



Deposition of:
Talbot County Council Meeting

October 12, 2021

In the Matter of:
Talbot County Council Meeting

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COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

Council Meeting

October 12, 2021; 6:00 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

<p style="text-align: right;">Page 2</p> <p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2</p> <p>3 MR. CALLAHAN: Okay. Good evening. How</p> <p>4 is everybody tonight? Good?</p> <p>5 SPEAKER: Fine.</p> <p>6 MR. CALLAHAN: We got good things</p> <p>7 happening and I'm glad you're here tonight.</p> <p>8 And we're going to start off with</p> <p>9 Mr. Divilio with the prayer. And then after</p> <p>10 that, we're going to stand for the Pledge of</p> <p>11 Allegiance of the Flag. We stand now, please.</p> <p>12 (Prayer and Pledge of Allegiance.)</p> <p>13 MR. CALLAHAN: Thank you, Mr. Divilio, for</p> <p>14 that good prayer. Appreciate that. Okay.</p> <p>15 Let's start the agenda tonight. Council</p> <p>16 has agenda for October 12th before us. Are</p> <p>17 there any additions, deletions, or corrections</p> <p>18 on the agenda? Okay. If not, hearing none,</p> <p>19 the chair moves that the agenda be accepted by</p> <p>20 unanimous consent. Okay.</p> <p>21 The disbursements for October 5th and</p>	<p style="text-align: right;">Page 4</p> <p>1 was a tool kit for we get a lot of phone calls</p> <p>2 at the Sheriff's Office and I personally get</p> <p>3 phone calls from people in the community who</p> <p>4 are still very confused about finding resources</p> <p>5 for those, whether it's their loved ones or</p> <p>6 children or family member or friend, that's</p> <p>7 suffering from substance use disorder.</p> <p>8 So what we did this year, we teamed up</p> <p>9 with Shore United Bank and we came up with a</p> <p>10 tool kit on our website. So you can basically</p> <p>11 go to that website, go to Talbot Goes Purple</p> <p>12 website. And you don't have to enter any of</p> <p>13 your identifiers in here. You would hit I'm an</p> <p>14 adult, I'm seeking treatment for a friend, and</p> <p>15 go through all the prompts. And it will list</p> <p>16 all the resources in the county for you or your</p> <p>17 family or your loved one to go to, with names,</p> <p>18 numbers, contact information in there. Because</p> <p>19 what we're finding is that people are</p> <p>20 embarrassed and they delay in getting help. So</p> <p>21 we're hoping that that will help that.</p>
<p style="text-align: right;">Page 3</p> <p>1 October 12th. Council has had a chance to</p> <p>2 review the disbursements. Are there any</p> <p>3 additions, deletions, corrections to the</p> <p>4 disbursements? Everybody okay with that?</p> <p>5 Hearing none, the chair moves that the</p> <p>6 disbursements be accepted as unanimous consent.</p> <p>7 Okay.</p> <p>8 The first thing tonight up is Sheriff Joe</p> <p>9 Gamble. Could he come forward, please? That</p> <p>10 would be great, him and Scott.</p> <p>11 SHERIFF GAMBLE: Good evening,</p> <p>12 Mr. President. Thanks for having us.</p> <p>13 MR. CALLAHAN: Good evening, guys.</p> <p>14 Appreciate you being here.</p> <p>15 SHERIFF GAMBLE: We wanted to give you a</p> <p>16 quarterly update.</p> <p>17 First thing, Scott, could you give one of</p> <p>18 the each of the Council please a card.</p> <p>19 First thing, we'll give you a little</p> <p>20 update on Talbot Goes Purple. Scott is handing</p> <p>21 one of the things that we initiated this year</p>	<p style="text-align: right;">Page 5</p> <p>1 So that was one of the things that we</p> <p>2 teamed with up Shore United Bank.</p> <p>3 And thank you for your support of your</p> <p>4 five for Talbot Goes Purple. We had some fun</p> <p>5 events. We hope that our message continues to</p> <p>6 get out to the community. But it was a good</p> <p>7 year five.</p> <p>8 We're still kind of hampered in the</p> <p>9 schools not being able to do the typical big</p> <p>10 speaker presentation kind of thing because of</p> <p>11 COVID, but hopefully next year.</p> <p>12 Teen Court kicks off October 27th here in</p> <p>13 the courthouse upstairs in the Circuit Court.</p> <p>14 We're exciting about that. It will be the</p> <p>15 first Teen Court. You don't want to call it a</p> <p>16 trial because it's not really a trial, but it</p> <p>17 will be the first Teen Court session that we</p> <p>18 have. So we're excited about that.</p> <p>19 Thanks to you for helping with some of</p> <p>20 that funding and that backup funding in case</p> <p>21 that grant runs out. We're excited about that.</p>

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<p>1 So Teen Court basically, just a reminder, 2 it is for youth, first offense youth under 18 3 for non-violent acts. Sometimes these little 4 fights in schools and stuff, they classify 5 under that threshold. They admit that they're 6 involved in the incident. And then other 7 teenagers are the judge, jury, bailiffs. And 8 then they will sentence them to typically some 9 type of community service, which would probably 10 involve them also becoming a juror in another 11 trial. So it kind of gets them involved in the 12 system to understand how a mock system works. 13 And then we have some pretty cool stuff 14 that we can do with community service with the 15 kids, whether they write a book report or 16 something like that of how this impacted, 17 whatever, if they smashed a mailbox, this is 18 what their crime, how this could have impacted 19 the person that it did, that type of thing. So 20 we're excited about that. 21 I wanted to briefly go through some stuff</p>	<p>1 typical of drug and violent crime search 2 warrants. Put some limitations on the judges 3 who are signing search warrants. There was 4 already limitations on the judges, but it's 5 going to make it very, very difficult. And 6 we're required to report all search warrant 7 data to a State agency. 8 We also have to pay as of, well, coming up 9 in July, for every canine dog you have, you, or 10 the citizens of this county, are responsible 11 for up to \$10,000 for the life of that dog 12 after the dog retires. So once a dog retires, 13 typically we give it to the deputy or sell it 14 to the deputy for \$1. And in the past, it 15 became their pet. 16 Now police agencies, i.e., the citizens, 17 will have to pay up to \$10,000 for veterinary 18 care past the time that it's -- so it's their 19 retirement program. I guess it's their health 20 insurance program. 21 Body work cameras and use of force will</p>
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<p>1 that took place on October 1st with the overall 2 thing that we would call police reform. On 3 October 1st, Senate Bill 178 took effect, which 4 will release all personnel disciplinary records 5 of all police officers in the State of 6 Maryland. 7 And we got bombarded on the 1st, like 8 every other police department, Sheriff's Office 9 in the State from the Washington Post to the 10 University of Maryland. We have them flooding 11 in, Public Information Act requests coming in 12 for every past and present sheriff's deputy. 13 And some of them go back many, many years that 14 they want access to personnel records. 15 So we're working with the Attorney 16 General's Office and got some clarification on 17 what we must turn over and what we can't turn 18 over. 19 Some of the other things that went into 20 effect, that no-knock search warrants are going 21 to be very, very difficult to obtain, which is</p>	<p>1 all have to be -- well, we'll be retrained in 2 use of force. We've created new policies for 3 all of those things to meet with the standards 4 of the law. 5 And then in July, Law Enforcement Officer 6 Bill of Rights disappears. 7 I've been in preliminary conversations 8 with Mr. Stamp and setting up a meeting in 9 November to start talking about the Police 10 Accountability Board, that it's really unclear 11 right now from the Attorney General's Office 12 whether it's the whole Council or just the 13 president of the Council. The legislators 14 didn't really spell it out very well. 15 And then you also have to establish, that 16 Police Accountability Board will then establish 17 an Administrative Charging Committee. 18 It's interesting how they set up the 19 Administrative Charging Committee. Because in 20 the past, nobody on that committee was paid. 21 But now if an officer, for instance, or a</p>

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1 deputy is charged with a violation of our
 2 policies and procedures, say it could be
 3 something as simple as he or she didn't get
 4 their 5,000 mile service on their police car in
 5 time, we could charge them, under current law
 6 right now, I can charge them, offer them some
 7 type of punishment. If they don't accept it,
 8 then they could get a Hearing Board which would
 9 convene a Hearing Board, which we would convene
 10 a Hearing Board and then have that in-house.
 11 That will no longer be the case. We will
 12 have to hire a judge at \$500 an hour and an
 13 attorney at \$350 an hour to prosecute the case.
 14 So there will be an increase next year, if we
 15 just have two disciplinary hearings in a year,
 16 it will cost the county about \$56,200 in our
 17 estimation.
 18 So the cost of disciplining officers went
 19 from minimal to very, very expensive for the
 20 taxpayer. That will all take place in January.
 21 We also will have to have every deputy

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1 will have a psychological eval. They already
 2 are evaluated when they're hired. And then if
 3 we see, as their employer, if we see any issues
 4 related to their psychological state, then we
 5 can actually order them to be evaluated by a
 6 psychologist, psychiatrist.
 7 This new law will require every second
 8 year, every other year, for every deputy in the
 9 office to be seen by a psychiatrist or
 10 psychologist, which will be an added cost of
 11 about \$8,000 a year.
 12 Body cameras are probably going to go up
 13 to about \$55,000 a year based on the new
 14 requirements in the body cameras. Some of the
 15 body cameras that we have right now won't
 16 fulfill those needs.
 17 We're estimating the new use of force
 18 training, criminal citation training will cost
 19 about \$16,000 more a year.
 20 And we have been, as I stated earlier, we
 21 have been swamped with Public Information Act

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1 requests, as every police department has. And
 2 so we're given, under State law, we can give
 3 them two hours free on every Public Information
 4 Act request. And after that, we charge \$50 an
 5 hour, which is the going rate for the person
 6 who actually has to do that.
 7 If they continue, we'll probably be, in
 8 our next budget session, talking about hiring
 9 an administrative person to do that because
 10 it's not just PIA requests, but it's also body
 11 camera requests that we have to go in and
 12 redact everybody camera. If any juvenile or
 13 any innocent person shows up in the background,
 14 we have to go in and redact all that
 15 information.
 16 So there's a lot coming down. Our plates
 17 have been full at the Sheriff's Office,
 18 especially with the administrative staff.
 19 Everybody is swamped trying to make sure that
 20 we're there.
 21 And it's very difficult to get opinions

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1 out of the Attorney General's Office right now
 2 on any of this stuff, including the new use of
 3 force requirement that goes on July 1st where
 4 they totally changed the use of force. And
 5 nobody in the country is using this use of
 6 force policy. Use of force is typically set by
 7 the Supreme Court through case law.
 8 The Maryland legislature went off the map
 9 and created their own standard that hasn't been
 10 upheld in the courts. So the Attorney
 11 General's Office, the State's Attorney, and the
 12 Office of State Prosecutor have yet to weigh in
 13 on what that means for our training. So
 14 everybody will have to be retrained in the use
 15 of force. That's the bad news.
 16 Good news is is the men and women of the
 17 Sheriff's Office have been working. In the
 18 last -- I just pulled up numbers since the
 19 pandemic started because, as you know, we
 20 didn't go home. We stayed on our post, and the
 21 guys and gals over there did an excellent job.

