rainfall, not just
 20 extreme rainfall. Yet Resolution 281 permits
 21 Lakeside to connect to that system.

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1 As the Council knows but I do not believe
 2 has yet reported to the Maryland Department of
 3 Environment, on November the 3rd, after hearing
 4 the testimony of Mr. Pluta and Dr. Smullen and
 5 others, the Planning Commission reconsidered
 6 its earlier vote and formally determined that
 7 connecting Lakeside to the existing Trappe
 8 sewer system, as Resolution 281 permits, cannot
 9 be allowed. It is, in fact, inconsistent,
 10 inconsistent with the Talbot County
 11 Comprehensive Plan until such time as the
 12 Trappe plant meets enhanced nutrient removal
 13 standards, ENR standards.
 14 So let me say that again. The Planning
 15 Commission has found that a central element of
 16 Resolution 281 is inconsistent with the Comp
 17 Plan. Consequently, as a legal proposition, I
 18 believe you are compelled to rescind 281 or MDE
 19 itself must reverse its earlier approval of
 20 Resolution 281. It's a public health matter.
 21 I want to acknowledge and salute

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1 Ms. Price's effort to face up to this
 2 particular problem by drafting a resolution
 3 that is intended to be a compromise and I
 4 understand may be introduced tomorrow night.
 5 But if I understand correctly that it still
 6 permits Lakeside to connect, trying only to
 7 limit the duration of the harm, I don't think
 8 it's adequate and does not address at all the
 9 legal consequences of the Planning Commission's
 10 decisions.
 11 So all of that had to do with the first
 12 reason to rescind 281. And standing alone, it
 13 requires its rescission.
 14 Looking back at the slide, the second
 15 item, which I am not going to get into, deals
 16 with the plans for the new wastewater treatment
 17 plant proposed for Lakeside on the east side of
 18 Route 50.
 19 As you know, six weeks ago on
 20 October 28th, about 200 citizens of Talbot
 21 County were at the Community Center, as were

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1 some of you, offering comments and criticisms
 2 of various aspects of that plant, with not a
 3 single speaker endorsing it.
 4 Dr. Smullen and Mr. Pluta and others
 5 knowledgeable technically spoke on technical
 6 issues.
 7 Until the results of that MDE review
 8 process are known, the county cannot judge
 9 whether or not the system contemplated supports
 10 or erodes our Comprehensive Plan, and that is
 11 not a concern of MDE's. MDE is not looking at
 12 that system with respect to our Comprehensive
 13 Plan. The Planning Commission does that.
 14 Could we put up the next slide? Okay.
 15 The third item that was listed on that
 16 slide is a fundamental legal problem with
 17 Resolution 281 that I'm also not going to get
 18 into depth here tonight. That legal problem,
 19 which went somehow unnoticed, deals with the
 20 fact that Resolution 281 made dramatic changes
 21 to the properties around Trappe, around Trappe

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1 that were not called out in the title of 281 or
 2 the text of 281, that are not owned by the
 3 developer, that are not part of Lakeside, and
 4 were never discussed or reviewed by the
 5 Planning Commission, by the public or by you,
 6 the County Council. But the changes were made,
 7 reclassified, mapped in our county's legal
 8 document.

9 I'm not going to review this slide, but I
 10 put it up here just to illustrate the breadth
 11 and variety of properties around Trappe that
 12 are impacted by this problem. This isn't just
 13 a little one little lot (inaudible).

14 Each one of these circles, this is two
 15 different maps in Trappe. On the left is the
 16 sewer service map, and on the right is
 17 long-range planned sewer service map. Both of
 18 which are relevant, both of which had many
 19 errors. Each one of these is a parcel of land
 20 or a group of parcels of land that were
 21 reclassified and remapped by Resolution 281

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1 with no one's knowledge, no one's review, and
 2 it affects property interests.

3 This was not some minor administrative
 4 glitch or matter of fixing some typos or an
 5 incorrect property line. The issue involves
 6 the property rights of all those property
 7 owners in the Trappe area, helping some of them
 8 and hurting most. Most noticeably, it seems to
 9 have benefited the developer of Lakeside by
 10 downgrading the development potential for other
 11 properties that were set to complete with
 12 Lakeside if they were developed. In
 13 particular, these properties here on the west
 14 side of Route 50.

15 This is a serious legal matter, and
 16 Resolution 281 must be rescinded until it's
 17 straightened out and fixed properly. I'm sure
 18 there are many lawyers listening and watching
 19 this who recognize the seriousness of this flaw
 20 in 281. Many of us laymen wouldn't necessarily
 21 grasp it.

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1 And the next slide, please.

2 So this brings us to the fourth and fifth
 3 items. The fourth and the fifth items together
 4 from the October slide, as you remember, are
 5 what I came here to talk about tonight.
 6 They're the most difficult to see and the most
 7 difficult to understand, but they are the most
 8 serious in both a legal and moral sense because
 9 this issue goes directly to the integrity of
 10 Talbot County's land review processes. And our
 11 reaction to that, those violations of our
 12 integrity, will show us who we really are as a
 13 county.

14 Because of the fact that consideration of
 15 Resolution 281 from the outset was corrupted by
 16 falsehood and misrepresentation, you didn't
 17 know that -- falsehoods and representations
 18 that you didn't know in August of 2020, I'm
 19 sure you will actually see them clearly at the
 20 end of the night.

21 Before we get into that, I want to talk

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1 about, put some perspective on the Lakeside
 2 project. Look at it at 100,000-foot level.

3 First, to get an idea of what -- well, to
 4 get an idea of what's really going on.
 5 Resolution 281 is not just your average
 6 comprehensive water and sewer plan amendment
 7 like any other. Comprehensive sewer plan
 8 amendments can -- plan has been amended 55
 9 times in Talbot County. Seems to come up every
 10 week. This is not just your average, run of
 11 the mill comprehensive water and sewer plan
 12 amendment.

13 What is proposed is preceded in rural
 14 Talbot County. Lakeside is a billion dollar
 15 real estate deal in a corn field on the
 16 opposite side of the peninsula's busiest
 17 highway from a financially strapped little
 18 town, population about 1,000.

19 Now, I'm a former real estate professional
 20 and developed a little property myself. I'm a
 21 capitalist. There is nothing wrong with a

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1 project that makes money, even a project that
 2 makes lots and lots of money. We should all be
 3 so lucky.
 4 But that is if it's done on the up and up.
 5 Whether it's golf or cards or marriage or real
 6 estate development, cheating poisons
 7 everything.
 8 So a billion dollars is a lot of money.
 9 2,500 homes at say \$400,000 a pop is a billion
 10 dollars. Plus there's a half a million square
 11 feet of commercial space to take care of any
 12 rounding errors. So let's say a billion. At a
 13 ten percent margin, that would be \$100 million
 14 in profit. And the real estate brokerage fees
 15 would be in the tens of millions. So if any
 16 project in this county or any other county was
 17 to be pursued with tenacity, this is the one.
 18 As with the MDE sewage permits you'll be
 19 hearing about, Resolution 281 was sponsored by
 20 two parties working together jointly. And that
 21 itself is a unique arrangement, which MDE has

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1 acknowledged. The two parties are the Town of
 2 Trappe and the developer, Rocks.
 3 The little historic Town of Trappe, for
 4 those who don't know, consists of about 340
 5 households, which is the size of a subdivision
 6 in most places. In the last town election, 93
 7 voters came out. So 47 people are a majority
 8 of the decision-makers in the democratic Town
 9 of Trappe.
 10 The biggest vote ever taken in Trappe was
 11 the referendum on Lakeside in 2003, where the
 12 developer offered the town a number of
 13 inducements. If 77 people had voted nay rather
 14 than aye, Lakeside wouldn't be on the agenda
 15 today, but it is.
 16 Trappe has never been accused of being a
 17 high income, wealthy community. Rather, it
 18 seems made up of hard working, full-time
 19 residents, many elderly. For reasons buried in
 20 history, residents in Trappe suffer financially
 21 with enormous water and sewer bills month after

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1 month. I mean big, like \$120, \$130 a month for
 2 a little house owned by an elderly couple. It
 3 appears they've had scant help over the years
 4 from State and county government, all things
 5 considered, to deal with these problems, which
 6 these problems stem from costs connected with
 7 the Trappe sewage system.
 8 I, for one, am pretty sympathetic to their
 9 plight, about which I knew very little. And I
 10 wrote about that in the Spy a couple of weeks
 11 ago.
 12 So the other co-applicant with the town is
 13 the developer, Rocks Engineering, out of
 14 northern Virginia, Vienna, Virginia. And
 15 they're doing business in Lakeside as Trappe
 16 East Holdings Business Trust. And I'll refer
 17 to the developer as Rocks.
 18 We know the ownership of that project
 19 because the developer's attorney in August went
 20 to the trouble of releasing an official
 21 statement published in the Talbot Spy under the

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1 headline Rocks family owns and controls
 2 Lakeside development project.
 3 Rocks' attorney did not mention Rauch
 4 Engineering, who in the past has been
 5 identified in the press in Talbot County as the
 6 developer of Lakeside and who have, in fact,
 7 done engineering work for the project for two
 8 decades.
 9 Rocks has successfully developed, as we
 10 know, other property in Talbot County with the
 11 help of Rauch Engineering, including the Easton
 12 Club, which wraps around the now abandoned golf
 13 course.
 14 Rocks has generally remained far behind
 15 the scenes, if that name is new to some people.
 16 Rocks and the Town of Trappe have
 17 additional and very different relationship in
 18 addition to being co-applicants. In fact,
 19 they're partners in obtaining the MDE permits
 20 and the Talbot County approvals. One is
 21 supposed to regulate the other.

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1 The government body in which development
 2 occurs is the regulator, the overseer, the
 3 inspector of what goes on. And that's the case
 4 in Lakeside. Trappe has all the same powers.
 5 Mr. Pack, you talked about Trappe as a
 6 recognized municipal body with the same
 7 sovereignty as others. And that's exactly
 8 right.
 9 Trappe has all the same powers as the City
 10 of Rockville or Hagerstown or the City of
 11 Annapolis. Except in this case, due to the
 12 imbalance of power and the reality of the
 13 situation, is not the little Town of Trappe and
 14 its 93 voters inevitably in the thrall of this
 15 developer, any developer who would have a
 16 project this size?
 17 Usually in these deals, my life
 18 experience, there's another important party,
 19 the mortgagee or bank or insurance company, an
 20 institution whose money backs the developer
 21 and, therefore, has a lot of influence and sees

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1 all the Is are dotted and Ts are crossed and
 2 that things are done properly by the book.
 3 When the Rauch Company built Columbia 50
 4 years ago, it was (inaudible) neutral, for
 5 example.
 6 But in this case, surprisingly, there is
 7 no mortgage on the Lakeside property at all.
 8 So that normal guardrail is missing.
 9 The last point I want to make about the
 10 perspective of Lakeside at 100,000-foot level
 11 is this: Lakeside has been on the radar of
 12 Talbot County since 2003. Everybody in Talbot
 13 County knows about Lakeside, or thinks they do,
 14 recalls the newspaper articles and hoopla way
 15 back when, saw the weather-beaten sign forever.
 16 All of that left a very strong impression that
 17 Lakeside had been ready to go before the great
 18 recession hit and it was just put on hold
 19 indefinitely.
 20 So with that background, billion dollars
 21 in a corn field, a financially squeezed little

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1 town in the hands of an experienced developer,
 2 old vague recollections from the past, what
 3 could go wrong?
 4 So now let's talk about what Resolution
 5 281 is and what it did. It's the topic at
 6 hand. Rocks and the town requested the county
 7 to adopt Resolution 281 to get the county
 8 comprehensive's water and sewer plan amended so
 9 that Lakeside would have a so-called S-1, or
 10 immediate priority, sewer service
 11 classification, because without it, Lakeside is
 12 not legally entitled to get any permits from
 13 MDE for sewage facility. It's that simple.
 14 The chief purpose of Resolution 281, the main
 15 objective was to get designated S-1.
 16 But while pursuing that status, the
 17 applicant slipped in another thing, too. You
 18 see, when Resolution 281 was first submitted to
 19 the Council in December of 2019, when it first
 20 came up, reclassification was its only purpose.
 21 And at that time, the language in Exhibit F to

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1 Resolution 281, the language in Exhibit F
 2 explicitly said Lakeside could not connect to
 3 the existing Trappe plant. Think about that.
 4 The sentence in the original Exhibit F
 5 read no wastewater capacity of the existing
 6 Trappe district wastewater plant, that is the
 7 existing old plant, no wastewater capacity of
 8 the existing Trappe wastewater treatment plant
 9 will be allocated to serve the Trappe East
 10 sewer district. That's Lakeside. No --
 11 MS. PRICE: Do you have -- real quick. Do
 12 you have that as one of your -- you have all
 13 the exhibits here?
 14 MR. WATSON: Yes. That is --
 15 MS. PRICE: -- which one?
 16 MR. WATSON: I'm going to mention what
 17 exhibit that is in a minute. It is in there.
 18 It's on page -- let me remember. It would be
 19 on page 47 I think of the Comp Plan.
 20 No wastewater capacity in the existing
 21 Trappe district wastewater treatment plant will