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1 Between our criminal division and the task
 2 force, we did 140 cases, 70 search warrants, 65
 3 arrests with those. Our patrol made 945
 4 criminal arrests and 412 warrant arrests over
 5 the last 20, 18 months, 20 months, including
 6 8,000 traffic stops. And we responded to about
 7 38,702 calls for service from the beginning of
 8 the pandemic to date. We also seized about
 9 \$16,000 in drug money.
 10 And out of 38,702 calls for service and
 11 8,223 traffic stops, we had a total of two
 12 complaints. One was investigated by the
 13 Maryland State Police, and it was
 14 non-sustained. And one was investigated by us,
 15 and it was non-sustained. And both were based
 16 off of -- well, one was based off body camera,
 17 which the person who made the complaint made
 18 allegations did not happen on the body camera
 19 or in the conversation.
 20 So we were pretty fortunate that in
 21 probably I'm guessing about, I don't know, 50

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1 something thousand contacts plus with the
 2 public, only two people complained to us about
 3 any actions of any of deputies.
 4 We're going to honor just shortly,
 5 Mr. President, Cory Willey. But I wanted to
 6 give you like a day during the pandemic. At
 7 times, we had people sick, at times we were
 8 short staffed because of illness or exposures
 9 in the family where we couldn't have people
 10 come to work because they had been exposed.
 11 But I'm going to give you a day that kind of
 12 stood out in my mind when I read the daily
 13 brief on June 28, 2021.
 14 And this has nothing to do with Cory
 15 Willey's award, but Cory Willey of the
 16 Sheriff's Office responded at 8:40 in the
 17 morning to Tred Avon Circle for a man in the
 18 water, fell in the water while canoeing.
 19 Cory Willey responded, got in a kayak.
 20 The man had gone under and sadly the man
 21 succumbed to drowning. But he assisted EMS at

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1 the scene.
 2 Forty minutes later, he and Joey Timms,
 3 Sergeant Timms, were dispatched to Trappe for a
 4 woman who had attempted suicide by cutting.
 5 And they made it there first, assisted in
 6 saving her life and getting EMS there.
 7 And then about five hours later on the
 8 same shift, Corporal Willey and Chuck Marsh,
 9 Corporal Marsh, were dispatched to Trappe for a
 10 welfare check. They weren't able to get
 11 anybody at the door. They contacted the
 12 landlord and got a key and made entry. And
 13 they found an unresponsive man who was near
 14 death, notified EMS, and started lifesaving
 15 procedures.
 16 So in one shift, these deputies helped
 17 save two lives and recover the body of a third.
 18 And I'm just very appreciative to be
 19 connected with people that are fearless and
 20 they serve with selflessness in the middle of
 21 the pandemic, not knowing whether they're going

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1 to take stuff home to their families back when
 2 this thing was early on. So I'm very proud of
 3 the work they've done over the last couple of
 4 months.
 5 With that, I'll answer questions or I'll
 6 bring Corporal Willey up here.
 7 MR. CALLAHAN: Council, you got anything?
 8 MR. PACK: Thank you for the report.
 9 MR. CALLAHAN: Thank you for your report.
 10 Great job. I know it's a lot of work for you.
 11 And we really appreciate and the citizens
 12 appreciate all the safety and everything you do
 13 for us to protect us. And we appreciate it.
 14 SHERIFF GAMBLE: Well, thank you. I can
 15 speak for every person at the Sheriff's Office
 16 that this Council has been what I would
 17 consider a great public safety Council and that
 18 you truly have stepped up and made some
 19 difficult decisions to make us competitive,
 20 which we are now with our sheriff's deputies
 21 and the retirement program that they have.

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1 And I can tell you that I just had a
 2 school resource officer who went back to
 3 private business. It was no surprise. When he
 4 came to us as a school resource officer, he had
 5 every intention, once the pandemic lifted, that
 6 he would be going, he was probably going back
 7 to the private sector.
 8 Other than that, I have one opening. And
 9 I have 17, 18 applicants for that opening,
 10 which is unheard of right now. When I tell
 11 other sheriffs that across the state, their
 12 mouths drop open that we have that response
 13 from our community and people that want to
 14 police here.
 15 MR. CALLAHAN: That's great.
 16 SHERIFF GAMBLE: It speaks well for our
 17 community, as well as the significant measures
 18 that you guys have taken. So thank you.
 19 MR. CALLAHAN: Thank you. Okay.
 20 So let's get Corporal Willey in here then.
 21 SHERIFF GAMBLE: Corporal Willey. This is

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1 Corporal Willey.
 2 How long have you been with us for now?
 3 CORPORAL WILLEY: Almost seven years.
 4 SHERIFF GAMBLE: He had been just hired
 5 when I was elected because when I took office,
 6 he had yet to go into the Police Academy. So
 7 they had him doing odd jobs around the office
 8 for a couple of weeks before the Police Academy
 9 started because we knew if we waited until the
 10 date of the Police Academy to hire him, someone
 11 else would hire him. So he actually painted my
 12 office. He's not getting an award for --
 13 MR. CALLAHAN: I got you.
 14 SHERIFF GAMBLE: -- for painting my office
 15 seven years ago.
 16 I'm just going to read this.
 17 On August 5, 2021, Corporal Willey
 18 observed a suspicious vehicle traveling on US
 19 Route 50 near Landing Neck Road, Talbot County,
 20 Maryland. As Corporal Willey approached the
 21 vehicle, which had pulled off into a grassy

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1 lane and parked, he noticed an individual
 2 crouching in front of the vehicle.
 3 Corporal Willey noticed a nine-millimeter
 4 handgun secreted underneath the vehicle and
 5 calmly requested backup and placed the
 6 individual under arrest.
 7 A search of the suspect's vehicle
 8 recovered revealed body armor, a 40-caliber --
 9 that's a bulletproof vest, a 40-caliber and
 10 300-caliber rounds of ammunition.
 11 While on scene, Corporal Willey was
 12 approached by a female who stated that the
 13 vehicle belonged to her estranged husband. The
 14 female advised that there was an active
 15 protective order in place prohibiting her
 16 husband from any contact and that she had been
 17 staying with friends not 25 yards from where
 18 her husband was found when Corporal Willey
 19 found him hiding a gun underneath the car.
 20 The female stated that she was in the
 21 process of divorcing this man after 25 years of

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1 domestic abuse.
 2 There's no doubt in my mind what his
 3 intentions were going there, parking 25 yards
 4 from this house where his wife was staying with
 5 friends. And the only reason that he secreted
 6 the handgun down there is because of Corporal
 7 Willey seeing him pulling off the side of the
 8 road and realizing something was up. There's
 9 no doubt in my mind that he saved at least
 10 somebody from being shot, if not killed.
 11 This Meritorious Conduct Award is
 12 presented to Corporal Willey for initiative and
 13 outstanding performance to successfully defuse
 14 the situation, prevent a loss of life.
 15 Corporal Willey's dedication and exemplary
 16 work ethic symbolize the highest standard of a
 17 Talbot County Sheriff's Deputy.
 18 CORPORAL WILLEY: Thank you, sir.
 19 MR. CALLAHAN: Corporal Willey, we have a
 20 certificate for you, too, that Council does.
 21 MR. LESHAR: Just so you know, that the

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1 Council recognizes your good service here.
 2 CORPORAL WILLEY: Thank you very much.
 3 MR. LESHER: Thank you for your service.
 4 SHERIFF GAMBLE: Thank you, Pete.
 5 MR. LESHER: Thank you.
 6 CORPORAL WILLEY: Thank you very much.
 7 Appreciate it.
 8 MS. PRICE: Thank you very much.
 9 CORPORAL WILLEY: Thank you.
 10 SHERIFF GAMBLE: Any questions for me?
 11 Good?
 12 MR. CALLAHAN: No. You're all good.
 13 Appreciate the good job.
 14 SHERIFF GAMBLE: Thank you, guys. Thank
 15 you so much. Thank you, all.
 16 MR. CALLAHAN: Yup. Okay. So we're
 17 moving on to introduction to administrative
 18 resolution.
 19 Madam Secretary, could you read the
 20 resolution into the record, please.
 21 SECRETARY: Do you want me to read the

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1 entire resolution or just the title?
 2 MR. CALLAHAN: Just the title. I'm sorry.
 3 Just the title is fine.
 4 SECRETARY: Administrative resolution of
 5 the County Council of Talbot County.
 6 Supporting the establishment of a nonprofit
 7 tax-exempt entity for the development of the
 8 Frederick Douglass Park on the Tuckahoe.
 9 MR. CALLAHAN: Okay. Thank you. Is there
 10 a motion to introduce the administrative
 11 resolution?
 12 MS. PRICE: We usually raise our hands,
 13 right?
 14 MR. CALLAHAN: Okay.
 15 SECRETARY: I didn't hear what she said.
 16 MR. CALLAHAN: Is there -- do we want to
 17 raise our hand to introduce it?
 18 SECRETARY: Yes. Okay.
 19 MR. CALLAHAN: Yeah.
 20 SECRETARY: Okay. Or do you want me to
 21 call the roll?

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1 MR. CALLAHAN: You can call for a vote.
 2 I'm sorry.
 3 SECRETARY: Mr. Callahan.
 4 MR. CALLAHAN: Aye.
 5 SECRETARY: Mr. Divilio.
 6 MR. DIVILIO: Aye.
 7 SECRETARY: Mr. Leshner.
 8 MR. LESHNER: Aye.
 9 SECRETARY: Ms. Price.
 10 MS. PRICE: Aye.
 11 SECRETARY: Mr. Pack.
 12 MR. PACK: Aye.
 13 MR. CALLAHAN: Okay. Discussion.
 14 MS. VANHOOSER: Do you want us to give a
 15 brief overview of it?
 16 MR. CALLAHAN: That would be great.
 17 MS. VANHOOSER: You want to start.
 18 MR. PEPPER: So this is part of the
 19 Frederick Douglass on the Park Master Plan.
 20 You remember from that that there was some
 21 fundraising that was going to be put in order

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1 for this to get this project done.
 2 In that master plan, the consultants
 3 called for a 501(c) (3) nonprofit to be
 4 established for this project.
 5 This project, if it comes to fruition as
 6 it was designed, is going to be way beyond the
 7 scope of Parks and Recs and Tourism in my
 8 opinion. So that was the desire to have a
 9 501(c)(3) established in order to be able to do
 10 that fundraising. We are not equipped to do
 11 that type of fundraising.
 12 MS. VANHOOSER: So we had these park
 13 consultants. We presented this to the County
 14 Council in a work session on September 14th and
 15 did a thorough presentation with our
 16 consultants. And they did a fantastic job.
 17 We really didn't set any parameters for
 18 them. We told them to shoot for the stars, and
 19 they did. And so they gave us a big, big
 20 vision.
 21 So as Preston indicated, phase one is

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1 underway of the park master plan, but the rest
 2 of what they have envisioned is outside of our
 3 scope of what we're able to do, which is why
 4 we're asking for you to approve the
 5 recommendation by the consultants that we form
 6 a 501(c)(3) or nonprofit organization of some
 7 kind to move this project forward.
 8 MR. CALLAHAN: Okay.
 9 MS. VANHOOSER: Questions?
 10 MR. CALLAHAN: Council.
 11 MS. PRICE: Question. It's a grand
 12 vision, and we would raise funds. But over the
 13 time this happens, maybe some things people
 14 will like, some things they won't like.
 15 Doing this doesn't necessarily say we
 16 agree with the entire big huge master vision,
 17 which obviously would take years, if not
 18 decades, to accomplish anyway. But this is
 19 just really to set up the fundraising arm to do
 20 something out there. Right?
 21 MS. VANHOOSER: Right. It's a vision. So

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1 I think it can be scaled up or scaled back, and
 2 it's just a concept.
 3 This doesn't mean that it is the concept
 4 that will be implemented, but you have to start
 5 somewhere.
 6 MS. PRICE: Right. And certainly we want
 7 public input from our own citizens on this.
 8 This is a consulting firm that you said
 9 shoot for the stars. But I would think that as
 10 this progresses, we would want to have work
 11 sessions and whatnot so that people that are
 12 living here have an opportunity to give input.
 13 MS. VANHOOSER: Absolutely.
 14 MR. PEPPER: Right. And we have had work
 15 sessions on this project as we've been going
 16 along. I think there's been a couple of
 17 in-person and then one virtual.
 18 So we met with the Town of Queen Anne,
 19 just to keep -- and they had some concerns.
 20 And we assured them that this is not a project
 21 that we're just going to go without any kind of

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1 public input. If they've got concerns, we
 2 certainly want to hear what they are so we can
 3 try to mitigate around some of those.
 4 MS. VANHOOSER: And we used that as an
 5 opportunity to issue an invitation for them to
 6 be part of the process.
 7 I know many people have been so far. And
 8 like Preston said, we've had multiple public
 9 meetings interrupted by COVID, but that didn't
 10 stop us. We continued and had virtual and
 11 in-person meetings at the park.
 12 But this is an open invitation for
 13 everyone in Talbot County, indeed the region,
 14 to be part of the process as we move forward.
 15 MR. PACK: And I will say that this
 16 planning process has taken several years. So
 17 this wasn't something that just came about
 18 overnight. And there were, to my knowledge, at
 19 least two public hearings, if not more. And I
 20 know several virtual meetings because of the
 21 COVID outbreak.

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1 So we certainly gave members of the public
 2 ample, full opportunity to participate in that
 3 process.
 4 And when you're going after a project of
 5 this type, of this size for a figure such as
 6 Frederick Douglass, you have to have something
 7 to present to those large granting bodies that
 8 you're going in front of. You have to have
 9 something to show them so that they can put a
 10 vision around the price tag.
 11 So what this does is allows this committee
 12 to do such that, is to take this idea and to go
 13 to those large granting organizations and seek
 14 their support.
 15 And you have to have an idea. You have to
 16 have something to present to them, and that's
 17 what this does.
 18 So this is great that we've already
 19 approved this through a vote.
 20 MR. CALLAHAN: Yeah.
 21 MR. PACK: And I guess now putting

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<p>1 together this body so we can go out and do the</p> <p>2 work that needs to be done. And I hope it</p> <p>3 doesn't take decades, to Ms. Price's point. I</p> <p>4 hope we get this done in short order. We'll</p> <p>5 see.</p> <p>6 MS. VANHOOSER: All right. Thank you,</p> <p>7 Council.</p> <p>8 MR. LESHER: Certainly this is, I mean</p> <p>9 this is a structure that's not unusual. We see</p> <p>10 this type of thing done for national parks, we</p> <p>11 see it done for some State parks. I presume</p> <p>12 that there are local jurisdictions that do this</p> <p>13 because they're seeing things that a nonprofit</p> <p>14 can do in terms of fundraising, but also</p> <p>15 probably programming as well and in terms of</p> <p>16 earned revenue opportunities for the park that</p> <p>17 would be more awkward or difficult to do as an</p> <p>18 entity of county government.</p> <p>19 MS. VANHOOSER: Well, there's no idea that</p> <p>20 this group would work independently of the</p> <p>21 county. In fact, the resolution is specific</p>	<p>1 infrastructure improvements. What that is is</p> <p>2 the development of a pollinator meadow, which</p> <p>3 is an important thing to the environment.</p> <p>4 Also, walking trails and then some scenic</p> <p>5 overlooks.</p> <p>6 Basically both the walking trails and</p> <p>7 scenic overlooks serve as a means to get around</p> <p>8 the property safely. There's some slopes,</p> <p>9 there's some different areas. So these allow</p> <p>10 all the users of the parks to get to all the</p> <p>11 parts of the park safely and then to enjoy all</p> <p>12 those amenities without damage to themselves,</p> <p>13 damage to the property, or damages to the</p> <p>14 environment.</p> <p>15 MS. VANHOOSER: And there will be some</p> <p>16 story telling elements, interpretive panels to</p> <p>17 go along with these infrastructure things that</p> <p>18 Preston is talking about to help tell the</p> <p>19 story.</p> <p>20 The Tuckahoe was so integral to Douglass</p> <p>21 and his story, and we want to help tell that</p>
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<p>1 about that, that they must work with the county</p> <p>2 with any ideas or fundraising that they do.</p> <p>3 So certainly it's not an arm of the county</p> <p>4 but would work closely with the land owner, who</p> <p>5 happens to be Talbot County.</p> <p>6 So you're absolutely right. It's not an</p> <p>7 unusual project.</p> <p>8 MR. CALLAHAN: Good?</p> <p>9 MR. DIVILIO: I was encouraged when we had</p> <p>10 the recent joint meeting with the different</p> <p>11 municipalities. And Queen Anne was there. And</p> <p>12 the one thing that they asked for was an</p> <p>13 improved walking trail to get to it.</p> <p>14 So when the neighbors are excited for it,</p> <p>15 then it seems like it's a good quick win. So I</p> <p>16 was excited for that.</p> <p>17 MR. CALLAHAN: Yeah.</p> <p>18 MR. PACK: If I may, did you want to just</p> <p>19 explain phase one that's going to be going</p> <p>20 underway now?</p> <p>21 MR. PEPPER: So phase one included some</p>	<p>1 story so that people can enjoy the natural</p> <p>2 resources that are there and appreciate the</p> <p>3 environment into which Douglass emerged to</p> <p>4 become an international hero.</p> <p>5 MR. PACK: And Preston, while phase one is</p> <p>6 underway, we're still allowing public to come</p> <p>7 and enjoy the park.</p> <p>8 For anyone in the public that has not had</p> <p>9 a chance to go out there, I would say to you</p> <p>10 please do so. It is a gorgeous location. The</p> <p>11 overlooks, the river beyond the tree line, just</p> <p>12 a nice serene place to go and kind of refresh</p> <p>13 yourself.</p> <p>14 I was out there as recently as last</p> <p>15 November for Thanksgiving. We all remember it</p> <p>16 was about 70 degrees last November. And my</p> <p>17 wife and I and another couple that came down,</p> <p>18 it was a very small group, we drove out there</p> <p>19 and spent the day outdoors while the turkey was</p> <p>20 still cooking.</p> <p>21 So I would say to anyone if you haven't</p>

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1 gone out there, please go out there and enjoy
 2 yourself. It's a wonderful location.
 3 MR. CALLAHAN: Thank you, Mr. Pack.
 4 Cassandra and Preston, really appreciate
 5 your phenomenal work. You worked hard, and the
 6 community and the Council really appreciate it.
 7 MS. VANHOOSER: And thank you to our
 8 committee as well. Corey was on the committee,
 9 Clay was on the committee, Andy Hollis, and
 10 many others, including family members.
 11 So this has been a...
 12 MR. PACK: I'm sorry. Harriet is back
 13 there.
 14 MS. VANHOOSER: I didn't know she was back
 15 there. Including Ms. Harriet Lowery and Eric.
 16 Eric before her served.
 17 And so that is one of the great things I
 18 think that the County Council did was appoint a
 19 committee to steer this project. So many hands
 20 make light work.
 21 MR. CALLAHAN: That's good.

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1 Ms. Harriet, would you like to come up?
 2 You sure? Okay. Okay. No problem.
 3 The other thing I wanted to do is
 4 everybody look at this beautiful frames and
 5 pictures that you've done.
 6 MS. VANHOOSER: Thank you.
 7 MR. CALLAHAN: So we really appreciate
 8 that. Looks good in here. So we can't thank
 9 you enough for taking care of that, too.
 10 MS. VANHOOSER: So those are from our
 11 tourism collection.
 12 MR. CALLAHAN: Yeah.
 13 MS. VANHOOSER: And we wanted to pick some
 14 of the most beautiful scenes in Talbot County
 15 so everyone could enjoy them.
 16 MR. CALLAHAN: That's great. That's
 17 great.
 18 MR. PACK: They look wonderful. They
 19 really do.
 20 MR. LESHHER: So Mr. President, we've
 21 introduced this. Would a motion to adopt this

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1 be in order?
 2 MR. CALLAHAN: Yes.
 3 MR. LESHHER: I will move adoption of the
 4 administrative resolution.
 5 MR. DIVILIO: Second.
 6 MR. CALLAHAN: Madam Secretary, could you
 7 call the roll, please.
 8 SECRETARY: Mr. Callahan.
 9 MR. CALLAHAN: Aye.
 10 SECRETARY: Mr. Divilio.
 11 MR. DIVILIO: Aye.
 12 SECRETARY: Mr. Leshher.
 13 MR. LESHHER: Aye.
 14 SECRETARY: Ms. Price.
 15 MS. PRICE: Aye.
 16 SECRETARY: Mr. Pack.
 17 MR. PACK: Aye.
 18 MR. PEPER: Thank you.
 19 MS. VANHOOSER: Thank you very much.
 20 MR. CALLAHAN: Thank you, guys.
 21 Appreciate it. Okay.

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1 Next on the agenda is the continuation of
 2 the public hearing on Resolution 304 and 306.
 3 So Madam Secretary, could you go ahead and
 4 start on the first one, 304 please.
 5 SECRETARY: Resolution Number 304, a
 6 resolution to amend the Talbot County
 7 comprehensive water and sewer plan to revise
 8 chapter three, amendment procedures.
 9 MR. CALLAHAN: Okay.
 10 MR. CLARKE: Mr. Callahan, just to let you
 11 know --
 12 MR. CALLAHAN: Mr. Clarke, how you doing?
 13 MR. CLARKE: Good, good.
 14 MR. CALLAHAN: Good. It probably would
 15 help if you get up here.
 16 MR. CLARKE: That's fine.
 17 MR. CALLAHAN: If you don't mind.
 18 MR. CLARKE: Nope.
 19 MR. CALLAHAN: Sorry about that. There
 20 you go. They like to see you on TV.
 21 MR. CLARKE: No problem.

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1 At the September 15th meeting of the
 2 Public Works Advisory Board, the Public Works
 3 Advisory Board discussed I guess moving their
 4 meeting from the third or fourth Wednesday of
 5 the month in an effort so they can take action
 6 on a comp water and sewer plan resolution prior
 7 to the Planning Commission. The Public Works
 8 Advisory Board then basically put forth a
 9 motion recommending that the County Council
 10 adopt Resolution 304, and that motion passed
 11 five to zero.
 12 At the October 6th Planning Commission
 13 meeting, the Planning Commission voted five to
 14 zero on a motion finding Resolution 304
 15 consistent with the Comp Plan.
 16 MR. CALLAHAN: Okay. Sounds great,
 17 Mr. Clarke. Okay then.
 18 So at this time, I'm going to go ahead and
 19 open the public hearing on 304. If you wish to
 20 comment, please provide your name and your
 21 address. We'll give you three minutes if

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1 you're willing to speak about 304. And if
 2 you're representing an organization, I'll let
 3 you have five minutes. Okay.
 4 So let's start over here to my left, your
 5 right. So the first row? Would you like to
 6 speak on 304?
 7 MR. YOWELL: Yes.
 8 MR. CALLAHAN: Resolution 304. Okay.
 9 MR. YOWELL: My name is Calvin Yowell.
 10 I'm affiliated with Isaac Walton League
 11 Midshore Chapter. We have property in Trappe
 12 on Money Make Road.
 13 And we are --
 14 MR. CALLAHAN: Yeah, yeah. So sir, you
 15 might be thinking about 308. This is
 16 Resolution 304.
 17 MR. YOWELL: 304 is to rescind --
 18 MS. PRICE: No.
 19 MR. CALLAHAN: No.
 20 MR. YOWELL: Excuse me.
 21 MR. CALLAHAN: That's no problem.