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1 be allocated to serve the Trappe East sewer
 2 district. That was in December.
 3 Two months later when Rocks agreed to the
 4 so-called concession to split Lakeside into two
 5 phases, the amendment of Resolution 281 also
 6 slipped in a new Exhibit F that reversed the
 7 idea I just expressed, reversed it 180 degrees
 8 and permitted Rocks to connect Lakeside's first
 9 120 homes, and it could be more, to the
 10 deficient plant.
 11 Now, I use the word slipped in. We know
 12 it has connotations. I use the word slipped in
 13 because the transcripts of Council meetings and
 14 Planning Commission meetings, the transcripts
 15 show that no one on the Council, no Council
 16 member or Planning Commission member ever once
 17 spoke of that remarkable 180-degree reversal.
 18 And I believe no one realized that there had
 19 ever been a change. I think everybody thought
 20 the amendment that they were looking at had
 21 always been there since December. It had not

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1 been.
 2 Because and only because of the successful
 3 and largely unnoticed substitution, I think
 4 completely unnoticed substitution of Exhibit F,
 5 Rocks can and is building Lakeside right now,
 6 even though it will be months until the MDE
 7 even acts on the permit for the new plant.
 8 Had F not been substituted unnoticed,
 9 Rocks could not connect Lakeside to the
 10 existing plant and I believe would not have
 11 been moving forward today.
 12 Adding insult to injury, even though the
 13 Planning Commission on November 3rd formally
 14 determined that connecting Lakeside to the old
 15 plant is inconsistent with the county
 16 Comprehensive Plan, Rocks went anyway and laid
 17 the pipe, made the connection after
 18 November 3rd.
 19 Rocks is in a hurry, and perhaps not a
 20 thing stands in the way of that company selling
 21 the first house tomorrow, building it next

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1 month, and adding its sewage to the sewage
 2 flowing into La Trappe Creek by Valentine's
 3 Day. It's all regulated only by the Town of
 4 Trappe you see.
 5 MR. CALLAHAN: Mr. Watson, when you're
 6 saying November, are you saying this past
 7 November?
 8 MR. WATSON: Five weeks ago.
 9 MR. CALLAHAN: Okay. I just want to make
 10 sure.
 11 MR. WATSON: So all of this is what I'm
 12 calling the other thing besides the
 13 classification of S-1.
 14 MS. PRICE: I'd still like to see where
 15 Exhibit F is and you haven't gotten there yet.
 16 I'd just like to see it here.
 17 MR. WATSON: I'm sorry?
 18 MS. PRICE: The original Exhibit F, I just
 19 wish you could tell me which one of your 60
 20 exhibits it is, please.
 21 SECRETARY: I think it's 7B.

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1 MR. WATSON: My hearing --
 2 MR. DIVILIO: It's 7B. It's labeled 43
 3 and 47 in Granicus. And it includes that map
 4 that he was referencing that we didn't discuss.
 5 MS. PRICE: Thank you.
 6 MR. WATSON: You know, I need to clarify
 7 something. What I put into -- and this could
 8 be very misleading. It's important I stop.
 9 What I put into the packet, because I
 10 referred to it in my letter to MDE and referred
 11 to it, I will be referring to it here tonight,
 12 are the pages from the comprehensive water and
 13 sewer plan that may be the very pages from
 14 exhibit, from the amended exhibit, the amended
 15 Exhibit F. That is the comprehensive water and
 16 sewer plan that was actually enacted.
 17 I assure you I have, and Ms. Moran has on
 18 your server, and I'm sure, frankly, you have on
 19 your computers buried somewhere, the original
 20 Resolution 281 with the original exhibit.
 21 And as soon as this meeting is over, I

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1 will provide it to you. And I'm sorry I didn't
 2 think to have that item in your package because
 3 it didn't occur to me that it wasn't there.
 4 I --
 5 MS. PRICE: It would be nice to compare
 6 the two. Thank you.
 7 MR. WATSON: Pardon me?
 8 MS. PRICE: It would be nice to compare
 9 the two. Thank you.
 10 MR. WATSON: That's the entire point
 11 indeed. And I apologize for that oversight.
 12 The sentence I read to you is the sentence
 13 that you will find in the document I sent you.
 14 So that whole issue is the other thing
 15 because the main circus tent is obtaining the
 16 resolution. I mean the classification S-1.
 17 Because without that, without obtaining
 18 classification as S-1, the subdivision of
 19 Lakeside could not get underway. It's the sine
 20 qua non, as they say.
 21 While Rocks and the town did get

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1 Resolution 281 adopted, of course, and it got
 2 its S-1 classification, but it did so only
 3 based on falsehood and misrepresentation, as I
 4 will show you.
 5 To see why these falsehoods matter, one
 6 must know these key points, which everyone on
 7 the Council understands but not necessarily
 8 everybody else. For the Talbot County Council
 9 to legally reclassify a property, the county
 10 Planning Commission must have formally
 11 determined that the reclassification is
 12 consistent with the county's Comprehensive
 13 Plan. The Planning Commission must take into
 14 account seven discreet issues as defined by law
 15 that really comprise the whole Comprehensive
 16 Plan. And it's serious business.
 17 And second item is before the Planning
 18 Commission can make that determination,
 19 Planning Commission must hold a public hearing
 20 where the public can address the Planning
 21 Commission. And the public's comments are

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1 intended to cover the entire breadth of the
 2 amendment's impact on the community, all of the
 3 matters covered in the Comprehensive Plan, and
 4 the seven areas that are almost always
 5 discussed in detail by the commission. It's
 6 all in play.
 7 As you'll see, this is where in the case
 8 of Resolution 281, Talbot County's land use
 9 review process was corrupted because the
 10 applicant of 281 presented it to the Planning
 11 Commissioners, to the public, and to you on the
 12 Council under the guise of false pretenses. As
 13 you will see, the citizens of Talbot County,
 14 and the Planning Commission too, were denied an
 15 honest, untainted framework for
 16 decision-making. So now let me describe what
 17 I'm talking about, those falsehoods.
 18 The first falsehood was that in 2002,
 19 Talbot County gave the Lakeside property a
 20 sewer service priority classification of S-2,
 21 which means that the land is expected to be

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1 developed in three to five years.
 2 In presenting Resolution 281, not only
 3 were the implications obvious, but Rocks'
 4 attorney said it directly to you and to the
 5 Planning Commission, as you'll see here when I
 6 read from the transcripts. Almost two decades
 7 ago, this was the assertion, almost two decades
 8 ago, Talbot County had officially said that by
 9 2007 or so, Rocks should be entitled to develop
 10 Lakeside, all 2,501 homes with a million feet
 11 of retail just as it wanted to all in one fell
 12 swoop. That's what we were led to believe, but
 13 it was not true.
 14 The property had never been classified S-2
 15 in 2002 or at any time. In fact, it had never
 16 been given any priority classification at all.
 17 Exactly contrary to what S-2 classification
 18 implied, Talbot County never said the property
 19 should be developed at all, and certainly not
 20 at a scale and at a pace of this subdivision,
 21 notwithstanding that Trappe and Rocks were all

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1 for it.
 2 Evidence of this, indeed proof, will be
 3 presented shortly.
 4 But this S-2 falsehood, and I call it the
 5 S-2 falsehood, that almost 20 years ago Talbot
 6 County had formally agreed that Lakeside should
 7 be developed in three to five years was front
 8 and center in 2020 to the Council, to the
 9 Planning Commission, and to the public.
 10 When Resolution 281 was introduced the
 11 very first time, Mr. Pack, of course, asked
 12 Ms. Moran to read the title of the resolution.
 13 And the falsehood was right there instantly.
 14 The title to Resolution 281 includes these
 15 words: To reclassify and remap the Lakeside
 16 property from S-2, areas where sanitary
 17 improvements are programmed for progress within
 18 three to five years, to S-1. And those words
 19 are included in the text also.
 20 What could be more clear? If Lakeside was
 21 classified for development in three to five

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1 years, and it's been around essentially since
 2 the turn of the millennium, then, my God,
 3 obviously it's time to get this thing going.
 4 That falsehood that the property was
 5 classified for the development in three to five
 6 years was not new. In fact, that was a big
 7 part of the problem. That untruth had been
 8 around for years and years, at least since
 9 2004. And it had been repeated and repeated so
 10 many times in so many contexts by so many
 11 people that understandably the people not in
 12 the know were easily duped, including you on
 13 the Council and the Planning Commissioners and
 14 all of the public.
 15 But the fact that the falsehood is old,
 16 it's been around forever and has been repeated
 17 for years, does not make it somehow true. Of
 18 course not.
 19 I now want to read you quotes from the
 20 transcripts of Council meetings and Planning
 21 Commission meetings that show how this

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1 falsehood was emphasized again and again in the
 2 2020 review process, that Lakeside was S-2 and
 3 had always been programmed for development in
 4 three to five years. And it shows how
 5 Resolution 281 was framed and corrupted in that
 6 process.
 7 Everybody should recall that the complete
 8 transcripts of all of these meetings, the
 9 section pertaining to, everything pertaining to
 10 Lakeside are in the packet that I sent you. So
 11 this is not -- if you anybody wants to
 12 double check or see the context, it's all there
 13 for you.
 14 Let's begin. Mr. Showalter, on the first
 15 night, he represents Rocks Development.
 16 Mr. Showalter on the first night that
 17 Resolution 281 was discussed substantively, led
 18 off with the S-2 falsehood. And it framed the
 19 whole review from that night --
 20 MS. PRICE: Dan, which meeting? Just give
 21 us the date of the meeting that you're reading

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1 from.
 2 MR. WATSON: This was the May 20th
 3 meeting, May 20, 2020.
 4 And all these quotes can be matched up,
 5 not instantly. I didn't organize it that way,
 6 but they can be matched up. And I'm around to
 7 do that for you if there's any confusion.
 8 So Mr. Showalter left off, led off with
 9 the S-2 falsehood, and it framed the whole
 10 review from that moment until August 11th when
 11 it was adopted. This is what he said to you.
 12 The current county comprehensive water and
 13 sewer plan most recently adopted with respect
 14 to this project in 2002 includes the entirety
 15 of this project as S-2, W-2 area.
 16 References to W-2 is the water service.
 17 I'm going to skip over W-2. Usually it's the
 18 same thing. It's always S-2, W-2.
 19 The current county comprehensive water and
 20 sewer plan most recently adopted with respect
 21 to this project in 2002 includes the entirety

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1 of this project as S-2, which indicates that
 2 water and sewer infrastructure was anticipated
 3 to be extended to serve this development within
 4 three to five years of adoption of that plan.
 5 So in 2005 to 2007 time frame, we're now
 6 almost 16 years beyond that, and the first pipe
 7 has not been put into the ground.
 8 Later -- that was the very first beginning
 9 of the first substantive discussion. Later,
 10 Mr. Showalter explained the so-called
 11 concession Rocks was willing to offer.
 12 Ms. Price, I was mistaken. That was the,
 13 announcement of the concession, that was the
 14 February 11th, first meeting in front of the
 15 Council, not the Planning Commission. These
 16 are from the Council meetings.
 17 Later, Mr. Showalter explained a so-called
 18 concession Rocks was willing to offer just to
 19 get things moving. He'd split Lakeside into
 20 two phases so the county would only have to
 21 designate the northern portion as S-1. Rocks

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1 would agree to leave the southern part as S-2.
 2 But of course, that was false because none of
 3 Lakeside had ever been S-2. That southern
 4 portion, in fact, was unprogrammed. But this
 5 is what Mr. Showalter said.
 6 There's an amendment that would move a
 7 portion, essentially the northern half of the
 8 project, from S-2 and would retain S-2
 9 designation of the southern half. From the
 10 MDE's perspective, the project is consistent
 11 with your current plan because we're more than
 12 15 years beyond the time frame when
 13 infrastructure was proposed to be connected.
 14 Remember that reference to MDE as that plays
 15 directly into the second falsehood and shows
 16 how deeply these things were intertwined.
 17 In the next quote, the county engineer did
 18 not create but just reinforced the falsehood
 19 when he reported something about MDE. He
 20 reported MDE's position and said this: And
 21 ultimately MDE's position was that the passage

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1 of time, since roughly about 2008 to today, was
 2 I guess the time that it took that the current
 3 classification of the county -- in the county
 4 that was S-2, which is future planning within
 5 three to five years, they felt like it's past
 6 12 years and now it's classified S-1.
 7 Mr. Clarke was reporting to you as a fact
 8 that MDE not only knew the property had been
 9 S-2 for 18 years, which it was not, but for
 10 their own part MDE determined that the passage
 11 of time had already somehow transformed
 12 Lakeside to S-1 status, a transubstantiation
 13 idea of some sort. The same idea was repeated
 14 more than once to you and to the Planning
 15 Commissioners, too.
 16 You will hear evidence that the falsehoods
 17 that the property was S-2 was accepted and
 18 believed by all commissioners and Council
 19 persons, and the report that MDE was indeed
 20 interpreting Lakeside already to be classified
 21 S-1 and eligible for immediate development was

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1 also accepted. How could it be otherwise since
 2 MDE issued the permits, and yet the County
 3 Council members knew the county had never
 4 classified Lakeside as S-1, even if it had been
 5 S-2.
 6 At least Mr. Leshar was skeptical of MDE's
 7 right to do that, what Mr. Clarke said, as his
 8 comment to Mr. Clarke was this: Mr. Leshar:
 9 That's kind of new to me. Is there any
 10 provision in the law where this change of
 11 status -- for this change of status without
 12 legislative action?
 13 And Mr. Leshar was the only one on the
 14 Council to vote against Resolution 281.
 15 Emphasizing the solidly of the falsehood,
 16 Mr. Clarke explained Rocks' concession, as it
 17 was perceived, meant that the southern half of
 18 Lakeside would remain S-2, when, in fact, it
 19 had never been classified that. His exact
 20 words were these: Everything south of that red
 21 line would actually remain as the future

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1 planning status for three to five years, for
 2 development in three to five years for water
 3 service.
 4 Now listen to this one. This is from the
 5 July 21, 2020, public hearing in this room
 6 before you. This is Mr. Showalter explaining
 7 to you and to the staff and to the public why
 8 Resolution 281 should be adopted. These were
 9 his words: The plan adopted in 2002 with
 10 respect to its maps, designated the entirety of
 11 this project as S-2, which meant that it was
 12 indeed to be served by public water and sewer
 13 within the period of 2005 to 2008. Twelve to
 14 15 years beyond that is where we are today.
 15 Infrastructure hasn't been constructed. And
 16 from MDE's perspective, consistency with the
 17 county comprehensive water and sewer plans
 18 looks at times. And so we're 12 years beyond
 19 the time frame that was programmed by the
 20 county to be served for infrastructure. It's
 21 determined to be consistent with the County's

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1 plans.
 2 So now, not only does he represent the
 3 long-standing falsehood that Lakeside was
 4 classified S-2 in 2002 when it was not, he
 5 again reports that MDE interprets the passage
 6 of time to have automatically turned it into
 7 S-1. That's the transubstantiation again.
 8 At the County Council meeting on
 9 August 11th when you adopted Resolution 281 by
 10 a four to one vote, Mr. Pack led off directly
 11 with a discussion of Lakeside's existing sewer
 12 classification status. That is prior to the
 13 adoption of Resolution 281.
 14 At first, I for one thought Mr. Pack had
 15 bought Mr. Showalter's claim that MDE had
 16 already declared Lakeside to be S-1 and ready
 17 for immediate development whether or not the
 18 Council acted.
 19 This is what was said: Mr. Pack:
 20 Currently the entire acreage sits at S-1, which
 21 means the development can take place anywhere

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1 on the lot, either the Barber Road side or the
 2 50 side. I think that the agreement that came
 3 out of discussions with the Town of Trappe and
 4 the developer was the split zoning to allow the
 5 first part of the development to stay as S-1.
 6 And then once it is developed out, the other
 7 part can be moved into S-2, the S-2 side of the
 8 lot.
 9 Mr. -- I need to read that again. I'm
 10 sorry.
 11 I think that the agreement that came out
 12 of discussions with the Town of Trappe and also
 13 with the developer was to do the split zoning
 14 to allow the first part of that development to
 15 stay on the S-1 side. And then once it's
 16 developed out, the other part can be moved over
 17 to the S-2 side of the lot.
 18 Mr. Pack seemed to have bought the idea
 19 that Lakeside was already S-1, as Mr. Showalter
 20 claimed MDE said. And seemingly corroborated
 21 by the fact that MDE had issued permits long

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1 ago.
 2 Mr. Pack also acknowledged the benefits of
 3 Rocks faux concession. But perhaps the remark
 4 just indicated confusion because Mr. Leshner and
 5 others promptly correct him that the property
 6 was not S-1 per MDE's purported interpretation
 7 but S-2. That happened instantly, which
 8 itself, of course, is a falsehood because it
 9 wasn't S-2.
 10 Mr. Pack seemed okay with that, standing
 11 corrected. And replied simply okay,
 12 Mr. Showalter, do you want to be heard.
 13 So let's continue with August 11th
 14 meeting. It was not a public hearing. But
 15 nevertheless, the developer's lawyer,
 16 Mr. Showalter, and only Mr. Showalter, was
 17 invited up to speak. And these were his very
 18 first words. Just very briefly, I just want to
 19 reiterate that what is proposed before you
 20 today, what you're being asked to adopt as an
 21 amendment is an amendment to update your plan

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<p>1 which already reflects this project. Which</p> <p>2 already reflects this project. There it is.</p> <p>3 A few minutes later, you adopted</p> <p>4 Resolution 281 by a four to one vote,</p> <p>5 relinquishing Talbot County's one and only</p> <p>6 opportunity to influence Lakeside in any</p> <p>7 fashion whatsoever. You gave Rocks and the</p> <p>8 town the S-1 classification essential to</p> <p>9 receiving final MDE permits to get underway.</p> <p>10 Going forward, Rocks has only the Town of</p> <p>11 Trappe and its 93 voters to contend with in</p> <p>12 making the most out of its 865 acres, a billion</p> <p>13 dollar deal if ever I saw one.</p> <p>14 There's a post script of these County</p> <p>15 Council transcripts that hints at just how</p> <p>16 persuasive Mr. Showalter can be. This quote is</p> <p>17 from not last year, but May 11th of this year,</p> <p>18 and suggests that perhaps he permanently</p> <p>19 convinced you, Mr. Pack, that his story was</p> <p>20 true. And that even without Resolution 281</p> <p>21 being adopted, Lakeside had already been</p>	<p>1 All the quotes I've read to you up to now</p> <p>2 incidentally were just from the transcripts of</p> <p>3 the three Council meetings.</p> <p>4 The Planning Commission met four times to</p> <p>5 discuss Lakeside and Resolution 281. And those</p> <p>6 transcripts are full of similar and often more</p> <p>7 blatant repetitions of these things as if they</p> <p>8 were fact when they were not. It shaped the</p> <p>9 Planning Commission's view of Lakeside, as is</p> <p>10 also reflected in the transcripts.</p> <p>11 Given the time constraints, I'm not going</p> <p>12 to recount -- I'm going to recount only a</p> <p>13 couple of illustrative items.</p> <p>14 Predictably, Mr. Showalter's first words</p> <p>15 when asked to present at the commission's first</p> <p>16 review of amended 281. And that was,</p> <p>17 Ms. Price, was the May 20, 2020, meeting.</p> <p>18 Mr. Showalter's first words were these: The</p> <p>19 current county comprehensive water and sewer</p> <p>20 plan designates the entirety of this property</p> <p>21 for water and sewer service beginning 2005 to</p>
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<p>1 classified as S-1 by MDE and would be developed</p> <p>2 anyway forthwith and that splitting the south</p> <p>3 end into a different phase as S-2 had been a</p> <p>4 concession.</p> <p>5 On May 11th of this year when my petition,</p> <p>6 what we're talking about now, was first</p> <p>7 introduced and the county refused to let me</p> <p>8 speak, you were on the phone and said the</p> <p>9 following, preemptively objecting to hearing me</p> <p>10 out. Removing 281 and opening up the entire</p> <p>11 parcel to S-1 development zoning is something</p> <p>12 that I dread. I don't think that is</p> <p>13 advantageous to us.</p> <p>14 In other words, if Resolution 281 went</p> <p>15 away, it would revert back the entire thing to</p> <p>16 being S-1.</p> <p>17 Referring to Resolution 281, you said 281</p> <p>18 split it so that one-half will be developed S-1</p> <p>19 and the back half as S-2, to go back to a</p> <p>20 full-blown I think 250 acres at S-1 is</p> <p>21 something I would not want to do.</p>	<p>1 2008.</p> <p>2 Later in that session, he said MDE, as</p> <p>3 Mr. Clarke indicated, has consistently through</p> <p>4 the years, determined that this area from their</p> <p>5 perspective is considered S-1. It's available</p> <p>6 for immediate infrastructure and construction.</p> <p>7 Showing Mr. Showalter's persuasiveness to</p> <p>8 the benefit, as to the benefits of Rocks'</p> <p>9 concession to split Lakeside into two phases,</p> <p>10 Commissioner Paul Spies said this: When this</p> <p>11 first came up to me, it was first proposed for</p> <p>12 the whole entire project to go S-1. And I</p> <p>13 think if they pushed hard enough or really</p> <p>14 wanted to do that and got fed up with the</p> <p>15 system, they would have the legal groundwork to</p> <p>16 move the entire property to S-1. I think some</p> <p>17 of the staff that they have given us -- some of</p> <p>18 the stuff they have given us since they first</p> <p>19 came in front of us has been compromises. So</p> <p>20 they're getting something, we're getting</p> <p>21 something.</p>

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<p>1 Literally moments before the commission's</p> <p>2 final vote on June the 10th, Mr. Spies captured</p> <p>3 the import of the S-2 falsehood perfectly when</p> <p>4 he said: We're voting on a time frame that in</p> <p>5 my mind has already been passed.</p> <p>6 So there you have it. That's what I call</p> <p>7 the first falsehood.</p> <p>8 There was a second. The second falsehood</p> <p>9 that completely permeated and corrupted an</p> <p>10 honest consideration of Resolution 281 was that</p> <p>11 back in the early 2000s, Lakeside had obtained</p> <p>12 valid legal sewer permits from MDE. And that</p> <p>13 confirmed in everyone's mind that they had</p> <p>14 thought -- everyone who had thought to even</p> <p>15 question it, that Lakeside must already have</p> <p>16 been approved by Talbot County way back then.</p> <p>17 And that's because you can't get MDE permits</p> <p>18 unless the county, not the town or the</p> <p>19 developer, but the county has approved a</p> <p>20 project by a formal finding of the Planning</p> <p>21 Commission that it is consistent with the</p>	<p>1 had been invalid from the outset. That fact,</p> <p>2 which I will prove to you shortly, was known by</p> <p>3 almost nobody in Talbot County, not by the</p> <p>4 public, not by the Planning Commission, and not</p> <p>5 by you, Council members.</p> <p>6 Nevertheless, that falsehood was woven</p> <p>7 into consideration of Resolution 281 from start</p> <p>8 to finish and corrupted the whole process.</p> <p>9 Here is a (inaudible).</p> <p>10 These are serious charges I'm making. We</p> <p>11 all know that. About MDE issuing the permits</p> <p>12 illegally. And I'm sure you know that two</p> <p>13 weeks ago I sent all this information to</p> <p>14 Secretary Grumbles asking for a formal</p> <p>15 investigation and I also sent it to the</p> <p>16 Attorney General's Office and to the EPA in</p> <p>17 Philadelphia. I've heard from no one yet, of</p> <p>18 course. But I'm sure we will.</p> <p>19 Obviously when Rocks or the Town of Trappe</p> <p>20 said that they had long ago obtained their</p> <p>21 permits from MDE, they did not go on to</p>
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<p>1 Comprehensive Plan. That's Maryland Code</p> <p>2 9-511.</p> <p>3 So if Lakeside had permits back in the</p> <p>4 2000s, and they did, then we as a county must</p> <p>5 already have looked at it and approved it once</p> <p>6 before. Resolution 281 is just a cleanup of</p> <p>7 some kind. And that is false.</p> <p>8 Here are the facts. MDE did issue</p> <p>9 Lakeside permits back then, a discharge permit</p> <p>10 in 2005 and two construction permits in 2006.</p> <p>11 But in fact, Talbot County never reviewed it at</p> <p>12 all, had never found it consistent with the</p> <p>13 Comp Plan. In fact, quite the opposite.</p> <p>14 The Talbot County Council had emphatically</p> <p>15 rejected it and it refused back then to</p> <p>16 designate Lakeside S-1, immediate priority,</p> <p>17 which section 9-511 of the Maryland</p> <p>18 Environmental Article says is a legal</p> <p>19 prerequisite to issue permits.</p> <p>20 Accordingly, the MDE permits Lakeside did,</p> <p>21 in fact, obtain had been issued illegally and</p>	<p>1 explicitly announce that these permits were</p> <p>2 legal and valid. Who would do that? But of</p> <p>3 course, that essential idea was unstated and</p> <p>4 inherent. And it was that essential but</p> <p>5 unstated idea, that it's legal and valid, that</p> <p>6 was the falsehood, which is why you'll never</p> <p>7 see in the transcript an explicit false claim</p> <p>8 that the permits were legal and valid.</p> <p>9 So right after Ms. Moran read into the</p> <p>10 record the title of Resolution 281 at the first</p> <p>11 meeting on December 17, 2019, the title that</p> <p>12 recited the falsehood about having long ago</p> <p>13 been programmed S-2 for development in three to</p> <p>14 five years, Mr. Pack, you said this: The</p> <p>15 permit that was issued by MDE back in 2004, '05</p> <p>16 has now since expired. So is MDE treating this</p> <p>17 as a new application or are they treating this</p> <p>18 as an extension of the old application, the old</p> <p>19 permit?</p> <p>20 So yes. Everyone paying the least</p> <p>21 attention to Lakeside, the staff, the public,</p>