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1 MR. YOWELL: Give me paper then.
 2 (Inaudible) number.
 3 MR. CALLAHAN: Okay.
 4 MR. YOWELL: I am prepared to talk about
 5 281.
 6 MS. PRICE: That's not on our agenda quite
 7 yet.
 8 MR. CALLAHAN: It's not quite here yet.
 9 Just a few more --
 10 MR. YOWELL: Tonight?
 11 MR. CALLAHAN: Yes, sir, yes, sir.
 12 MR. YOWELL: Excuse me.
 13 MR. CALLAHAN: No problem, no problem.
 14 We'll have you back up here. Okay.
 15 So anybody in the next row on 304? Okay.
 16 The next row? Anybody on this side about 304?
 17 Okay.
 18 On this side, anybody wanting to come up
 19 about 304? Okay.
 20 At this time, Madam Secretary, we're going
 21 to close the public hearing on this, on 304.

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1 The Council will -- is there a motion and
 2 a second being the Resolution 304 to vote?
 3 MR. LESHER: I'll so move.
 4 MR. DIVILIO: And I'll second.
 5 MR. CALLAHAN: We got a motion and a
 6 second. Madam Secretary, could you call the
 7 roll, please.
 8 SECRETARY: Mr. Callahan.
 9 MR. CALLAHAN: Aye.
 10 SECRETARY: Mr. Divilio.
 11 MR. DIVILIO: Aye.
 12 SECRETARY: Mr. Leshner.
 13 MR. LESHER: Aye.
 14 SECRETARY: Ms. Price.
 15 MS. PRICE: Aye.
 16 SECRETARY: Mr. Pack.
 17 MR. PACK: Aye.
 18 MR. CALLAHAN: Okay. All right. So now
 19 we're ready for Resolution 306. Mr. Clarke,
 20 could you come up and explain that, please.
 21 MR. CLARKE: Sure thing.

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<p>1 MR. CALLAHAN: That would be great.</p> <p>2 MR. LESHHER: You need to read it.</p> <p>3 MR. CALLAHAN: Oh, I'm sorry. Madam</p> <p>4 Secretary, could you read the title, please.</p> <p>5 SECRETARY: Resolution Number 306, a</p> <p>6 resolution to amend the Talbot County</p> <p>7 comprehensive water and sewer plan to</p> <p>8 reclassify and remap certain real properties</p> <p>9 located at 1004 South Talbot Street, Maryland</p> <p>10 Route 33, St. Michaels, Maryland 21663 and</p> <p>11 shown on tax map 32 as parcel 148. And located</p> <p>12 at 1006 South Talbot Street, Maryland Route 33,</p> <p>13 St. Michaels, Maryland 21663 and shown on tax</p> <p>14 map 32 as parcel 75. From S-3, future planned</p> <p>15 area for sewer service, a period six to ten</p> <p>16 years, to S-1, immediate priority status.</p> <p>17 MR. CALLAHAN: Thank you, Madam Secretary.</p> <p>18 Mr. Clarke.</p> <p>19 MR. CLARKE: Mr. Callahan, the Public</p> <p>20 Works Advisory Board at their September 5th</p> <p>21 meeting ultimately put forth a motion</p>	<p>1 Does she?</p> <p>2 MR. STAMP: No.</p> <p>3 MR. CALLAHAN: Okay. So we'll go ahead</p> <p>4 and close that public hearing on that. And is</p> <p>5 there a motion and a second it on Resolution</p> <p>6 306 for a vote?</p> <p>7 MR. LESHHER: I'll move for adoption of</p> <p>8 Resolution 306.</p> <p>9 MS. PRICE: Second.</p> <p>10 MR. CALLAHAN: Okay. We got a motion and</p> <p>11 a second. Madam Secretary, could you call the</p> <p>12 vote, please.</p> <p>13 SECRETARY: Mr. Callahan.</p> <p>14 MR. CALLAHAN: Aye.</p> <p>15 SECRETARY: Mr. Divilio.</p> <p>16 MR. DIVILIO: Aye.</p> <p>17 SECRETARY: Mr. Leshher.</p> <p>18 MR. LESHHER: Aye.</p> <p>19 SECRETARY: Ms. Price.</p> <p>20 MS. PRICE: Aye.</p> <p>21 SECRETARY: Mr. Pack.</p>
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<p>1 recommending that the County Council adopt</p> <p>2 Resolution 306. That motion passed via a five</p> <p>3 to zero vote.</p> <p>4 On the October 6th at Planning Commission</p> <p>5 meeting, the Planning Commission put forth a</p> <p>6 motion finding that Resolution 306 was</p> <p>7 consistent with the Comp Plan. And that vote</p> <p>8 passed five to zero as well.</p> <p>9 MR. PACK: Okay. Thank you, Mr. Clarke.</p> <p>10 Okay. At this time, we'll go ahead and</p> <p>11 open the public hearing on 306. And if you</p> <p>12 want to come forward, I'll allow you three</p> <p>13 minutes for an individual. Your name and your</p> <p>14 address. And if you're representing an</p> <p>15 organization, you can speak for five minutes.</p> <p>16 So at this time, does nobody over here on</p> <p>17 my left here want to come up and talk about</p> <p>18 306? 306?</p> <p>19 Anybody here on my right want to come up</p> <p>20 and talk about 306?</p> <p>21 I think the Madam wants to talk about it.</p>	<p>1 MR. PACK: Aye.</p> <p>2 MR. CALLAHAN: Okay. That's good. All</p> <p>3 right.</p> <p>4 Now, Madam Secretary, we're still having</p> <p>5 the public hearing. And this will be on 308.</p> <p>6 Okay. So Madam Secretary, could you please</p> <p>7 read the title in the record, please.</p> <p>8 SECRETARY: Resolution Number 308, a</p> <p>9 resolution to rescind adoption of Resolution</p> <p>10 Number 281, a resolution to amend the Talbot</p> <p>11 County comprehensive water and sewer plan, the</p> <p>12 plan, to reclassify and remap portions of</p> <p>13 certain real property in the Town of Trappe,</p> <p>14 Maryland, associated with the Lakeside planned</p> <p>15 unit development, the Lakeside project.</p> <p>16 Formerly known as Trappe East. Further</p> <p>17 described as tax map 54, parcel 304, tax map</p> <p>18 55, parcels 14, 15, 17, 19, 44, 65, 83, and 85,</p> <p>19 and tax map 59, parcel four. The total area</p> <p>20 consisting of 865 acres, more or less, the</p> <p>21 property. From S-2 and W-2, areas where</p>

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<p>1 improvements or extensions to existing or</p> <p>2 construction of new community multi-use or</p> <p>3 shared sanitary facilities are programmed for</p> <p>4 progress within three to five years, to S-1 and</p> <p>5 W-1, areas served or to be served by community,</p> <p>6 multi-use, or shared sanitary facilities which</p> <p>7 are existing, under construction, or have</p> <p>8 immediate priority status, to amend the plan to</p> <p>9 add certain water and sewer capital projects</p> <p>10 related to the Lakeside project and existing</p> <p>11 systems for the fiscal years 2020 through 2030.</p> <p>12 And to amend the plan to update the narrative</p> <p>13 description in the plan relative to the</p> <p>14 Lakeside project and existing systems, as</p> <p>15 amended, without prejudice.</p> <p>16 MR. CALLAHAN: Thank you, Madam Secretary.</p> <p>17 So I'm going to turn it to you,</p> <p>18 Mr. Thomas.</p> <p>19 MR. THOMAS: Yeah. So this resolution</p> <p>20 arises from Petition Number 21-01 filed by Dan</p> <p>21 Watson. Therefore, under the Council's rules</p>	<p>1 MR. CALLAHAN: Mr. Watson, I'm going to be</p> <p>2 very, very lenient on the time. So I give</p> <p>3 everybody five minutes representing somebody.</p> <p>4 So I want you to have enough time to explain</p> <p>5 what you're doing and everything, but I want</p> <p>6 you to be cognizant of the time you're</p> <p>7 spending, please.</p> <p>8 SECRETARY: Do you want me to put your</p> <p>9 presentation on the screen?</p> <p>10 MR. WATSON: Would you put up slide one</p> <p>11 for me?</p> <p>12 If you would -- does that not work over at</p> <p>13 the desk as well?</p> <p>14 SECRETARY: I don't know.</p> <p>15 MR. STAMP: It should.</p> <p>16 SECRETARY: It should.</p> <p>17 MR. CALLAHAN: Mr. Watson, before you get</p> <p>18 ready to get started. Mr. Watson, when you get</p> <p>19 started, can you kind of indicate how long</p> <p>20 you're going to take?</p> <p>21 MR. WATSON: Yes. In my remarks, I will</p>
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<p>1 of procedure, Mr. Watson shall now have the</p> <p>2 opportunity to state his case by presenting</p> <p>3 witnesses, exhibits, and other evidence that he</p> <p>4 wishes to present.</p> <p>5 MR. CALLAHAN: Okay. That sounds great.</p> <p>6 MR. WATSON: Excuse me. We'll take a</p> <p>7 moment to get set up.</p> <p>8 MR. CALLAHAN: Yup.</p> <p>9 MR. WATSON: Ms. Moran, is that for</p> <p>10 witnesses? Is the microphone for witnesses?</p> <p>11 SECRETARY: Yes. You can just use that,</p> <p>12 unless there's going to be three people or just</p> <p>13 two people total?</p> <p>14 MR. WATSON: It will be three total.</p> <p>15 SECRETARY: Three total.</p> <p>16 MR. WATSON: Actually we can probably just</p> <p>17 use two mikes.</p> <p>18 MS. OTTE: Yeah.</p> <p>19 MR. WATSON: Actually we'll be three here,</p> <p>20 but only two microphones.</p> <p>21 MS. OTTE: If I need to speak (inaudible).</p>	<p>1 be dealing with that upfront. We have quite a</p> <p>2 bit to say.</p> <p>3 MR. CALLAHAN: So is there a time with</p> <p>4 that?</p> <p>5 MR. WATSON: Good evening. My name is Dan</p> <p>6 Watson. And for 24 years, I've lived at 8404</p> <p>7 Aveley Manor Lane in Easton, which is very far</p> <p>8 from Trappe.</p> <p>9 Behind me you should see a legion of 349</p> <p>10 other citizens, more really, for whom I am</p> <p>11 speaking also. And more seem to be coming</p> <p>12 every day. This is not a sole individual</p> <p>13 advocating this position.</p> <p>14 I'm here tonight because on May 7th, I</p> <p>15 filed a petition designated 21-01 asking that</p> <p>16 Resolution 281 be rescinded without prejudice.</p> <p>17 And you finally recognized my right to state my</p> <p>18 case.</p> <p>19 I own no property in Talbot County other</p> <p>20 than my home, and I have no ox to getting</p> <p>21 (inaudible) by Lakeside.</p>

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1 I have a minor disability called benign
 2 essential tremor. And when I'm really focused
 3 and intent on something, it happens that my
 4 right hand will inadvertently tremble. So if
 5 you see that happening tonight, I'm not losing
 6 it. I'm just concentrating intently on what
 7 I'm doing.
 8 Bear with me one moment, please. Okay.
 9 As some know, I'm a retired developer,
 10 having started in real estate finance out of
 11 the Wharton Graduate School the year before
 12 Donald Trump. But in my career, I was much
 13 more frequently a troubleshooter engaged by
 14 institutions with real estate headings.
 15 For example, by the State of Maryland as a
 16 conservator of the State's second largest
 17 savings and loan that collapsed back in 1985.
 18 It was in that 45-year career that I
 19 learned lawyer speak, I learned how deals work,
 20 and I learned why it's important to follow the
 21 little red bouncing ball.