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1 the Planning Commission, and you Council
 2 members were well aware that MDE had already
 3 awarded permits to Lakeside way back when. And
 4 that somewhat offhanded reminder, not
 5 intentional, not a big deal, but just a
 6 reference right up front in the first meeting,
 7 demonstrates my point, that everybody knew
 8 about the permits. No one had any idea or
 9 reason to suspect they were illegal. But they
 10 were.
 11 Really it seemed that there was really
 12 nothing much to consider about Resolution 281.
 13 Lakeside was renewing its wastewater discharge
 14 permit. And so everyone was just looking at
 15 wastewater issues. These falsehoods enabled
 16 the applicant to successfully frame 281 to be
 17 virtually a pro forma review, and the fact that
 18 it had MDE permits earlier, which everyone
 19 naturally assumed were legal and valid, explain
 20 how they pulled that off.
 21 The record shows that except for

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1 wastewater issues that were discussed at some
 2 length, that is all the review it got.
 3 Let's go back to the transcript. Now, let
 4 me show you how the Resolution 281 was
 5 marinated in the common knowledge that Lakeside
 6 had gotten MDE permits, which again must have
 7 been approved by the county long ago. Which it
 8 hadn't. So what permits? It began with
 9 Mr. Pack's passing question, the offhand
 10 question at the first session --
 11 MS. PRICE: (Inaudible) start with the
 12 date again so we can follow along.
 13 MR. WATSON: I'm sorry?
 14 MS. PRICE: Which one are you reading
 15 from?
 16 MR. WATSON: That would have been -- I did
 17 screen shots into my notes. So I don't have
 18 that. I can remember that. Wait a minute. So
 19 this would have been December.
 20 MR. PACK: Seventeenth.
 21 MR. WATSON: That was December 19, 2019,

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1 session, the introduction session. It was very
 2 short.
 3 At the first Planning Commission session,
 4 this is Planning Commission, that would have
 5 been May 20, 2020, Mr. Showalter was pretty
 6 blunt about it. MDE considers it S-1. MDE has
 7 issued construction discharge permits for this
 8 project before. So if you do nothing or if the
 9 county rejects this amendment, the project will
 10 go forward.
 11 When (inaudible) brought his presentation
 12 to the commissioners, I think that same day,
 13 Mr. Showalter emphasized what everyone already
 14 knew, the key fact. Given that Resolution 281
 15 was all about getting Lakeside reclassified.
 16 This is what he said: MDE has issued
 17 construction and discharge permits for this
 18 project previously. And MDE believes that this
 19 project is essentially S-1 today and that an
 20 amendment is not necessary to the county plan.
 21 So for those reasons I would urge you to

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1 recommend approval of Resolution 281.
 2 Consider how powerful that point is. MDE
 3 has issued construction and discharge permits
 4 previously. Wow. They believe an amendment is
 5 not even necessary. This really made the whole
 6 review pretty much pro forma; didn't it?
 7 Later, voicing the same puzzlement many
 8 had at the time and some have to this day,
 9 probably tonight, Commissioner Spies asked
 10 Mr. Showalter. This is the Planning Commission
 11 meeting. Commissioner Spies asked
 12 Mr. Showalter if, as it seemed, the applicant
 13 was really sort of doing the county a favor
 14 here by going through this Resolution 281
 15 process. Mr. Spies asked what many wondered.
 16 Mr. Spies: Well, so it's still your
 17 opinion that this process here today is not
 18 actually necessary but it's something that
 19 you're going through because it's the proper
 20 channels for the county.
 21 Mr. Showalter: That's correct.

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1 The record shows that Mr. Spies, other
 2 commissioners, and the County Council members
 3 all believed that. Other transcript stuff I
 4 don't have here.
 5 There are other examples as well where the
 6 applicant's attorney made pretty clear to the
 7 commission that while it was good to clean all
 8 this up with these classification
 9 technicalities by adopting Resolution 281, the
 10 project was coming anyway.
 11 And what was the proof? The proof was
 12 that MDE had already issued construction
 13 permits in 2006. And it worked. It corrupted
 14 the whole process. It's why some commissioners
 15 and some on the Council felt they had achieved
 16 something when the developer reluctantly agreed
 17 to split Lakeside into two phases so the
 18 southern part would not be eligible to begin
 19 for three to five years rather than right away.
 20 It seemed like a big win, but I think we'd been
 21 had.

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1 So bottom line, MDE permits had been
 2 issued. And that was true. But almost no one
 3 knew that from the outset they were improper
 4 and invalid. Pretty powerful stuff. It
 5 corrupted completely the issuance of Resolution
 6 281.
 7 So the final thing I'll talk about before
 8 I ask for a short break is sort of the so what
 9 question. So what if the applicant used
 10 falsehoods and misrepresentations to imply that
 11 Talbot County had already reviewed and approved
 12 Lakeside long ago, that MDE had issued
 13 presumably valid permits for the sewer long
 14 ago, proving the first point since permits
 15 couldn't have been issued without the County's
 16 approval?
 17 As Mr. Showalter assured everyone, they'd
 18 do it again.
 19 So what if Resolution 281 was portrayed to
 20 the Planning Commission and everyone else that
 21 it was just pro forma, relating only to

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1 technical issues for the new sewer system?
 2 The so what is that Talbot County
 3 citizens, who love this unique place and
 4 honestly do cherish our rural character and
 5 quality of life and want the county that's
 6 described in our Comp Plan, and the Planning
 7 Commission too, who are serious about these
 8 issues, the citizens and the Planning
 9 Commission were denied the right to see that
 10 Lakeside got the proper review that was needed
 11 then and is still needed now in December 2021.
 12 Look at the issues that were not
 13 discussed, not even mentioned in Talbot
 14 County's review of Resolution 281, while people
 15 were focused on whether a sludge pond should
 16 have two feet or three feet of freeboard.
 17 Number one, because of the corrupt framing
 18 of this matter, there was no discussion at all
 19 as to how much money Lakeside is going to cost
 20 every Talbot County taxpayer. Not just the
 21 people in Trappe, but everybody wherever they

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1 live. Who is going to pay for the schools?
 2 Not Mr. Rocks, not the Town of Trappe. Who is
 3 going to pay for the new EMT staff, the county
 4 road improvements, all the additional services?
 5 Not Rocks Engineering and not the Town of
 6 Trappe.
 7 And you know, don't you, that we have a
 8 property tax revenue cap here in this county.
 9 Not a tax rate cap, everyone, not a tax rate
 10 cap, but a tax revenue cap. So do you know how
 11 much money a billion dollars of new assessable
 12 tax base is going to bring Talbot County, not a
 13 nickel. It's going to be a fiscal mess.
 14 Nobody talked about it.
 15 Wherever they live, Lakeside is going to
 16 cost every Talbot County taxpayer a bundle, and
 17 nobody talked about it. The Council didn't
 18 talk about it.
 19 Number two, because of the corrupt framing
 20 of this matter, no one at the public hearing
 21 talked about any of the other following things

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<p>1 either, all of which are fundamental to the</p> <p>2 Comp Plan. And this is in regard, remember, to</p> <p>3 the biggest, most impactful, most disruptive</p> <p>4 project ever proposed in Talbot County. We</p> <p>5 didn't talk about it.</p> <p>6 Lakeside's impact on our rural character,</p> <p>7 which is fundamental to the Comp Plan vision.</p> <p>8 Lakeside's impact on the quality of life in</p> <p>9 Talbot County, also fundamental to the Comp</p> <p>10 Plan. The traffic, not just the enormous</p> <p>11 impact of traffic in general, but the State's</p> <p>12 utter foolishness in particular of authorizing</p> <p>13 a town of 7,000 essentially to straddle the</p> <p>14 County's and the Delmarva Peninsula's main</p> <p>15 highway when the State is planning to spend</p> <p>16 billions to move traffic faster across the Bay</p> <p>17 Bridge to speed down to Trappe.</p> <p>18 MR. DIVILIO: Excuse me. Can you read</p> <p>19 that statement again? You said nobody spoke?</p> <p>20 MR. WATSON: Yes. I will read it.</p> <p>21 I said that the general intro is these are</p>	<p>1 The risk of creating a new retail hub,</p> <p>2 which, with the town controlling the rezoning</p> <p>3 and enthralled to the big developer, could</p> <p>4 easily happen.</p> <p>5 The basic common sense question whether a</p> <p>6 single developer is permitted to sextuple the</p> <p>7 size of a small town without any conditions,</p> <p>8 does the one-time authorization from the county</p> <p>9 and the loss then of any control forever after?</p> <p>10 Whether it's wise to let any developer,</p> <p>11 Rocks Engineering being just an example, of</p> <p>12 such a huge dominant project to operate ever</p> <p>13 after with only the regulation of one small</p> <p>14 little town that inevitably will dominate it,</p> <p>15 including, for example, powers of zoning, over</p> <p>16 rezoning and land use.</p> <p>17 And nobody ever talked about the</p> <p>18 alternative of encouraging Trappe to grow on</p> <p>19 the west side of Route 50, where in the 2002</p> <p>20 comprehensive water and sewer long-range plan,</p> <p>21 there were a lot of properties also designated</p>
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<p>1 things not discussed in the public hearing or</p> <p>2 what have you.</p> <p>3 Traffic, not just the enormous impact in</p> <p>4 general, but the State's utter foolishness in</p> <p>5 particular of authorizing a town of 7,000</p> <p>6 essentially to straddle the county's and</p> <p>7 Delmarva's main highway when the State is</p> <p>8 planning to spend billions to move traffic</p> <p>9 faster across the Bay Bridge. Never discussed</p> <p>10 by the Planning Commission or by you on the</p> <p>11 Council on the record.</p> <p>12 MR. DIVILIO: Thank you.</p> <p>13 MR. WATSON: How about the multi-million</p> <p>14 dollar clover leaf overpass that will have to</p> <p>15 be built in Trappe. Did you know that there</p> <p>16 are three spots already drawn up on the Town of</p> <p>17 Trappe's Comprehensive Plan for the clover</p> <p>18 leaf? No one talked about it.</p> <p>19 School capacity and the expense to build a</p> <p>20 school. Nobody, on the record anyway, breathed</p> <p>21 a word about that.</p>	<p>1 S-2, sizeable parcels that would accommodate</p> <p>2 growth (inaudible) and scale. And in fact, had</p> <p>3 been intended -- there were a couple of parcels</p> <p>4 that were intended, three large tracts, to go</p> <p>5 ahead of Lakeside designated as S-1 for</p> <p>6 immediate priority. Those were among the</p> <p>7 properties you saw up there on the circles that</p> <p>8 had been downgraded by the applicant's mapping</p> <p>9 errors unnoticed by anyone.</p> <p>10 The applicant's falsehoods and corrupt</p> <p>11 framing of Resolution 281, and this is the</p> <p>12 point, the applicant's falsehoods and</p> <p>13 corrupt -- this is the so what. These</p> <p>14 falsehoods corrupted the framing of Resolution</p> <p>15 281 and assured that all discussion focused</p> <p>16 only on technical wastewater issues. And even</p> <p>17 there, the county was misled, if you recall</p> <p>18 Dr. Smullen's report and the photos of La</p> <p>19 Trappe Creek.</p> <p>20 The applicant's falsehoods concerning the</p> <p>21 S-2 sewer classification and MDE's bogus</p>

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1 permits undermine entirely the integrity of our
 2 land review process. If, in the face of this
 3 new information, you, the County Council, let
 4 stand Resolution 281 and refuse to rescind it
 5 without prejudice, you will be driving a stake
 6 through any pretense of integrity of our land
 7 review process.

8 And this is why I and more than 412 other
 9 citizens are calling on you to rescind 281
 10 tomorrow night.

11 And if you permit it, I'd like to take a
 12 very short break, after which I will present
 13 the proof, put on the table the proof. And
 14 we'll see how quickly we can wrap this up.

15 MR. PACK: Madam Chairperson, can I get a
 16 time check, a time frame?

17 MR. WATSON: I don't see what time it is.

18 MR. CALLAHAN: It's 6:15 and we're giving
 19 you to seven o'clock.

20 MR. WATSON: Let me not take a break,
 21 then, please.

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1 MR. CALLAHAN: Okay. Yup.

2 MS. PRICE: Would five minutes help?
 3 Everyone want to take a five-minute break? Is
 4 that okay?

5 MR. WATSON: I'm sorry?

6 MR. CALLAHAN: You can take a five.

7 MR. WATSON: No. If it's going to cut
 8 into the time, I can keep going.

9 MR. CALLAHAN: Okay.

10 MR. WATSON: So now to the evidence
 11 proving what I say is true.

12 First I'd like to remind everyone that the
 13 material assembled, the arguments I've
 14 expressed are set out in detail in that letter
 15 and all that information can be made available.
 16 And if after this session, as the proof, any
 17 individual Council member or two members wanted
 18 to go over something, I'm happy to do that, I'm
 19 available.

20 As to the proof, I would first like to
 21 shine a spotlight on the first and most basic

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1 falsehood about the Lakeside sewer service
 2 priority classification. We were told that
 3 prior to adopting Resolution 281, Lakeside was
 4 classified S-2 and had been in that status for
 5 18 years.

6 The title of Resolution 281 and the text
 7 both falsely state it.

8 Talbot County established its
 9 comprehensive water and sewer plan when the
 10 County Council adopted Resolution 281 (sic.) on
 11 October 6, 2002. Technically that action was a
 12 report of the review and an earlier Comp Plan
 13 enacted in 2002. It was adopted six months
 14 before the properties east of Route 50 were
 15 optioned, had been optioned by Rocks and other
 16 properties were annexed into the Town of
 17 Trappe.

18 Incredibly, it seems that only 18 hard
 19 copies of that 2002 comprehensive water and
 20 sewer plan were made. And only five were
 21 distributed to county officials. Although it

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1 has now been amended 55 times, to this day the
 2 Talbot County comprehensive water and sewer
 3 plan document is not even accessible on the
 4 web. It was put up on the web on
 5 September 11th because I was asking a lot of
 6 questions. But at 453 megabytes, really no one
 7 can download it.

8 The inaccessibility of the full
 9 comprehensive water and sewer plan document may
 10 have contributed to the problems with Lakeside,
 11 as it inhibited anyone from looking at the
 12 controlling document in its entirety.

13 So we need to look at the 2002
 14 comprehensive water and sewer plan document to
 15 understand the sewer priority classification
 16 applied to Lakeside 18 years ago, which was the
 17 baseline for consideration of Resolution 281.
 18 This is actually much simpler than it seems.
 19 Anyone can follow it.

20 First, only certain parcels of land have
 21 any priority classification at all. Most land

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1 in Talbot County is not classified. It's
 2 called unprogrammed, which says there are no
 3 plans in place to connect to sewer.
 4 But the county government is willing to
 5 authorize sewer for any property. The county
 6 shows that parcel by parcel on maps included in
 7 its comprehensive water and sewer plan. And if
 8 any individual property owner wants sewer, it
 9 must come to the county to get the property
 10 formally reclassified and remapped. Indeed,
 11 that is just what Rocks and the Town of Trappe
 12 did when it presented 281, even though they
 13 told Mr. Spies that they really didn't have to.
 14 Now, in Talbot County there are three
 15 sewer service priority classifications called
 16 S-1, S-2, and S-3. If you're not mapped in one
 17 of those categories, it means the county is
 18 simply not planning to extend sewer to your
 19 particular property.
 20 If, as, and when the county plans to do
 21 so, it will remap and reclassify your property

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1 and show it on the sewer service area map.
 2 In Talbot County, property can be
 3 connected to sewer if it is classified S-1,
 4 which means immediate priority. If you're not
 5 S-1, no hook up.
 6 When a property is classified S-2, means
 7 that at the time the classification is made,
 8 the county expects, expects that that property
 9 will be moved up to S-1 in three to five years
 10 and presumably then developed and hooked up to
 11 sewer.
 12 I emphasize expects because Maryland law
 13 and the language of the comprehensive water and
 14 sewer plan itself is very clear. The fact that
 15 the property is expected or programmed to be
 16 moved up to S-1 at a certain time is not self
 17 operative.
 18 And as an aside, anyone listening from the
 19 State, in MDE's statewide system, which has six
 20 categories rather than Talbot's three, S-1 and
 21 S-2 categories are both immediately priority

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1 and can be developed. MDE knows that. But
 2 maybe someone got confused about it 20 years
 3 ago. Who knows?
 4 So to know about Lakeside's status, we
 5 must simply look at the maps and the Talbot
 6 County comprehensive water and sewer chapter
 7 pertaining to Trappe, which are found in
 8 chapter two, pages 43 to 47.
 9 Fortunately, I have here one of the 18
 10 copies of the comprehensive water and sewer
 11 plan I think that were ever printed. And as
 12 you can see in these plans, the maps are blown
 13 up, much bigger, easier to read.
 14 The documents, incidentally, the documents
 15 I saw in MDE files from 2004 from PIA
 16 agreements had copies of these maps photocopied
 17 in black and white. Absolutely unreadable.
 18 Can we put up the next slide, please? All
 19 right. Let's keep going. Next. Okay. The
 20 next one. Okay. Here we are. Sorry. Okay.
 21 So this slide is in your packet at 7B.

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1 The Trappe section of the county comprehensive
 2 water and sewer plan starts with some very
 3 brief narrative of the existing sewer service
 4 system as it existed at that time. The key
 5 item I will call your attention to is this
 6 figure 23, which is up on the screen.
 7 As you see, its label describes exactly
 8 what it is. Town of Trappe, label is over here
 9 right there, can't read it here, the Town of
 10 Trappe sewer service area. The dark gray are
 11 areas as the legend clearly shows that are the
 12 properties that as October of 2002 were
 13 classified S-1, this dark gray, immediate
 14 priority. Meaning they were already hooked up
 15 or they were entitled to be hooked up.
 16 In bright orange are the areas that the
 17 legend says are S-2. It's hard to see on this
 18 slide, but that's orange. And yeah, that one
 19 is orange and I think another one over there.
 20 That S-2 is what Lakeside claimed it was
 21 classified, meaning that in October of 2002 the

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<p>1 county expected that in three to five years</p> <p>2 those parcels might be moved up to S-1 and so</p> <p>3 on. And if so, then they could be connected</p> <p>4 and developed.</p> <p>5 In brown, and there's only a little of it</p> <p>6 in the very top and the very bottom right, are</p> <p>7 the few parcels classified in the legend S-3.</p> <p>8 Meaning that in October 2002, the county</p> <p>9 expected those properties to be moved up</p> <p>10 towards development and eligibility in six to</p> <p>11 ten years. And that's it. That is the status</p> <p>12 of the Trappe sewer service area in October of</p> <p>13 2002.</p> <p>14 With one exception, having nothing to do</p> <p>15 with Lakeside at all, Talbot County made no</p> <p>16 change to the sewer service area</p> <p>17 classifications or maps from that date until</p> <p>18 adoption of Resolution 281 in August 2020.</p> <p>19 Now, if you look at figure 23, look in</p> <p>20 your copy of this figure 23, at the land on the</p> <p>21 east side of Route 50, the land comprising</p>	<p>1 classified S-2 did not originate in 2019, but</p> <p>2 started back around 2004 when Rocks and the</p> <p>3 Town of Trappe began pursuing permits from MDE.</p> <p>4 It probably contributed to the permit falsehood</p> <p>5 also.</p> <p>6 So how did this claim originate that</p> <p>7 Lakeside was S-2? Here is another map you will</p> <p>8 find.</p> <p>9 Next slide, I'm sorry, Ms. Moran.</p> <p>10 So how did this claim originate that it</p> <p>11 was S-2? Here is the other map, you've seen it</p> <p>12 before, of Trappe. And this is a map, figure</p> <p>13 24, called the long-range planning sewer</p> <p>14 service map. And it's just what it says, a</p> <p>15 long-range plan.</p> <p>16 Now, some really simple but (inaudible)</p> <p>17 analogies will illustrate the point. Let's</p> <p>18 just say you're asked to describe yourself and</p> <p>19 you say I'm a single man but I have a</p> <p>20 long-range plan to get married.</p> <p>21 Or you're asked to describe your residency</p>
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<p>1 Lakeside, as we all see, that this land right</p> <p>2 here, all that. As we all see, that land is</p> <p>3 white. Not gray, not orange, not brown, but</p> <p>4 white. That means that when the comprehensive</p> <p>5 water and sewer plan was adopted, Lakeside,</p> <p>6 like most of the land in Talbot County, was</p> <p>7 given no sewer service classification by Talbot</p> <p>8 County. It was what everyone called</p> <p>9 unprogrammed. It's a corn field. It had</p> <p>10 always been unprogrammed. It was unprogrammed</p> <p>11 when it was adopted in 2002, as this map shows,</p> <p>12 and it was unprogrammed on August the 10th,</p> <p>13 2020.</p> <p>14 But when the applicant presented</p> <p>15 Resolution 281 to the Council in December 17,</p> <p>16 2019, and throughout 2020, as it was being</p> <p>17 evaluated by everyone, it was misrepresented to</p> <p>18 long ago been reclassified S-2, programmed for</p> <p>19 development in three to five years. Ms. Moran</p> <p>20 said so every time she said the legislation.</p> <p>21 And the false claim that Lakeside was</p>	<p>1 and say I live in Talbot County and I have a</p> <p>2 long-range plan to move to California.</p> <p>3 Or you describe your profession. And you</p> <p>4 say I'm an auto mechanism, but I have a</p> <p>5 long-range plan to become a brain surgeon.</p> <p>6 In each case, the first part describes</p> <p>7 your current condition, followed by something</p> <p>8 that describes your expectation for the future</p> <p>9 at the time that you answered the question.</p> <p>10 Expectation or not, you're not married</p> <p>11 until you find a partner, get a license, and</p> <p>12 say I do. You're not a resident of California</p> <p>13 until you backpack your stuff and move. And</p> <p>14 you won't be permitted to operate until you go</p> <p>15 to med school and a lot more.</p> <p>16 And in expressing an expectation, you did</p> <p>17 not commit yourself to it. In each case, a</p> <p>18 specific action is needed to move from one</p> <p>19 status to the other.</p> <p>20 As the sewer service clarifications, the</p> <p>21 one and only legal way to actually change</p>

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<p>1 classification is if the Talbot County Council 2 adopts a resolution amending the comprehensive 3 water and sewer plan, which can only be done if 4 the Planning Commission has found that the 5 proposal is consistent with the Comprehensive 6 Plan, which can only be done after 7 commissioners hear comments at a public hearing 8 and considers the full gamut of elements of the 9 Comprehensive Plan, not just one.</p> <p>10 So the only remaining question is whether 11 the sewer service classification for Lakeside 12 property was ever changed subsequent to its 13 adoption in October 2002. The answer is it did 14 not.</p> <p>15 The law is very clear and well-practiced. 16 To obtain any priority classification at all to 17 move up from one to the next, the County 18 Council and only the County Council must 19 expressly authorize that step by amending the 20 plan. The classification cannot be changed by 21 action of a municipality or by interpretation</p>	<p>1 was read at every meeting and you heard it 2 repeated again in the transcripts. It was 3 untrue.</p> <p>4 There are many other ways to corroborate 5 that figure 23 is the right one. An obvious 6 example is the one other time some properties 7 in Trappe, properties totally unrelated to 8 Lakeside, were reclassified. These were the 9 little strip of residences in the southeast 10 section of old Trappe. This little piece right 11 down there.</p> <p>12 If you look at the slide, on figure 24 the 13 lots are shown in gray as S-1, eligible for 14 connection. Figure 24 says S-1, they're 15 eligible for connection.</p> <p>16 But in March of 2018, the Town of Trappe 17 presented a request to the county, Resolution 18 259, to reclassify them S-1 from category S-3. 19 Obviously, if figure 24 was the relevant 20 document, that would have been unnecessary. 21 But if you look at figures 23, they are</p>
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<p>1 by MDE, interpretation by MDE or any other 2 matter. And the passage of time does not do 3 it. That is even if Lakeside had been 4 classified S-2 for development in three to five 5 years, which it was not, the passage of five 6 years would not have transformed Lakeside to 7 S-1 status.</p> <p>8 Once, in 2004, the town tried to get the 9 Council to reclassify Lakeside from its 10 unprogrammed status to S-1. And the Council, 11 Talbot County Council, turned them down flat. 12 That story I'll relate shortly as a part of the 13 timeline on the falsehood number two.</p> <p>14 So in presenting R281, the applicant, with 15 their experienced lawyers and engineers who are 16 expert in land use matters, consistently 17 ignored figure 23, the true sewer service map, 18 and instead misrepresented that figure 24 19 described the sewer service priority 20 classification of the Lakeside property. That 21 falsehood was repeated each time the resolution</p>	<p>1 classified S-3 and do need to be reclassified. 2 And that's what happened.</p> <p>3 Finally, I want to report that among other 4 knowledgeable people who have recently reviewed 5 this proposition I'm making, Mike Pullen, the 6 former attorney for 20 years, which included 7 the period from 2002 comprehensive water and 8 sewer plan was adopted, agrees that this is the 9 correct analysis, what I'm saying here. And 10 you have a copy of Mr. Pullen's e-mail 11 confirming that in your package at Exhibit 7C.</p> <p>12 So now let's move to the issuance of the 13 invalid permits in 2006. In 2005 and six, MDE 14 issued a discharge permit and two construction 15 permits to Lakeside for this billion dollar 16 deal.</p> <p>17 The permits were invalid because, number 18 one, MDE cannot issue construction permits to 19 extend sewer facilities to property whose sewer 20 service priority classification is not 21 immediate priority. Meaning S-1 in Talbot</p>

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1 County. In the State, S-1 or 2. But in Talbot
 2 County, S-1. And MDE knows that.
 3 As we just saw, not only was Lakeside
 4 never classified S-1 by Talbot County, it was
 5 never even classified S-2 for development in
 6 three to five years. Until Resolution 281 was
 7 adopted under false pretenses, it had always
 8 been unprogrammed.
 9 Number two, the Maryland code gives
 10 counties, not towns, authority to amend water
 11 and sewerage plans. But only after a finding
 12 by the Planning Commission. The code says
 13 this: Before a county governing body may adopt
 14 a county plan or a revision or amendment to the
 15 county plan, the county planning agency shall
 16 certify that the plan, the vision, or amendment
 17 is consistent with the county Comp Plan.
 18 The code then provides, 9-507, that a
 19 county governing body, that is the County
 20 Council, submits a proposal to MDE for
 21 approval.