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1 Mr. Thomas sent me an e-mail about
 2 11 o'clock on Friday morning inviting me to
 3 speak tonight under Article 13 of the county's
 4 rules of procedure, which expressly provides
 5 that I have the right, which since May 11th has
 6 been denied to me, to state my case, providing
 7 witnesses, exhibits, and other evidence.
 8 I'm speaking for myself tonight and also
 9 for 349 other Talbot citizens who were on the
 10 petition roster three weeks ago. As Ms. Moran
 11 could tell you, there's more than that on the
 12 petition roster today.
 13 I have that roster right here, if anybody
 14 needs to see the names of the 349 citizens and
 15 voters.
 16 I know if these 349 citizens took their
 17 allotted three minutes, the public comment,
 18 that would be 17 hours and three quarters.
 19 Under Article 13 of the rules, there is no
 20 limitation on my time to present a wealth of
 21 important new information, but I assure you I

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1 won't be anywhere near that long. We have a
 2 lot to say.
 3 The 349 petitioners, by the way, are
 4 constituents of yours. They're not from
 5 Trappe, not from Trappe alone, but from all
 6 over Talbot County who have written formally to
 7 the county to join in petitioning the Council
 8 for the rescission of 281.
 9 I know that they were writing not only in
 10 disgust about the pictures of the little
 11 tributary feeding into La Trappe Creek, but
 12 also because of the picture we all see from the
 13 history of the Lakeside approval process. Many
 14 voters see Talbot County's development controls
 15 and land use review procedures as much as a
 16 cesspool as that little creek.
 17 The first amendment to the US Constitution
 18 speaks of the people's right to petition the
 19 government for redress of grievances. And
 20 that's what 349 of us are doing here tonight.
 21 This is how our powerful rights established 250

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1 years ago are made manifest down here in Talbot
 2 County today.
 3 Tonight is pretty unusual. And though
 4 witnesses are going to be called and questions
 5 asked, this is not a court proceeding. And the
 6 normal rules involved in a trial or a court
 7 hearing don't pertain.
 8 Evidence rules like hearsay do not
 9 pertain. And for example, I can read
 10 information into the record giving testimony
 11 and asking both. There will be no cross
 12 examination. Mr. Callahan is not a judge, nor
 13 is Mr. Thomas the judge.
 14 And while I do have counsel with me, it is
 15 not a lawyer doing the speaking. It's me.
 16 I'd like to introduce Monica Otte to my
 17 right. She is a co-petitioner of the 349.
 18 Lives in Rio Vista, far from Trappe, is
 19 concerned about the integrity of our processes.
 20 She is actually a lawyer, but suffered the
 21 indignity of having to help me with paperwork,

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1 which has been --

2 MS. OTTE: And just to be clear, Dan. I

3 am retired attorney. I am not appearing as

4 your counsel, when you say counsel. I just

5 want to make that clear.

6 But in the interest of what you said,

7 Mr. Callahan, one of the things I'm going to

8 try to do is facilitate flow of all these

9 papers.

10 MR. CALLAHAN: Appreciate. Thank you. I

11 appreciate that.

12 MS. OTTE: Certainly.

13 MR. WATSON: -- flying off the end here.

14 MS. OTTE: Okay. And make sure they don't

15 fall off.

16 MR. WATSON: As to these papers, in fact,

17 I would ask that the record be left open in

18 this matter for at least 72 hours because I'll

19 be making references to the documents here.

20 And in case they didn't get formally labeled as

21 exhibits, I would like the record to be full.

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1 So we would only be putting in subsequently as

2 documents in the record matters that are

3 referred to here, if that's satisfactory with

4 the Council. Makes sense. Okay.

5 None of the proceedings -- let me make

6 sure -- none of the proceedings on Resolution

7 281, such as presentations to the Planning

8 Commission, have ever been under oath. And

9 that's unfortunate. But tonight I do hereby

10 swear that everything I say here is true to the

11 best of my knowledge and belief.

12 The information I've gathered about

13 Lakeside began as I watched many of the

14 Planning Commission hearings on 281 last year.

15 And that was when I first became weary that the

16 Commission might be getting led astray. Way

17 too many questions were not answered fully or

18 answers were ambiguous or people were left to

19 draw inferences that were very seldom

20 challenged by county staff or anyone in

21 authority.

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1 Worse, no one seemed really to know much

2 about the history of the project, and what was

3 conveyed seemed to be a little off. Only

4 citizens and citizens groups seemed to

5 challenge anything the developer or the Town of

6 Trappe said, frequently in three-minute bites.

7 No one is under oath in any of these

8 meetings, which leads to a lot of lose phrasing

9 and truths that are only partial truths. And

10 so many questions just are not asked. And so

11 they're not answered.

12 To me, it seems problems are primarily

13 matters of omission. Little was asked and it

14 seemed any old answer was accepted no matter

15 how curious or rambling.

16 What I just said is my opinion. And so is

17 this next statement my opinion. I think staff

18 took their lead from what everyone in the

19 county also knows, that for some reason, this

20 is a pet project the majority of the County

21 Council really wants. Whatever.

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1 What I saw was the key people were in

2 effect apologists or supporters of applicant's

3 efforts, not disinterested overseers working

4 for the citizenry to ensure that all the tough

5 questions were asked and demanding evidence to

6 back up (inaudible). The Lakeside developer

7 received from Talbot County the very best of

8 what some call customer service and ours would

9 call greased skids.

10 I want everyone to know that I do not know

11 the developer of Lakeside, Mr. Nicholas Rocks

12 from Vienna, Virginia. And he's doing business

13 here as Trappe East Business Holdings Trust.

14 I've never met him. In fact, in the 20 years

15 this project has been in the works, I'm not

16 aware of anyone who has ever seen him at a

17 public meeting.

18 I also have never met an official from the

19 Town of Trappe. They seem only to send their

20 lawyer.

21 Resolution 281 was evaluated by the

<p style="text-align: right;">Page 58</p> <p>1 Planning Commission and adopted by the county 2 based on an evaluation of a draft discharge 3 permit that was tentatively determined for 4 approval by MDE to spray treated sewage, 5 treated sewage, and discharge into groundwater. 6 When I learned in the spring that the 7 final permit had come out with what Shore 8 Rivers identified as relaxed environmental 9 controls, which means cheaper for the 10 developer, and Judge Kehoe had remanded that 11 permit back to MDE, that caught my attention. 12 It was the straw that broke this camel's back. 13 That is when I started looking closely at 14 everything I could find out about the Lakeside 15 project, especially its wastewater system that 16 is the key to everything. 17 The Council's authority to rescind a past 18 action is unconstrained, but I am going to 19 focus exclusively on new information in the 20 first section of my remarks concerning 21 wastewater. That is information that was</p>	<p style="text-align: right;">Page 60</p> <p>1 since 1953 when a major oil company was going 2 to build an oil refinery in Wittman, which a 3 predecessor County Council had the good sense 4 to reject. 5 I trust you will be patient with what 6 needs to be told, because it's going to take a 7 while. 8 Regarding time, I would ask the Council, I 9 would the Council this quite seriously. And 10 I'm serious about this. That if and when the 11 Council realizes that it has seen and heard all 12 it needs to see and hear in order to move 13 forward with a rescission of 281, for example, at 14 the conclusion of my first section concerning 15 the existing Trappe plant, please let me know 16 and I'll stop talking. This isn't all that 17 much fun for any of us. 18 The citizens have listened to every one of 19 you on the Council say how deeply committed you 20 are to just getting this right, we just need to 21 be sure we get this right. So let's go through</p>
<p style="text-align: right;">Page 59</p> <p>1 unknown to the Council or to the public back in 2 August of 2020 when you all adopted Resolution 3 281. 4 In the latter section of my presentation 5 tonight dealing with legal issues, I will bring 6 to your attention facts that actually go way 7 back. But these are facts that are not 8 revealed and were unknown to the Council or to 9 the public, including historical information 10 forgotten or overlooked but of great interest 11 and of fundamental importance to Talbot County. 12 Tonight the public is going to hear many 13 new terms and acronyms, the meaning of which 14 are not necessarily obvious. I believe that 15 the meaning is understood by the County Council 16 and the players in the room and the people 17 involved in Lakeside. I'm sorry that there's 18 not time for explanation of every term. 19 And given that this project will have by 20 far the greatest impact of any project to come 21 before Talbot County in two generations, ever</p>	<p style="text-align: right;">Page 61</p> <p>1 the information methodically so that you can 2 show that these are not just empty words. 3 I believe new information will lead you to 4 decide to rescind 281 without prejudice because 5 that's what's necessary to buy the time that 6 Talbot County needs to get it right. 7 This deals with the power to rescind. 8 What our petition, the 349 citizens who are 9 standing right there behind me, you see them, 10 what our petition and Mr. Leshner's resolution 11 seeks to accomplish is the rescission without 12 prejudice of 281. 13 That was the legislation, 281, to amend 14 the Talbot County comprehensive water and sewer 15 plan so that Lakeside could proceed. 16 People need to grasp that because Lakeside 17 was annexed years ago into the little Town of 18 Trappe, Resolution 281 is the one, the only, 19 and the last place of influence Talbot County 20 is likely ever to have on Lakeside. If you do 21 not rescind 281, Lakeside will become whatever</p>

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<p>1 Mr. Rocks, the developer, and the Town of 2 Trappe he influences so greatly decide it will 3 become. 4 As an example, for 20 years we've been 5 hearing that Lakeside, through all kinds of 6 market changes, for 20 years we've been hearing 7 that Lakeside will be exactly 2,501 homes. And 8 that number has not changed at all no matter 9 what. 10 But to make up an example. Once 11 Resolution 281 is done, the developer could 12 suddenly find there's a market for anything, 13 say big box stores. And the Town might just 14 change its zoning permit. And if so, there you 15 are. Absent rescission, Talbot County, and 16 everyone needs to understand, absent 17 rescission, Talbot County would have nothing to 18 say about it. People just need to grasp that. 19 The rescission is without prejudice. What 20 does that mean? This is an important point to 21 understand. Rescission does not stop Lakeside.</p>	<p>1 MR. WATSON: I had asked that we have a 2 second table and second chair and a setup like 3 this is what I had expected, but I think this 4 is what we have. I know what. 5 SECRETARY: I can give you another 6 microphone. 7 MS. OTTE: So he can be seen (inaudible). 8 MR. WATSON: Maybe he can fit right on 9 here. 10 MR. McCONNELL: Thank you. 11 SECRETARY: Okay. 12 MR. WATSON: Pardon us, ladies and 13 gentlemen. 14 SECRETARY: Just speak directly into it. 15 MR. McCONNELL: Okay. 16 MR. WATSON: Mr. McConnell, please 17 introduce yourself. 18 MR. McCONNELL: My name is what you said. 19 I live in Royal Oak. I've been a resident of 20 Easton for 24 years. Retired partner of a law 21 firm in Philadelphia.</p>
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<p>1 It does not kill it. Rather, it means that the 2 approval process is on pause. It's put on hold 3 so that all the critical questions you'll hear 4 about tonight can be answered in the proper 5 manner by the county. 6 And then once the county and its citizens 7 really know what's going on, the developer can 8 come back in and Lakeside can proceed, built on 9 a solid framework that works for the citizens 10 of Talbot County, for our Comp Plan, and not 11 just for the developer and the Town of Trappe. 12 I'd like to read our Comprehensive Plan. 13 Actually I think I'll get to that later. 14 I'd like to call a first witness as is our 15 right. Would Mr. Mike McConnell come forward? 16 Not too fast, too slow. I'm going -- 17 Mr. McConnell, I'm sorry. 18 MR. McCONNELL: Here? 19 MR. WATSON: Ms. Moran, is the intention 20 that witnesses sit here? 21 SECRETARY: Yes.</p>	<p>1 And what else would you like to know? 2 MR. WATSON: I think that's sufficient. 3 Is it correct that you and two friends got 4 a legal opinion from Gallagher, Evelius & Jones 5 in Baltimore? 6 MR. McCONNELL: We did. 7 MR. WATSON: And why did you and your 8 colleagues get that opinion? 9 MR. McCONNELL: We were concerned by the 10 publicity that was being given to Lakeside that 11 seemed to indicate that there were wastewater 12 issues not addressed by the plant in the 13 wastewater plant in Trappe. And we wanted to 14 know whether or not the Council had the 15 latitude to take these developments into 16 account and potentially reconsider or rescind 17 its earlier approval of the Lakeside Resolution 18 281. 19 My compatriot here, John Briggs, still is 20 practicing, but he's not an attorney licensed 21 in Maryland. I'm retired and never practiced</p>