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1 Lakeside was never classified S-1 by a
 2 Comp Plan amendment, as we proved earlier. And
 3 in addition to that, no amendment to the
 4 comprehensive water and sewer plan pertaining
 5 to the Lakeside project was ever found
 6 consistent with the county comprehensive water
 7 and sewer plan by the Planning Commission
 8 before 2020. It was never adopted by the
 9 Council before 2020, and it was never sent to
 10 MDE before 2020. And yet they issued the
 11 permits.
 12 I do not know exactly how that happened,
 13 exactly who said exactly what to whom. But
 14 there were some documents that I was able to
 15 uncover that shed light and demonstrate the
 16 need for Secretary Grumbles to initiate an
 17 investigation with MDE or that other
 18 authorities do.
 19 Here is the story as I've been able to
 20 piece it together, but I'm not an investigator
 21 and I don't have the resources needed to really

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1 get to the bottom of every little detail.
 2 I have a lot of documents, some I'm
 3 presenting. If you want more, I have more that
 4 you might want to see.
 5 Lakeside saga began in July of 2021, the
 6 month in which Rocks optioned 800 acres of
 7 farmland. These were option agreements, and
 8 Rocks Engineering did not settle and buy any of
 9 the land until 2007, after Rocks and the town
 10 had successfully gotten the MDE to issue the
 11 illegal permits I'm describing.
 12 Soon, based on discussions with Rocks, the
 13 town proposed to annex 925 acres of farmland
 14 across from Trappe, which was the land Rocks
 15 had optioned, plus some other parcels. And
 16 that proposal, a simple annexation, was
 17 reviewed by the Talbot County Planning
 18 Commission, who found it consistent, the
 19 annexation, consistent with the county's Comp
 20 Plan. And that was because Trappe, as a town,
 21 had long been designated as a growth area, with

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1 the overarching idea being to cluster new
 2 development near towns where infrastructure
 3 existed.
 4 However, the Lakeside project was not part
 5 of the Planning Commission's consideration.
 6 Indeed, in the Star Democrat article reporting
 7 the Planning Commission's decision, the town's
 8 attorney, Mr. Thompson, told the Star Democrat
 9 that no development proposals had been
 10 presented yet and "that we are not interested
 11 in obtaining development proposals yet".
 12 So that Planning Commission meeting, which
 13 was held January 3, 2003, and this was the one
 14 and only Planning Commission meeting at which
 15 the land that is where Lakeside is situation
 16 (sic.) and the concerned other land also, was
 17 ever specifically discussed until 2020, when
 18 Resolution 281 was adopted.
 19 When the Planning Commission met at that
 20 meeting, annexation of the property, in fact,
 21 had not even been scheduled to go to

<p style="text-align: right;">Page 90</p> <p>1 referendum. Rocks had not even laid out the 2 substantial inducements he was offering to the 3 Town of Trappe's voters, and the annexation 4 wasn't approved and completed until May of that 5 year, about six months after the Planning 6 Commission met.</p> <p>7 But Rocks and the town got started with 8 their plans and in December of 2003 submitted 9 an application to Dr. Tien at MDE's water and 10 science division seeking a discharge permit for 11 essentially the same new spray irrigation plant 12 we see today.</p> <p>13 The documents are in your package I 14 obtained via a PIA request shows some of the 15 internal exchanges with MDE, which concluded 16 with a Mr. Anderson pointing out an item on a 17 chart on page 2-43 of the 2002 comprehensive 18 water and sewer plan as sufficient reason to 19 process the discharge application, checking a 20 box on a form that said the application was 21 consistent with the county comprehensive water</p>	<p style="text-align: right;">Page 92</p> <p>1 comprehensive water and sewer plan. Referring 2 to Rocks' engineer for Lakeside, Mr. Hoon noted 3 this, and this is a quote, "Mr. Rauch's 4 enclosures do not include all of the relevant 5 pages of the county comprehensive water and 6 sewer plan. In particular, charter two, page 7 45, and figure 23."</p> <p>8 He went on to fully explain the same 9 falsehood that I've described here. And he 10 pointed out that none of the property was 11 classified S-1 and he called for an 12 investigation. This was in December of 2004.</p> <p>13 Here is an interesting episode. In July 14 of 2004, the secretary of MDE, not some 15 functionary, wrote the Town of Trappe to say 16 MDE had reviewed the application and was 17 prepared to publish a tentative approval once 18 the appropriate water and sewer plan 19 classifications are in place. That means once 20 the property was classified S-1. So in the 21 summer of 2004, MDE knew that the Lakeside</p>
<p style="text-align: right;">Page 91</p> <p>1 and sewer plan. And he did that after Mr. Tien 2 asked him "was that enough."</p> <p>3 While the chart entry, indeed, referred 4 cryptically to a large plant, it stands alone 5 with nothing more. And there's no explanation 6 as to its location, its properties to be 7 served, the phrasing, the relationship to 8 existing facilities, or anything else. That 9 was it. And of course, it had nothing to do 10 with sewer service priority classifications of 11 any parcel of land.</p> <p>12 Within weeks, as word got out that 13 Mr. Hoon, an attorney in Chestertown acting on 14 behalf of some Talbot citizens, wrote a letter 15 to MDE with numerous exhibits, all of which are 16 in your packet, blowing the whistle. He said 17 we believe that certain incomplete information 18 provided to MDE has caused MDE to make an 19 erroneous determination that the Trappe East 20 area and the Trappe East facility had been 21 properly included in the Talbot County</p>	<p style="text-align: right;">Page 93</p> <p>1 property was not S-1 and needed to be 2 reclassified.</p> <p>3 In response, on August the 12th, the 4 assistant town attorney wrote Secretary 5 Philbrick a three-page letter to convince MDE 6 that section 9-511 does not exist. Saying it 7 does not appear that any State law, regulation, 8 or guideline currently requires an amendment of 9 the Talbot County comprehensive water and sewer 10 plan for the processing of this ground water 11 discharge permit application.</p> <p>12 And also, on the following page, 13 conflated, seemed to be conflating S-2 in the 14 Maryland classification system, which is 15 immediate priority, with S-2 in the Talbot 16 County system, which is not. So that could be 17 the source of part of the falsehood. Who 18 knows.</p> <p>19 In any event, the following month in 20 September of 2004, the town finally did 21 petition the county to reclassify Rocks'</p>

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1 property as S-1, immediate priority for
 2 development of sewer lines. It was a
 3 non-starter.
 4 Several public hearings were scheduled,
 5 this is in 2004, were scheduled. And the town
 6 pitched the County Council hard. But the
 7 Council, their picture is on the wall right out
 8 here, Tom Duncan, Phil Foster, Hope Harrington,
 9 Hillary Spence, and Peter Carroll, the Council
 10 were having none of it. They were so certain,
 11 as most of us are today, that authorizing a
 12 single subdivision of 2,500 homes and half a
 13 million feet of commercial space across Route
 14 50 from the tiny Town of Trappe with traffic
 15 problems, school issues, and so on was out of
 16 the question and in no way compatible with our
 17 Comprehensive Plan. The fact that 15 years has
 18 passed doesn't change that.
 19 MS. PRICE: Mr. Watson, real quick. Has
 20 there been, until this Council did something in
 21 2020, between 2004, which you just spoke of,

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1 and then, was there ever a time when the
 2 developer came and asked us to amend the
 3 comprehensive water and sewer plan for this
 4 approval?
 5 MR. WATSON: No, ma'am.
 6 MS. PRICE: Thank you.
 7 MR. WATSON: Several public hearings
 8 were -- here is the point. The County Council
 9 was so sure, they weren't having any part of
 10 it. They did not even send the Town's
 11 amendment request for reclassification to the
 12 Planning Commission for its recommendation. It
 13 was clearly their power alone. The Council
 14 rejected the request by a five to nothing vote.
 15 And they had the county attorney, Mr. Pullen,
 16 prepare an unusual 21-page findings of fact
 17 documenting some of its objectives.
 18 The rejection was big news in Trappe and
 19 Talbot County. And one of the Star Democrat
 20 articles announcing it, it's in your packet, in
 21 2005, Ms. Price, to your question, the town

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1 sued the county essentially to try to force the
 2 county to reconsider the matter. And it went
 3 to the Maryland Court of Appeals. The
 4 Council's rejection of Lakeside stood.
 5 Now, I have no proof about the next
 6 statement, but I have to say I believe there is
 7 no possibility that the people at MDE who were
 8 dealing with Lakeside were unaware of this.
 9 Certainly, the County Council's adamant
 10 rejection of Resolution 123. And yet five
 11 months later, it issued a discharge permit.
 12 In 2006, MDE issued two construction
 13 permits, which certainly were not related to
 14 that little chart on page 43 at all. None of
 15 this was proper.
 16 Documents at Exhibits 15 and 16 in your
 17 packet hint at what was going on as to other
 18 documents I recently obtained from PIA
 19 requests.
 20 Now, some MDE internal e-mails from 2004
 21 era were uncovered by journalists at the Center

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1 for Public Integrity and were quoted in an
 2 astonishing article they published in 2009 that
 3 everyone should read. It's Exhibit 3 in your
 4 packet.
 5 An example of what was reported in that
 6 article. "In May of 2005, a Maryland
 7 Department of Planning official wrote an e-mail
 8 to an MDE official expressing concerns about
 9 the town's effort to bypass the county's
 10 process for approving changes, referred to as
 11 amendments, to its comprehensive water and
 12 sewer plan". "How can you and we act on an
 13 amendment that has not been locally adopted?
 14 What's up with that?"
 15 All these are but hints of what went on
 16 and demonstrate why an investigation is needed
 17 because 15 years later, those permits, those
 18 false MDE permits, were used to build the story
 19 that corrupted Talbot County's land use
 20 approval process so R281 could launch Lakeside.
 21 Only after they had the illegally-issued

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1 permits in hand did Rocks Engineering close on
 2 the purchase of the Trappe properties.
 3 Another item in your packet is
 4 documentation regarding the scandal that became
 5 public in the spring of 2009 when it was
 6 discovered that the Town of Trappe had applied
 7 to MDE to obtain \$21 million from Obama's
 8 American Reinvestment and Recovery Act, that's
 9 the AARA, to pay for the wastewater treatment
 10 plant that Rocks was supposed to build at
 11 Rocks' expense. The town claimed the project
 12 had all the needed permits and was shovel
 13 ready.
 14 What is truly shocking to me is that MDE
 15 formally placed this proposal at the top of the
 16 State's list, number one, and was clearly set
 17 to grant taxpayer funds to the project to build
 18 the Lakeside plant that Rocks was supposed to
 19 pay for, and Rocks would have received
 20 \$1.8 million in cash for the spray irrigation
 21 field.