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<p>1 in Maryland. And JT Smith, who was a partner</p> <p>2 of a law firm in Washington, D.C., is not</p> <p>3 active in Maryland.</p> <p>4 So the three of us hired a firm in</p> <p>5 Baltimore to answer some basic questions. And</p> <p>6 they issued a letter that was dated</p> <p>7 September 28th, copies of which have been</p> <p>8 circulated and speak for themselves.</p> <p>9 MR. WATSON: Right. And so you were</p> <p>10 concerned to clarify whether or not the County</p> <p>11 Council, if I understand you correctly, is</p> <p>12 empowered to rescind Resolution 281.</p> <p>13 And what did the legal opinion at</p> <p>14 Gallagher, Evelius & Jones conclude? Can you</p> <p>15 read the first and third conclusions on that</p> <p>16 last page of that letter you have?</p> <p>17 Are people able to hear adequately?</p> <p>18 SPEAKER: Yes, sir.</p> <p>19 SPEAKER: Barely.</p> <p>20 MS. PRICE: His microphone needs to be</p> <p>21 closer to his mouth, please. Thank you.</p>	<p>1 MR. WATSON: It seemed to use the word</p> <p>2 unquestionably a number of times and pretty</p> <p>3 forceful from my reading.</p> <p>4 Did you get any response from Talbot</p> <p>5 County, to whom you distributed it, or</p> <p>6 disagreeing with that opinion? Any pushback?</p> <p>7 MR. McCONNELL: No.</p> <p>8 MR. WATSON: Did you hear from anybody</p> <p>9 else in Talbot County, which has a large legal</p> <p>10 community, pushing back in any way suggesting</p> <p>11 this is not correct?</p> <p>12 MR. McCONNELL: No.</p> <p>13 MR. WATSON: Last Thursday, to the</p> <p>14 considerable surprise of many in the community,</p> <p>15 the Talbot County Planning Commission found</p> <p>16 that Resolution 281 remains consistent with the</p> <p>17 Comprehensive Plan. That decision was by a</p> <p>18 narrow three to two margin.</p> <p>19 Does the opinion from Gallagher, Evelius &</p> <p>20 Jones say or suggest that if the county</p> <p>21 Planning Commission has found it's consistent,</p>
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<p>1 MR. McCONNELL: The letter concluded that</p> <p>2 the County Council is authorized to rescind</p> <p>3 Resolution 281 and would do so by enacting</p> <p>4 Resolution 308.</p> <p>5 Second conclusion was the Planning</p> <p>6 Commission has the authority to reverse or</p> <p>7 rescind its certification of Resolution 281.</p> <p>8 MR. WATSON: Have you had occasion to read</p> <p>9 and review a lot of other legal opinions from</p> <p>10 major firms in your career?</p> <p>11 MR. McCONNELL: Not recently.</p> <p>12 MR. WATSON: But in your earlier career?</p> <p>13 MR. McCONNELL: Yes, sir.</p> <p>14 MR. WATSON: Okay. And how does this one</p> <p>15 stack up? Was there a lot of iffiness in it?</p> <p>16 MR. McCONNELL: No. It seems to be fairly</p> <p>17 unambiguous. It's footnoted with references to</p> <p>18 the Maryland Supreme Court Court of Appeals.</p> <p>19 And on its face, although I have looked at the</p> <p>20 citations that the letter refers to, but I</p> <p>21 think on its face, there's little equivocation.</p>	<p>1 that means that the County Council has to</p> <p>2 follow suit and also find it consistent or is</p> <p>3 the county free to have a different view?</p> <p>4 MR. McCONNELL: The county is free to have</p> <p>5 a different view. The letter addresses the</p> <p>6 possibility that the Planning Commission</p> <p>7 certification would not be rescinded and states</p> <p>8 that rescission by the Planning Commission is</p> <p>9 not necessary because, and I quote, for the</p> <p>10 county to rescind 281 is a Council power in</p> <p>11 this regard is unconditional.</p> <p>12 I'd just like to explain something here</p> <p>13 quickly. There's also a Maryland Court of</p> <p>14 Appeals --</p> <p>15 MR. DIVILIO: Excuse me. I'm sorry. You</p> <p>16 really need to speak into the microphone.</p> <p>17 MR. McCONNELL: There's also a Maryland</p> <p>18 Court of Appeals decision that speaks to the</p> <p>19 Planning Commission's authority to reconsider</p> <p>20 and rescind earlier determinations. And it</p> <p>21 lays out a series of standards that are</p>

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1 available to the Planning Commission, any
 2 Planning Commission in Maryland, to do that.
 3 And then it ends, this is not in the
 4 letter, but the court reference discussion ends
 5 with the sentence what is not permitted is
 6 simply to have a change of mind, referring now
 7 to the Planning Commission's potential decision
 8 to reconsider and rescind its certification.
 9 That type of approach does not apply,
 10 according to this letter, to the Council. The
 11 Council has unconditional authority to change
 12 its mind if it wants to without referring to
 13 any justification necessarily.
 14 I'm not saying that that's appropriate,
 15 but I am saying their authority to do is quite
 16 different than the Planning Commission's.
 17 MR. WATSON: Mr. McConnell, thank you very
 18 much. I think that's clear that the County
 19 Council actually has the unbound authority to
 20 rescind.
 21 But fortunately, this evening the County

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1 Council will be hearing an enormous pile of new
 2 information, not only on environmental and
 3 public health matters, but on other issues as
 4 well. So thank you. You're excused.
 5 So this County Council represents about
 6 15,000 families throughout Talbot County. You
 7 do have the absolute power and authority to
 8 rescind for any reason if you have the will to
 9 do so. You are the legislative body of Talbot
 10 County charged with land use decisions, not the
 11 Maryland Department of Environment.
 12 The fact that MDE approved your action
 13 does not diminish your power. It is your
 14 action. You are the legislative body here.
 15 Slide three, please.
 16 I now want to talk about La Trappe Creek,
 17 the existing Trappe plant, and so forth.
 18 Could you back up to the prior slide,
 19 please?
 20 I should have mentioned that tonight we're
 21 going to cover a total of five reasons, five

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1 primary reasons for rescission of 281, all
 2 based on new information not known to you last
 3 August, in considerable detail.
 4 No question the one that is most
 5 prominently in the public mind as you'll see,
 6 you'll see a lot of information on has to do
 7 with the first item, which is the environmental
 8 issues and the problems created by connecting
 9 to the existing Trappe plant.
 10 Other issues have to do primarily with
 11 legal problems in Resolution 281 that I'm sure
 12 you were unaware of.
 13 So please then proceed. We're going to
 14 move on to talking about the Trappe.
 15 The first, the biggest, and the most
 16 obvious problem with Lakeside is that
 17 Resolution 281 provides that a lot of houses
 18 built in Lakeside can connect to the existing
 19 Trappe plant, even though, as you will hear,
 20 serious problems with the plant and its
 21 discharge exist right now. Council, you'll

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1 hear a lot of new information shortly that was
 2 never revealed to you in the past.
 3 First, I would like to call a
 4 representative as my second witness, a
 5 representative of the Town of Trappe. I
 6 presume that's Ms. Ryan or is there a
 7 representative of the Town of Trappe here?
 8 MR. DIVILIO: Did you ask one?
 9 MR. WATSON: I beg your pardon?
 10 MR. DIVILIO: Was there one invited?
 11 MR. WATSON: I was not -- I don't have
 12 subpoena power. And I did not reach out to
 13 specifically invite a member.
 14 So the answer is there's no one from the
 15 Town of Trappe here? I can't see behind me.
 16 MS. OTTE: Many people out in the hall.
 17 MR. WATSON: Well, if Ms. Ryan is not here
 18 or a Council person, then I would think not.
 19 Give me one second, please.
 20 MR. ANDERSON: Mr. Watson?
 21 Excuse me, Mr. President. Would you

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1 please ask Mr. Watson if he would be kind
 2 enough to read his five reasons? We cannot see
 3 his slide from this side of the room.
 4 MR. CALLAHAN: Did you hear that,
 5 Mr. Watson?
 6 MR. WATSON: Yes, I did.
 7 MR. CALLAHAN: Okay.
 8 MR. WATSON: I'd be happy.
 9 MR. CALLAHAN: Yeah. Go ahead and read
 10 that, please.
 11 MR. WATSON: And bear with me one second.
 12 I think I have access to that.
 13 SECRETARY: There they are.
 14 MR. WATSON: Okay. They're back up here.
 15 The five reasons. Reason number one has
 16 to do with Resolution 281. Connects Lakeside
 17 to the existing Trappe plant, which is
 18 inappropriate. And there are four subparts to
 19 that you'll hear about.
 20 Resolution 281 assumes that the new plant
 21 is fine. When, in fact, that is not knowable

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1 at this time.
 2 Point number three is that Resolution 281
 3 is flawed because it reclassified properties
 4 erroneously.
 5 Four, Resolution 281 misrepresented the
 6 change being made to the sewer priority
 7 classification.
 8 And point number five is that Resolution
 9 281 must be rescinded because it was
 10 predicated, its underlying foundation is based
 11 upon some gross misunderstandings, all of which
 12 have come out in a lengthy review of the
 13 history of Lakeside.
 14 Has it been determined there's no one from
 15 the town?
 16 MR. DIVILIO: You've never met anyone from
 17 the Town of Trappe. I have that in my notes as
 18 well. So looking back --
 19 MR. WATSON: An official from the Town of
 20 Trappe. I know people --
 21 MS. OTTE: I went out and asked, and

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1 Ms. Ryan was not there.
 2 MS. RYAN: I'm here, but I wasn't asked to
 3 testify.
 4 I will save my comments for the public
 5 comment portion.
 6 MR. WATSON: Ms. Ryan, I'm sorry. Let me
 7 turn around so I don't have my back to you.
 8 We have never met in a formal way. And
 9 I'm sure I would have recognized you. You are
 10 the attorney for the Town of Trappe?
 11 MS. RYAN: Yes, sir.
 12 MR. WATSON: Well, I have some questions
 13 for the Town of Trappe. So I'm calling you
 14 forward as a witness.
 15 I'm sure you have your own things to say.
 16 And speaking here as a witness to answer
 17 questions for me would not preempt your ability
 18 to make public comment.
 19 MS. RYAN: I will listen to your questions
 20 on the record and I'll hear the other public
 21 comments from everyone else. And then I will

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1 address them in my public comment.
 2 MR. WATSON: That's not suitable to myself
 3 and the 349 I represent.
 4 We need you to answer --
 5 MR. CALLAHAN: Mr. Watson, before you get
 6 started, we need to change your mike.
 7 MR. WATSON: I'm happy to do that.
 8 MR. CALLAHAN: Okay.
 9 MS. PRICE: Mr. Thomas, can you compel
 10 somebody to speak in this proceeding without
 11 their consistent?
 12 MR. THOMAS: No.
 13 MR. WATSON: I have a solution.
 14 MS. PRICE: Did you hear that, Mr. Watson?
 15 MR. WATSON: I'm sorry. I didn't.
 16 MR. CALLAHAN: Did you hear that,
 17 Mr. Watson?
 18 MS. PRICE: I asked Mr. Thomas if you can
 19 compel someone to speak who doesn't want to.
 20 You can't. So don't --
 21 MR. WATSON: I agree. Of course I can't.