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1 When the story broke, the town, who is
 2 imminently wrapped up in all this, immediately
 3 backed down. As far as I know, there was never
 4 any investigation into this outrageous
 5 arrangement that almost happened and there were
 6 only a couple of articles about it.
 7 Also in 2009, Talbot Preservation
 8 Alliance, Tom Alspach, learned of the issuance
 9 of the invalid construction permits and had to
 10 send in a Public Information Act request to MDE
 11 to get some background. All of this is in your
 12 packet at 15. Mr. Alspach investigated,
 13 recognized the improprieties of the issuance of
 14 the permits, and took action.
 15 On behalf of TPA, he wrote MDE Secretary
 16 Wilson, reporting on the irregularities and
 17 asking for a formal investigation saying this:
 18 As a result of Trappe's procurement of
 19 construction permits for a sewer project that
 20 is not consistent with the Talbot County
 21 comprehensive water and sewer plan, the entire

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1 process for comprehensive water and sewer
 2 planning in Talbot County has been rendered
 3 meaningless. That statement is as true today
 4 as it was 12 years ago.
 5 Meanwhile, Talbot County also heard about
 6 construction permits. And it, too, joined in
 7 asking for an investigation. That is the
 8 County Council asked for an investigation.
 9 That's in your packet at 15.
 10 What happened next is really remarkable
 11 and I think an important element in what
 12 anybody would call a scandal. So an
 13 investigation from MDE has been asked for. Six
 14 months went by with no action from MDE.
 15 Suddenly on February the 3rd, 2010, out of the
 16 blue the Town of Trappe sends a letter to MDE
 17 and also the county announcing that they have
 18 abandoned any intention of building any new
 19 wastewater treatment plant on the east side of
 20 Route 50. And accordingly, they were
 21 surrendering their two construction permits,

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1 the ones that had been issued in 2006.
 2 Instead of a new plant, and get this, they
 3 would send all of their sewage from Lakeside to
 4 the existing Trappe plant. I'm not making this
 5 up. The two letters are Exhibits 17A and 17B.
 6 So on February 16th, this is cause and
 7 effect, on February 16th at Secretary Wilson's
 8 request, an MDE official wrote Mr. Alspach,
 9 this is Exhibit 18, reporting that they had
 10 begun an investigation but now that the town
 11 has abandoned its plans and surrendered the
 12 permits that "that made it unnecessary for MDE
 13 to take any action". Conveniently, the
 14 investigation was aborted, and no one at MDE
 15 had to explain anything and no one Talbot
 16 County learned anything more about what had
 17 happened with the Lakeside permits.
 18 It appears those permits, which we now
 19 know were improper, were never mentioned in
 20 Talbot County until the opening minutes of the
 21 introduction of Resolution 281, almost a decade

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1 later. We read that. At that point, as you
 2 saw in the transcripts, the permits had become
 3 the lens through which we all evaluated the
 4 most important, disruptive, incompatible
 5 development project ever proposed in Talbot
 6 County.
 7 MR. CALLAHAN: Mr. Watson, I just want to
 8 make sure, time check. You've got...
 9 MR. WATSON: I've got ten members. I
 10 assume there's going to be a hard stop for me.
 11 MR. CALLAHAN: Well, you know, just if
 12 there's something important, which it all is, I
 13 just want to let you know.
 14 MR. WATSON: There are important things
 15 here. And it's unfortunate.
 16 MR. CALLAHAN: I understand.
 17 MR. WATSON: Thank you for your -- that
 18 was appropriate and I appreciate it.
 19 MR. CALLAHAN: No problem.
 20 MR. WATSON: I will send to all the
 21 Council members highlighting things that I did

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1 not mention here because a lot of it's
 2 interesting, you'd like to know.
 3 MR. CALLAHAN: Mr. Watson, one question.
 4 I want to make sure I heard it right.
 5 The Town of Trappe wanted \$21 million for
 6 the developer. Is that what you said?
 7 MR. WATSON: The application was made by
 8 the Town of Trappe.
 9 MR. CALLAHAN: Right.
 10 MR. WATSON: Not the Town of Trappe was
 11 going to give the money. First of all, what I
 12 know about this is what I read in the papers.
 13 MR. CALLAHAN: Right. I'm just --
 14 MR. WATSON: But not that they were going
 15 to give the money to Rocks Engineering. But
 16 that they, the Town of Trappe, would be
 17 building the plant using that money.
 18 That would relieve Mr. Rocks. Two people
 19 don't have to build it. Mr. Rocks would be
 20 relieved of that obligation.
 21 Apparently, the Town of Trappe would hand

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1 them the check for \$1.8 million to take title
 2 to the spray field.
 3 MS. PRICE: Can I ask a simple question?
 4 And if we ask a couple of questions, certainly
 5 I would think we would give him a couple of
 6 extra minutes.
 7 MR. CALLAHAN: Yeah.
 8 MS. PRICE: I do have a question. If MDE
 9 did, in fact, issue the permit without County
 10 Council approval, shouldn't they be the ones
 11 that need to go back?
 12 And again, different administration,
 13 different secretaries, different employees and
 14 all of that. So it's not necessarily a
 15 reflection on who is there now.
 16 But if they issued these permits without
 17 the comprehensive water and sewer plan approval
 18 coming from us, shouldn't they be the ones who
 19 rescind this whole permit?
 20 MR. WATSON: Those permits, Ms. Price, no
 21 longer have any relevance, except the fact that

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1 they existed in the past --
 2 MS. PRICE: Correct. But they're still
 3 building now.
 4 MR. WATSON: If Resolution 281, nothing is
 5 done, Rocks will get a -- multiple permits.
 6 Will get a new discharge permit. Actually not
 7 new. They're talking about it as a renewal --
 8 MS. PRICE: Correct.
 9 MR. WATSON: Let me finish. And then --
 10 MS. PRICE: But that's my question
 11 exactly. That's my question exactly.
 12 It can't be a renewal. If the permit was
 13 issued improperly, let's give it that, if it
 14 was improperly issued, then you can't renew
 15 something improperly issued.
 16 So shouldn't this truly be, this
 17 information, I'm not saying that we're not
 18 listening and all of that, but ultimately, this
 19 is MDE who needs to fix this mess.
 20 MR. WATSON: Ms. Price, with due respect,
 21 first of all, I agree with you entirely, which

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1 is why on December 1st I sent to Secretary
 2 Grumbles, Mr. Curry, and a bunch of other
 3 people at MDE and the Attorney General's Office
 4 and EPA all this information with a request for
 5 a formal investigation and a revocation of
 6 their approval of 281.
 7 They don't write -- and of course, the
 8 permits are, if they're illegal, they're
 9 illegal. And were illegal admonition, from the
 10 beginning.
 11 So that, of course, is correct.
 12 MS. PRICE: Could we have a copy of those
 13 letters that you wrote when you're done?
 14 MR. WATSON: It was sent to you on
 15 December the 1st.
 16 MS. PRICE: Okay. Thank you.
 17 MR. WATSON: Ms. Moran delivered it on
 18 December 1st. She confirmed to me that she
 19 sent it to each of you individually as well as
 20 putting it in the packet.
 21 MS. PRICE: Okay. Thank you.

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1 MR. WATSON: Let me say, however, that
 2 while it is true that the illegal permits were
 3 an MDE issue, Ms. Price, Resolution 281 is not
 4 an MDE permit.
 5 Resolution 281 and the improper amendment
 6 of the comprehensive water and sewer plan is a
 7 Talbot County land use matter, and the
 8 responsibility for that lies with the County
 9 Council and cannot be -- that responsibility is
 10 a heavy burden that is on your desk.
 11 Back on the clock I guess? Okay.
 12 MR. CALLAHAN: Yup.
 13 MR. WATSON: All right. So here is a key
 14 question. How could this have happened? Okay.
 15 First, I am sure many are thinking, some
 16 in this room, that Watson has lost it. None of
 17 this can be true because how could something
 18 this bizarre ever have happened. It sounds
 19 preposterous on its face, I know.
 20 But think about it. Lakeside's been
 21 around here for 20 years. Most regular

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1 citizens are busy and just don't follow the
 2 details anyway. All they know is Lakeside and
 3 the old sign.
 4 But what about the professionals? Well,
 5 how many -- so that's the question. How many
 6 Planning Commissioners have come and gone over
 7 20 years? I think we've had five Planning
 8 Commissioners since Lakeside started. Kehoe,
 9 someone whose name I've forgotten, Sandy
 10 Coyman, Ms. Verdery, and now Mr. Salinas.
 11 As to the attorney, Mr. Pullen left five
 12 years ago. And Mr. Kupersmith left just after
 13 passage of Resolution 281, interestingly to go
 14 to work for Mr. Showalter's firm. And
 15 Mr. Thomas wasn't around when any of this
 16 history was happening.
 17 And what about the County Council? We've
 18 had four elections, four turnovers since
 19 Lakeside was conceived. No Council member here
 20 knows the roots of this story and this
 21 experience.

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1 I am confident that the great majority,
 2 not all, but the great majority of what I've
 3 said to you here tonight is new.
 4 So compounding things, the legal research
 5 of land use review processes can be pretty
 6 technical and subtle, hard to follow. Almost
 7 every one of us, from County Councilman to
 8 Planning Commissioners to layman like me, only
 9 learn these things through word of mouth over a
 10 long period of time. Understandably, everyone
 11 relies on what others, who are more experienced
 12 and knowledgeable, tell us. Like lawyers and
 13 engineers have our trust.
 14 There is not one lawyer on the Council,
 15 there's not one lawyer on the County Council or
 16 the Planning Commission. You know that. The
 17 only person I know in the county operation here
 18 who, other than the county attorney, who
 19 happens to be a lawyer is Bill Anderson, so
 20 heads the Public Works Advisory Board.
 21 So as a consequence of all this, virtually

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1 everything that any of us know about the
 2 history of Lakeside and the long saga of its
 3 approval process is what Rocks' agents told us.
 4 Time and again, it was they who were called up,
 5 invited up to explain everything. It's in the
 6 transcripts. And there was never a word of
 7 pushback. It's all right there in the
 8 transcripts.
 9 So that brings us to who did know the
 10 whole long story when Resolution 281 was
 11 presented at every discussion, knew it had
 12 never been S-2 and knew the permits were
 13 tainted. It was the applicant, in particular
 14 Rocks Engineering and Rocks' professional
 15 consultants who were there all along who were
 16 active participants every step of the way over
 17 20 years.
 18 And we all know, as discussed at the
 19 outset, falsehoods can arise in a million ways,
 20 including simple mistakes, confusion, incorrect
 21 inferences.

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1 I have no idea how it happened. This is
 2 really important, but I can't go beyond what I
 3 can say here. But once those falsehoods are in
 4 existence, they can be perpetuated on and on
 5 forever.
 6 It's my own opinion that the biggest
 7 insult is not that Rocks and the town,
 8 knowingly or otherwise, misled the opponents of
 9 Lakeside, but the applicant misled its
 10 supporters as well, those on the Council and
 11 anyone else of that view.
 12 For surely, this information that I'm
 13 laying out here is all new to you, as it is new
 14 to the Planning Commissioners and to everyone
 15 else.
 16 Did you know that Lakeside was never S-2?
 17 Did you know that they switched out figure 24
 18 for figure 23 in framing it up? Did you know
 19 the chicanery involved in the MDE permits, that
 20 they were invalid and how the applicant had
 21 gotten the investigation back in 2010 dropped?

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1 No. The answer has got to be no.
 2 Anyone who knew those things and stood by
 3 silently as Resolution 281 was presented and
 4 considered and adopted would have been
 5 complicit in all this and as culpable as the
 6 applicant. And I don't believe it ever
 7 happened.
 8 So is not the worst of it that supporters
 9 were also among those who were victimized? So
 10 let's face it, we've all been had.
 11 I have a section here that because of the
 12 passage of time I'm not going to speak to but
 13 is very important, having to do with the
 14 Council's power to act. And this is what
 15 Ms. Price made a remark at the recent meeting.
 16 Oh, my gosh, we have two opinions, what are we
 17 to do. That needs to be resolved, and not just
 18 for you on the Council.
 19 But Mr. Thomas, who is not here tonight,
 20 expressed an opinion without any citations or
 21 certifications or legal reasons, just a

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1 conclusionary opinion. And he expressed it not
 2 only to you all at the County Council in
 3 executive session in private, it was expressed
 4 to the entire body politic, to the Planning
 5 Commission, to the Public Works Advisory Board,
 6 to me, to every person who watched or is
 7 interested in this.
 8 And that's appropriate, because the county
 9 attorney's obligations are not to the County
 10 Council, does not work for the County Council.
 11 He's the county attorney for Talbot County,
 12 Maryland. Analogous to the attorney general of
 13 the United States is not the president's
 14 attorney. For that reason, he has a duty and
 15 responsibility to all of us and --
 16 MR. DIVILIO: Who is that? I'm sorry.
 17 MR. WATSON: The county attorney.
 18 MR. DIVILIO: County attorney has a duty
 19 and responsibility to work for all of the
 20 citizens of the county? Is that what you're...
 21 MR. WATSON: He works for Talbot County,

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1 Maryland.

2 The last time that came up is when I was

3 told that I had sued the wrong party because I

4 had sued the Talbot County Council in my

5 petition and it took a month to reapply so that

6 I sued Talbot County, Maryland, and had to go

7 back.

8 And those responsibilities, Mr. Divilio,

9 which I'm sure the attorney here would

10 acknowledge, those responsibilities go beyond

11 reporting to and having duties only to the

12 County Council. They extend beyond that.

13 And because that legal opinion was voiced

14 publicly to all of us, and appropriately so, we

15 are as entitled as you are to know the full

16 opinion. So if there were -- to the extent,

17 and I certainly hope that you have asked the

18 County Council in the context of the Gallagher

19 opinion and, with or without it, to provide a

20 full legal opinion in writing with citations

21 and legal reasoning, laid out there, because

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1 you would be derelict if you didn't do that.

2 To the extent that has been done and should

3 have been done, we are entitled to understand

4 that also.

5 And we are not your adversaries. The

6 Talbot County Council ought not be perceiving

7 citizens as the opposing party. We're your

8 constituents. We're all in this together. We

9 are -- not only is it fair that we understand

10 it, but I believe we're entitlement to that

11 information. And I hereby make the request, I

12 hereby make the request.

13 Let's see, so if you could just give me

14 about three minutes, I think I'm done.

15 MR. CALLAHAN: Yup.

16 MR. WATSON: And this is the question of

17 but the horse has left the barn. So this is

18 the third point that everybody knows about but

19 we tap dance around.

20 Today is December the 13th. And even

21 though they're a long way from their permits on

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1 the new plant, Rocks has been building just as

2 fast as they can since the morning of

3 July 15th. It's amazing.

4 Apparently, following the old song that

5 it's easier to beg forgiveness than get

6 permission, and well, that works sometimes.

7 But when you make that decision to beg

8 forgiveness rather than ask permission, you're

9 taking risks and you know it.

10 So because of the 180-degree turn slipped

11 in in the amended Exhibit F, Rocks can now

12 connect Lakeside to the existing plant right

13 now no matter what happens to the permits for

14 the new spray irrigation plant. That is if the

15 County Council, MDE ignore the Planning

16 Commission's decision on November 3rd, which

17 they shouldn't.

18 Rocks has already laid the pipe to

19 connect. So I guess they're banking on nobody

20 stopping them.

21 Now, Ms. Price, I know you're working on

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1 legislation to somehow mitigate the problems

2 with the La Trappe Creek and the existing

3 plant. And you're drawn to the idea of

4 compromise, which is usually a right idea.

5 But given the history of falsehood you've

6 heard tonight and the fact that the compromise

7 is sort of between the Rocks family and 15,000

8 families who live here in Talbot, I feel that

9 particular proposal would be more like telling

10 someone who was pick-pocketed that he should

11 compromise and ask for a few dollar bills back.

12 What I don't understand is why people

13 assume that construction at Lakeside can't be

14 stopped. If that's the right thing to do, and

15 it is, and for good reasons, if not these,

16 what, it can be stopped. It's not complicated.

17 The land isn't going to go anywhere.

18 Work stops. Maryland law says that

19 vesting rights, that is Rocks can say well,

20 it's too late, I'm already vested. That's for

21 him to say, not for us to judge. Maryland law

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1 says that vesting requires that a party
 2 proceeding in reliance on something must have
 3 done so in good faith, in good faith.
 4 Tonight's revelations should address that
 5 point, along with Exhibit 24 in your package.
 6 So good faith and clean hands is another
 7 principle.
 8 And as far as will there be litigation,
 9 the lawyers will get busy, no question about
 10 it. Talbot County has legal insurance. It's
 11 exactly why we have legal insurance, is
 12 something unexpected comes up. And it might be
 13 expensive, but we are a part of a legal
 14 insurance group and it is covered.
 15 So in the fullness of time, things would
 16 get straightened out. And that project,
 17 Lakeside won't die, but that project altered in
 18 scale or altered in pace or conditioned in some
 19 fashion will get resurrected and it will exist
 20 in Talbot County but in a better form.
 21 And with all this attention to their

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1 plight and the problems that have happened, it
 2 sure is my hope that the 340 families down
 3 there in Trappe who have been struggling with
 4 this in the dark for so long will also get some
 5 attention.
 6 And here is the question, what is the cost
 7 to Talbot County of not acting, of not
 8 rescinding 281, knowing what you know now?
 9 None of which you knew in August of 2020.
 10 What's the cost of not acting, of taking no
 11 action to rescind, saying to Rocks and the Town
 12 of Trappe well, you got away with that one, the
 13 shipped sailed, the horse is already out of the
 14 barn, which it wasn't in May. That's just one
 15 of those things.
 16 The costs are incalculable. It's a cost
 17 of Talbot County's integrity, and we can't
 18 afford it.
 19 The blue part on my draft here is where I
 20 stopped because I wanted to get what to say
 21 about the implications of doing nothing, the

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1 implications to Talbot County, the developers,
 2 the people who live here, to this staff, to the
 3 kids, if the kids understood this. And maybe
 4 there are some young adults who pay attention.
 5 What's the implication? If you're a big
 6 player, you don't have to play by the rules.
 7 You know, a lady and her husband down in
 8 Cordova or something come to the Planning
 9 Department. Did they have to pay attention to
 10 encroachments and building right? You know, is
 11 the staff's heart really in it when what the
 12 hell, if it's a billion dollar project and you
 13 just go with it. Oh, I got an idea. Just go
 14 ahead and do it and then nobody will do
 15 anything.
 16 We got trees on the side of the river that
 17 we're not supposed to cut down. What the hell,
 18 cut them down. We'll see. Nobody is going to
 19 say anything. After all, look at Rocks
 20 Engineering. They shouldn't have been able to
 21 get along with it, but they can.

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1 It just -- I mean I couldn't write it up
 2 because your head explodes. It is my -- I'll
 3 pass these things, all we reviewed tonight.
 4 I'm talking about this integrity issue,
 5 the falsehoods. It's fundamental. It's why
 6 there is no question about this.
 7 Remember the other three things? The
 8 existing Trappe plant is crazy. The mapping
 9 problem is a legal problem that it just needs
 10 to be revoked and set aside.
 11 And Ms. Price, you can't defer to MDE.
 12 Resolution 281, matters having to do with land
 13 use are the responsibility of Talbot County.
 14 They are the responsibility of Talbot County.
 15 And I'm sure you regret it often, but you five
 16 individuals, bless you for your time and your
 17 work, but you carry a hell of a burden. And
 18 one of your burdens is to decide what you're
 19 going to do about this.
 20 And I think the only conceivable thing is
 21 to rescind Resolution 281, with or without

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1 saying which reason. It could be because of
 2 the maps. But to rescind it. The work will
 3 stop. It will take a little while. We will
 4 all reconvene when the dust has settled. And
 5 we as a community, as a community, the Planning
 6 Commission front and center, will reassess that
 7 project properly, not through the lens of these
 8 falsehoods, but taking into account all the
 9 issues that are part and parcel of evaluating a
 10 project.
 11 And with that, I want to, I'm dead serious
 12 here, I want to thank you for your time and
 13 especially thank you for your attention.
 14 Thanks.
 15 MR. CALLAHAN: Thank you, Mr. Watson.
 16 Appreciate it.
 17 MR. DIVILIO: I have one question.
 18 MR. CALLAHAN: Sure. Go ahead, Council.
 19 MR. DIVILIO: You're hitting on honor and
 20 integrity and claiming it.
 21 If there are falsehoods that you led the

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1 community to believe by accident, how would you
 2 correct those? And have you ever in the past
 3 corrected a Spy article if you put out
 4 information that wasn't correct?
 5 MR. WATSON: Well, first of all, let's
 6 start with this. Were I to --
 7 MR. DIVILIO: It's simple. Just would you
 8 print a retraction? And if you brought
 9 something up tonight that was incorrect that
 10 you later found out, how would you like that to
 11 be corrected?
 12 MR. WATSON: Well, you'll pause while I
 13 take a minute how best to answer this.
 14 First of all, should it be brought to my
 15 attention that I have made an error, and who
 16 among us is perfect, I promise you that
 17 something I said here tonight is wrong.
 18 How can any man, Mr. Divilio, sit here for
 19 two hours with this much --
 20 MR. DIVILIO: By checking and verifying
 21 your information before you do it publicly.

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1 MR. WATSON: Mr. Divilio, someone sent me
 2 the e-mail that you sent them expressing the
 3 view that I'm the least credible man in Talbot
 4 County.
 5 And I can only tell you that I do my best
 6 to get my facts straight.
 7 And should I have made a mistake, and it
 8 is quite possible, not certain, but quite
 9 possible, first thing I would do is take a good
 10 look at it and acknowledge and agree that
 11 that's a mistake. Gee, I thought X and I was
 12 wrong, it was Y. Happens all the time.
 13 MR. DIVILIO: Thank you.
 14 MR. WATSON: Ask my wife.
 15 MR. PACK: Yeah. I would like to say
 16 something very briefly.
 17 First of all, Mr. Watson, thank you. I
 18 mean the amount of time and effort that you put
 19 into gathering all this information and all the
 20 documents must have been somewhat exhaustive on
 21 your part. So I just want to first thank you

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1 for the time and effort that you put into it.
 2 I know, I feel that your heart is in the
 3 right place. Let me say that. And you're
 4 right. No man is infallible. We all make
 5 mistakes.
 6 You know I was around in 2006, 2005, and I
 7 do remember the public outpour over those
 8 permits being issued. I remember talking with
 9 persons like Mr. Alspach and Mr. Bowman and the
 10 late Mike Sullivan about those permits. So I
 11 do remember the discussion amongst the members
 12 of the community about how MDE issued those
 13 permits without them being incorporated into
 14 the county comprehensive water and sewer plan.
 15 So I was around and I do remember that.
 16 Regarding the action on November 3rd of
 17 the Planning Commission, I will certainly talk
 18 to our legal staff whether or not that has any
 19 bearing. As you do know, during your research,
 20 and I'll speak with Patrick when he gets back
 21 in or speak with Chip, 281 has already been

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1 incorporated into the comprehensive water and
2 sewer plan.

3 Our county attorney, your county attorney
4 has said publicly there is no way to unring
5 that bell. It's already done.

6 MR. WATSON: Yes.

7 MR. PACK: So I don't know what
8 November 3rd even did in my thoughts. I've
9 been scratching my head trying to figure out
10 what they did in taking that vote, because 281
11 is already incorporated into the comprehensive
12 water and sewer plan.

13 The only thing this body could do, from
14 what I understand, again, and I'll go back and
15 talk to my county staff, is to amend the
16 comprehensive water and sewer plan itself,
17 itself. Because it's already been adopted by
18 MDE, which you know.

19 So I'm not asking for a question. I'm
20 just making a general statement as far as what
21 transpired this evening. So I'll look into all

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1 of that and find out what, if anything,
2 November 3rd did or did not do.

3 If Council were to have the mind to amend
4 the comprehensive water and sewer plan, we
5 would have to sit down with Mr. Clarke and
6 county staff and figure out a way to do that.

7 You do raise some very interesting points.
8 And some of the things that, again, I remember
9 ten-plus years ago these same things being
10 raised. So you do bring back to memory a lot
11 of that discussion back in '06, 05 that I
12 remember hearing amongst various members of the
13 community regarding some of the things
14 happening down in Trappe.

15 As you know, resolutions can be changed.
16 They can be amended, as you do know. And
17 you're right. There was a change in how the
18 effluent was going to be handled by the Town of
19 Trappe. So that was done.

20 And but you do raise some interesting
21 points. I will give you credit for that, some

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1 very interesting points. Thank you.

2 MR. WATSON: Well, thank you for that
3 acknowledgment. The...

4 MR. LESHAR: I'm sorry. I need to excuse
5 myself.

6 MR. CALLAHAN: Yup.

7 MR. PACK: Yeah. I just wanted to make
8 those statements. Thank you, Mr. --

9 MS. PRICE: I think we're all just kind of
10 giving wrap up here, Mr. Watson. And I'll just
11 say that I agree with Mr. Pack, the amendment
12 to the comp water and sewer plan is the
13 vehicle. I don't think rescission of the
14 resolution is. We've said that for six months.

15 So maybe tomorrow's resolution to amend
16 the comp water and sewer plan is correct.
17 Maybe it needs to be a different resolution to
18 amend the comp water and sewer plan. But
19 that's what needs to be done.

20 So whether I start the ball rolling
21 tomorrow with the one that we have and at least

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1 hear that out publicly and get feedback on
2 that, whether we also introduce another one
3 based on the information that you provided
4 tonight.

5 I thank you very much. There's a lot of
6 other information and documented things that we
7 were not aware of that I don't think anybody
8 probably in this room was aware of. And
9 certainly, we need to take that under
10 consideration.

11 Might not stop the process of what's
12 getting introduced tomorrow. But that doesn't
13 mean that something else can't be introduced in
14 another couple of weeks. Just keep kind of all
15 the balls in the air.

16 MR. WATSON: Can I say just one short
17 thing? Very -- a moment.

18 It is true, as I said to Mr. Thomas
19 before, that an amendment to the comprehensive
20 water and sewer plan appears that it would have
21 the same effect as rescission of 281. It

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1 could.

2 But here is the central issue that I would

3 urge you to talk to your lawyer about. An

4 amendment now is a new thing that happens when

5 that's passed. And if you remember, I

6 discussed or mentioned vesting.

7 Rocks Engineering had already started. I

8 believe the argument that that party would have

9 vis-a-vis an amendment, okay, is the argument

10 would be it doesn't pertain to me because it's

11 too late, it didn't come up.

12 Whereas, rescission dates back to May the

13 7th. And the issues of vesting are although

14 different, having to do -- I'm not even a

15 lawyer. But I would urge you to explore that

16 carefully with the attorney.

17 MR. PACK: Thank you very much.

18 MR. WATSON: Thank you.

19 MR. CALLAHAN: Thank you.

20 MS. PRICE: Plus you made a very good

21 point about good faith.

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1 MR. CALLAHAN: Yup. Motion to adjourn.

2 MR. PACK: Thank you.

3 MR. CALLAHAN: Madam Secretary.

4 MR. DIVILIO: Motion to adjourn.

5 MR. CALLAHAN: Motion to adjourn.

6 (Meeting concluded at: 7:18 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 20th

day of November, 2021 at Eastern MD



Diane Houlihan
Notary Public

My commission expires September 16, 2025

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