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1 I never contemplated that anybody, that I had
 2 the right to compel.
 3 I did expect that the representative of
 4 Trappe being here would respond to questions.
 5 So what I'm going to do is ask the
 6 questions. And given the nonjudicial nature of
 7 that, I'm going to tell you the answers that I
 8 think are the answers that I believe on the
 9 basis of what I know are would be forthcoming.
 10 So the first question is --
 11 MR. CALLAHAN: So you're going to say the
 12 question and then you're going to answer it?
 13 MR. WATSON: Yes, I am, sir.
 14 MR. CALLAHAN: Okay. That's good.
 15 MR. WATSON: And in each instance, I'm
 16 going to explain why because the answer is in
 17 reference --
 18 MR. CALLAHAN: That's fine, that's fine.
 19 You keep going.
 20 It would have been really nice if you two
 21 would have called each other in the last couple

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1 of months, too, and talked.
 2 MR. WATSON: You're right. It would have.
 3 It would have been an interesting conversation.
 4 No point in spending time conjecturing about
 5 that.
 6 MR. CALLAHAN: Yup.
 7 MS. PRICE: So why don't you actually call
 8 witnesses who are willing to speak? And maybe
 9 you come back to this because this would just
 10 be conjecture what you think her answer would
 11 be.
 12 MR. WATSON: Because the points we need to
 13 make are in documents that are germane from the
 14 Town of Trappe that rightly the Town of Trappe
 15 should explain themselves, but I think it's
 16 pretty obvious. So I'm going to show you the
 17 documents and explain to you what they are.
 18 MR. DIVILIO: Did you ask the Town of
 19 Trappe those questions and get a response back?
 20 MR. WATSON: I did not.
 21 MR. DIVILIO: Okay.

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1 MR. WATSON: This is the venue,
 2 Mr. Divilio.
 3 So let's -- so the first question is
 4 whether or not the Town of Trappe had two --
 5 the Town of Trappe and/or the developer had two
 6 construction permits for water and sewer
 7 infrastructure back in 2007. And the answer is
 8 they did have two permits. And I don't know
 9 for certain if it was the developer or the Town
 10 of Trappe that got those permits, but I believe
 11 it was the developer. I mean it was the Town
 12 of Trappe.
 13 And I believe they were not conditioned on
 14 anything, that they were MDE construction
 15 permits.
 16 That the issuance of the permits implies
 17 the project is ready to go. And the developer
 18 represented often in the Planning Commission
 19 meetings in 2020 and before the Council that
 20 the project was ready to go, had MDE permits
 21 back in the 2008 and nine period.

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1 I also would like to bring up a letter,
 2 three letters actually. Can you give me those
 3 three letters? And this is in respect of the
 4 permits that were outstanding in 2008 and nine.
 5 There are three letters here that were --
 6 two were written by the Town of Trappe to
 7 Mr. Harrison, president of the Talbot County
 8 Council, by Robert Coswell. Enclosed -- this
 9 is February 3rd.
 10 Enclosed please find a letter we've
 11 delivered to Secretary Wilson of the Maryland
 12 Department of the Environment concerning the
 13 Town of Trappe's construction permit. As set
 14 forth in that letter, the town no longer
 15 intends to construct a separate wastewater
 16 treatment plant to serve the development.
 17 And it goes onto to describe February 3,
 18 2010, how it's going to connect the entire new
 19 Lakeside project to the existing plant.
 20 The town also sent a letter to -- got two
 21 copies of that letter -- to the Maryland

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<p>1 Department of the Environment advising them</p> <p>2 similarly that they were abandoning the</p> <p>3 construction permits they had because they were</p> <p>4 abandoning the project.</p> <p>5 And then on behalf of the secretary of</p> <p>6 MDE, the Maryland Department of the Environment</p> <p>7 sent a letter to Mr. Thomas Alspach and to</p> <p>8 Talbot County advising that MDE was dropping</p> <p>9 their investigation of the issuance of those</p> <p>10 permits. And the reason they were dropping the</p> <p>11 investigation into that was because the Town of</p> <p>12 Trappe had abandoned their permits and had</p> <p>13 decided not to build the new wastewater</p> <p>14 treatment plant, but rather to just put it all</p> <p>15 over in the other plant.</p> <p>16 MR. CALLAHAN: What year was this? 2010?</p> <p>17 MR. WATSON: 2010. What was the date?</p> <p>18 MS. OTTE: February 3 --</p> <p>19 MR. WATSON: February 3, 2010, MDE dropped</p> <p>20 its investigation into those permits.</p> <p>21 MS. PRICE: So you're saying the developer</p>	<p>1 as had Talbot Preservation Alliance. We'll</p> <p>2 hear more about that much later tonight.</p> <p>3 I will skip other questions that would</p> <p>4 have been germane.</p> <p>5 MR. CALLAHAN: I'd appreciate that.</p> <p>6 MR. WATSON: And which the Council would</p> <p>7 have found particularly interesting I believe.</p> <p>8 I will have to think about how those will get</p> <p>9 on the record.</p> <p>10 So let's, then, move on to the</p> <p>11 environmental issues and the proposal of the</p> <p>12 developer to connect to the existing wastewater</p> <p>13 treatment plant.</p> <p>14 I'd like to call up Mr. Gene Lopez,</p> <p>15 please.</p> <p>16 Let's see. Do we have a real mike now?</p> <p>17 MS. OTTE: (Inaudible.)</p> <p>18 MR. WATSON: Yeah.</p> <p>19 MS. OTTE: Why don't I just do that. That</p> <p>20 will work better.</p> <p>21 MR. WATSON: I'll move here.</p>
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<p>1 was not going to build its own individual</p> <p>2 wastewater treatment plant but to connect to</p> <p>3 the Trappe plant, that they had abandoned</p> <p>4 building their own in 2010?</p> <p>5 MR. WATSON: That's correct. That is</p> <p>6 according to the Town of Trappe, not the</p> <p>7 developer.</p> <p>8 The Town of Trappe dropped their</p> <p>9 construction permits in 2010, advising not only</p> <p>10 the MDE but also sending a letter to Talbot</p> <p>11 County advising they were dropping those</p> <p>12 permits.</p> <p>13 I would ask well, why would they have sent</p> <p>14 the letter to Talbot County? There was nothing</p> <p>15 going on at that time between Talbot County and</p> <p>16 the Town of Trappe in the way of process.</p> <p>17 There was no application for a permit revision</p> <p>18 or anything of that sort.</p> <p>19 And the answer is that Talbot County had</p> <p>20 contacted MDE requesting an investigation</p> <p>21 because of certain problems with those permits,</p>	<p>1 MR. DIVILIO: Commission on Aging meeting</p> <p>2 at 8:30 tomorrow morning. I want to make sure</p> <p>3 I make it.</p> <p>4 MR. CALLAHAN: Got you. I'll call them.</p> <p>5 MR. YOWELL: Mr. Callahan.</p> <p>6 MR. CALLAHAN: Yes, sir.</p> <p>7 MR. YOWELL: May I raise a question,</p> <p>8 please, or make a statement?</p> <p>9 MR. CALLAHAN: Yes, sir. Go ahead.</p> <p>10 MR. YOWELL: I was told I could have five</p> <p>11 minutes.</p> <p>12 He's had 25.</p> <p>13 MR. CALLAHAN: This is a whole different</p> <p>14 situation, sir.</p> <p>15 MR. YOWELL: No. It's part of it.</p> <p>16 MR. CALLAHAN: Yeah, it is. It is. And</p> <p>17 we're going to allow him enough time to get his</p> <p>18 thing.</p> <p>19 MR. YOWELL: Why do I get five and he gets</p> <p>20 25?</p> <p>21 MR. CALLAHAN: Well --</p>

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1 MR. YOWELL: -- pontificating. He hasn't
 2 produced one good bit of evidence or
 3 information.
 4 MR. CALLAHAN: Well, we're going to give
 5 him his time that we've been working on this
 6 petition stuff for the last about four months.
 7 And we're going to allow him and respect him of
 8 the position he's in. And we're going to give
 9 him enough time.
 10 And I'd appreciate if you would hold tight
 11 to you have time. And I'll give you enough
 12 time. You can have your time up here then.
 13 Okay?
 14 MR. WATSON: Is this mike working?
 15 I wish to apologize to everyone who is
 16 inconvenienced by this. It wasn't Watson who
 17 devised the sequence and putting together both
 18 and putting this matter out in this fashion.
 19 And I understand the frustration.
 20 And I apologize, but this is the only
 21 opportunity petitioners will have to put on the

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1 record and in front of the public and other
 2 authorities this wealth of information. So
 3 there really is not a choice.
 4 Mr. Lopez, can you introduce yourself,
 5 please?
 6 MR. LOPEZ: Hi, Gene Lopez from
 7 St. Michaels, Maryland. I've lived here for
 8 about 16 years.
 9 MR. WATSON: Do you have some photographs
 10 you'd like to show us?
 11 MR. LOPEZ: I do. So just to give you
 12 some context. My friends and I, we're all
 13 retired. We love living here in Talbot County.
 14 And we do a bunch of things, including
 15 kayaking.
 16 And one of the things that we do is we
 17 have kayaked in La Trappe Creek itself. And
 18 I'm going to show you some photos. And just to
 19 give you -- I don't know if you can see this
 20 very well, but --
 21 MS. OTTE: Am I blocking your view?

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1 MR. DIVILIO: No.
 2 MS. OTTE: Okay.
 3 MR. LOPEZ: So this is the Town of Trappe
 4 and its wastewater treatment plant. This is
 5 Trappe Landing down here where we launch our
 6 kayaks. And we're going to show pictures of
 7 the little feeder creek that comes out of the
 8 Trappe plant.
 9 MR. WATSON: Can you point to the arrow
 10 that shows where those photos were taken and
 11 how close that arrow, that pin where --
 12 MR. LOPEZ: Sure. So here is the landing
 13 right over here. And then La Trappe Creek
 14 runs down this way to the Choptank.
 15 The photos are taken here, and here is
 16 where the discharge pipe is. And it runs, the
 17 effluent from the discharge pipe runs down this
 18 little creek and then it feeds into La Trappe
 19 Creek.
 20 MR. WATSON: And that's less than half a
 21 mile from the landing?

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1 MR. LOPEZ: Correct.
 2 MR. WATSON: There are kids over in that
 3 water at that landing?
 4 MR. LOPEZ: Yeah. Sure. There's loads of
 5 people, including retired people, too.
 6 MR. WATSON: Would you please show the
 7 rest of the photos around? There's no
 8 particular sequence to these.
 9 MR. LOPEZ: Sure. It's sort of -- I've
 10 kayaked there multiple times. And I had no
 11 clue actually that this was where the effluent
 12 from the Trappe wastewater treatment plant was
 13 flowing. And I certainly didn't have any sense
 14 of the amount of stuff that's coming out of the
 15 pipe into the creek that is, it looks to me
 16 like it's barely processed.
 17 SPEAKER: Can we see back here?
 18 MR. LOPEZ: Sure.
 19 MR. WATSON: Let's pass these around, if
 20 you like. And then just be sure they're passed
 21 up front.

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<p>1 MR. LOPEZ: You can see it's taken from a 2 kayak sitting in the creek. There's all sorts 3 of discharge, discoloration, something brownish 4 that's floating on the water that's running 5 down.</p>	<p>1 eventually runs down and stops or then it goes 2 off.</p>
<p>6 And this eventually feeds all the way down 7 to actually a very beautiful part of La Trappe 8 Creek.</p>	<p>3 And then right outside that sand bar is a 4 oyster sanctuary.</p>
<p>9 MR. WATSON: Is there a spit of land, sand 10 at the end of La Trappe Creek as it meets the 11 Choptank that boaters and kayakers and kids, 12 people use for recreation?</p>	<p>5 MR. WATSON: Are there any working oyster 6 bars in the vicinity in that part of the 7 Choptank?</p>
<p>13 MR. LOPEZ: Sure. There's a really neat 14 beach as you take out from the landing, go all 15 the way down to La Trappe Creek to the mouth 16 where it joins up with the Choptank, there's a 17 big long spit of sand that comes out from one 18 of the properties almost halfway across the 19 mouth of La Trappe Creek there.</p>	<p>8 MR. LOPEZ: There are bars there. But 9 according to MDE, the water is restricted 10 because it is polluted with E. coli and I don't 11 know what else. But so you can't actually 12 harvest the oysters in part of it. And in 13 another part, it's restricted.</p>
<p>20 And it's enticing because it is a sandy 21 beach, and it's known in various sailing</p>	<p>14 MR. WATSON: Mr. Lopez, thank you for 15 introducing these photographs. I think 16 everyone has had an opportunity to see them.</p>
	<p>17 MR. DIVILIO: Did you take any samples 18 that day?</p>
	<p>19 MR. LOPEZ: I did not.</p>
	<p>20 This was, by the way, these photos were 21 taken on September 11th. So it's pretty</p>
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<p>1 magazines, boating magazines as a place where 2 you can pull in. It's a safe harbor in there. 3 The waters are pretty calm and you can swim.</p>	<p>1 recent.</p>
<p>4 Of course --</p>	<p>2 MR. WATSON: We have water samples coming 3 up with Mr. Pluta, who is the next witness. So 4 thank you.</p>
<p>5 MR. WATSON: It's promoted by Talbot 6 County as part of our tourist effort; is that 7 correct?</p>	<p>5 MR. DIVILIO: Did he take those that day?</p>
<p>8 MR. LOPEZ: Correct.</p>	<p>6 MR. WATSON: Those photos --</p>
<p>9 MR. DIVILIO: Which beach is that?</p>	<p>7 MR. DIVILIO: The samples.</p>
<p>10 MR. LOPEZ: It's a big spit of land --</p>	<p>8 MR. WATSON: No. Mr. Pluta will be 9 reporting, Mr. Divilio. This is my --</p>
<p>11 MS. PRICE: The sand bar? You're talking 12 about the sand bar?</p>	<p>10 MR. DIVILIO: So we have no idea what that 11 is.</p>
<p>13 MR. LOPEZ: The sand bar, yeah, yeah.</p>	<p>12 MR. WATSON: Yes. What we do know is 13 there are photographs of, there are photographs 14 of the water conditions.</p>
<p>14 MS. PRICE: The sand bar.</p>	<p>15 At the Planning Commission meeting on 16 Thursday, the same point was made by the 17 developer's attorney that we don't know what 18 we're looking at there, that could be, in fact, 19 it was suggested that that could be tree pollen 20 that's blown onto the water. But that's --</p>
<p>15 MR. LOPEZ: Everybody goes to the sand 16 bar, right?</p>	<p>21 MR. DIVILIO: (Inaudible.)</p>
<p>17 MR. WATSON: And that sand bar is at the 18 very end of La Trappe Creek that we're --</p>	
<p>19 MR. LOPEZ: Where --</p>	
<p>20 MR. WATSON: -- photos.</p>	
<p>21 MR. LOPEZ: Where all of this effluent</p>	

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1 MR. WATSON: The photographs speak for
 2 themselves.
 3 You're excused, Mr. --
 4 MR. LOPEZ: Thank you.
 5 MR. WATSON: -- Lopez.
 6 And may I have Matt Pluta come up?
 7 Thanks, Mr. Pluta. Please introduce
 8 yourself.
 9 MR. PLUTA: Sure. Council President,
 10 Mr. Callahan, thanks for having me. Council
 11 Members. Matt Pluta. I work as the Choptank
 12 river keeper with Shore Rivers, local water
 13 protection organization here based out of
 14 Easton.
 15 MR. WATSON: You saw the photos of the
 16 La Trappe Creek here?
 17 MR. PLUTA: Yup, I did.
 18 MR. WATSON: Where is the existing Trappe
 19 sewage plant in relation to the little stream
 20 you just saw those photos of?
 21 MR. PLUTA: Directly upstream from the

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1 area where the photos are. So no more than a
 2 couple hundred feet the way the crow flies.
 3 MR. WATSON: The plant is a couple of
 4 hundred feet from where you took the water
 5 samples. It's a little farther than that.
 6 This is further downstream as to where those
 7 photos were taken.
 8 Would you tell the County Council,
 9 Mr. Divilio was just asking, about what water
 10 sample testing you've done in the area, where
 11 exactly you took the --
 12 MR. DIVILIO: To put the pictures in
 13 perspective so I can understand what the --
 14 MR. PLUTA: Certainly. Yeah. So the
 15 photos were taken on September 11th.
 16 I conducted water quality testing in the
 17 area just upstream from there where the
 18 effluent pipe is that comes out from the
 19 treatment plant on September 10th,
 20 September 14th, September 15th, September 16th,
 21 September 21st, and September 24th. So I did

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1 capture a sample before these photos were taken
 2 and then several samples were collected after
 3 that as well.
 4 MR. WATSON: When you took the samples,
 5 you sent them up to a lab.
 6 Does that lab operate according to the EPA
 7 standards and handling and so forth?
 8 MR. PLUTA: Absolutely. That was a
 9 requirement for any samples that we collect,
 10 that we use an EPA certified lab.
 11 MR. WATSON: And what were the nitrogen
 12 levels that you found in that little stream
 13 according to the lab reports, not Shore Rivers,
 14 but the lab reports?
 15 MR. PLUTA: Sure. So to put into context
 16 the area that I was sampling at, the effluent
 17 pipe that comes out of the wastewater treatment
 18 plant travels down to Maple Avenue in Trappe.
 19 And then it goes under Maple Avenue, where the
 20 pipe surfaces.
 21 And at that location, you can access the

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1 stream all on public property in the right of
 2 way. And you actually have the ability to
 3 collect a sample from the wastewater treatment
 4 plant effluent pipe itself, in addition to the
 5 La Trappe Creek itself before the two mix. So you
 6 can get a really good understanding of what the
 7 background conditions are of La Trappe Creek
 8 and then how that effluent is impacting the
 9 conditions there.
 10 So I was very intentional in making sure
 11 that these samples were isolated. So we know
 12 exactly what the influences were there.
 13 MR. WATSON: And what did you find out
 14 about the nitrogen levels? Can you share that?
 15 MR. PLUTA: So the total nitrogen levels.
 16 As you all know, total nitrogen is one of the
 17 three main pollutants that we are working day
 18 in and day out across the entire Chesapeake Bay
 19 watershed to address. So it is a very
 20 important nutrient of concern.
 21 And so when I sampled the stream itself,

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1 it had a rather low total nitrogen
 2 concentration, ranging from 4.26 milligrams per
 3 liter to 6.11 milligrams per liter. Let's
 4 average that out to about 5.48 milligrams per
 5 liter.
 6 MR. WATSON: That was in the stream
 7 itself.
 8 What about the outfall from the wastewater
 9 treatment plant?
 10 MR. PLUTA: When I collected the samples
 11 from the wastewater treatment plant outfall,
 12 and those were processed, we saw a very
 13 different story.
 14 The samples ranged from 37.5 milligrams
 15 per liter to 38.6 milligrams per liter. So an
 16 average of about 38 milligrams per liter. So
 17 almost about seven times the total nitrogen
 18 load that was in the stream before the effluent
 19 was discharged in there.
 20 MR. WATSON: What is the nitrogen load in
 21 the effluent in a well-treated, modern ENR,

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1 coming out of an ENR plant? For example, in
 2 St. Michaels.
 3 MR. PLUTA: So the total nitrogen standard
 4 for an ENR, enhanced nutrient removal,
 5 wastewater treatment plant is three milligrams
 6 per liter. Compared to what we're seeing come
 7 out of the wastewater treatment plant here,
 8 which is 38 milligrams per liter.
 9 MR. WATSON: So that's 12, 13 times as
 10 much as that of an ENR plant.
 11 MS. PRICE: Quick question. BNR, which is
 12 not as good as ENR, what would an average --
 13 MR. PLUTA: The standard for that is eight
 14 milligrams per liter.
 15 MS. PRICE: Eight.
 16 MR. WATSON: So four times a properly
 17 operating BNR standard. And BNR standard is an
 18 antiquated standard.
 19 The notion that we're putting into the
 20 little La Trappe Creek, which is shallow, unlike
 21 the Miles River where St. Michaels enters,

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1 doesn't flush, doesn't have a lot of current.
 2 It's tidal, but hardly at those upper levels.
 3 We're putting in concentrations over 13 times
 4 an ENR plant.
 5 This information certainly wasn't known.
 6 And that is a shocking level of nitrogen
 7 discharge.
 8 Do you have any idea how much per pound
 9 the taxpayers of the State of Maryland pay to
 10 remove nitrogen once it's in the water?
 11 MR. PLUTA: So interesting question. As
 12 an organization who does a lot of restoration
 13 work around the Eastern Shore and Talbot County
 14 and elsewhere, we have over 200 projects that
 15 we've installed.
 16 So we're able to bring modern cost prices
 17 to the work that we're doing and the
 18 efficiencies of how much nitrogen is removed.
 19 And it's estimated that in an urban setting,
 20 which you would consider Trappe urban, that
 21 it's \$1,000 a pound of nitrogen that it takes

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1 to remove that when you're putting in simple
 2 storm water management practices (inaudible).
 3 About 1,000, we'll say over \$1,000 per pound of
 4 total nitrogen.
 5 MR. WATSON: Agricultural removal can be
 6 much less expensive.
 7 But the point of the matter is that
 8 nitrogen in the water is one thing. Getting it
 9 out, which is what everybody in Maryland is
 10 interested in, costs a fortune and it costs the
 11 taxpayers a fortune.
 12 What did you learn from the outflows?
 13 What did the lab tell us, the EPA-standard lab
 14 tell us about other aspects of the discharge?
 15 MR. PLUTA: So good question. So total
 16 nitrogen is, of course, important as a nutrient
 17 of concern.
 18 I am also interested when I look at
 19 wastewater treatment plants for the E. coli
 20 level, the bacteria level that's coming out of
 21 there. Bacteria directly relates to our

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1 ability to recreate in these waterways, which
 2 is something Talbot County promotes as a high
 3 standard in local rivers here.
 4 So I collected E. coli samples, about six
 5 samples on different dates here. And what I
 6 saw here, that the E. coli levels in the stream
 7 itself, so again isolated sources were
 8 collected, the results show that the levels
 9 were 976 coliform forming units, 1,732 coliform
 10 forming units, 1,986, greater than 2,419.
 11 That's above the detection limit of the lab at
 12 that rate. 1,299, and then again greater than
 13 2,419.
 14 Now, those numbers, when they're looked at
 15 in terms of compliance with the wastewater
 16 treatment plant permit, those numbers are
 17 calculated in terms of the geometric mean.
 18 It's not your average, where you're just
 19 averaging all of it, but it's more of a
 20 calculation of the geometric mean of it.
 21 And the recreational water quality

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1 standard in Maryland is a geometric mean of 126
 2 coliform forming units.
 3 The geometric mean here out of those
 4 samples that I collected was 1,443.
 5 MR. WATSON: That's about 11, 12 times
 6 higher E. coli concentration than is a standard
 7 that's recognized in Maryland coming, again,
 8 out of the little tributary into the headwaters
 9 of La Trappe Creek where the kids play at the
 10 landing. Not often. I mean it's not a common
 11 place, but there's certainly people in the
 12 water there and down at the end of La Trappe
 13 Creek.
 14 Why did you check for E. coli and not
 15 fecal coliform, which we always hear about?
 16 MR. PLUTA: Well, in fact, I did both.
 17 So fecal coliform is what the Trappe
 18 wastewater treatment plant is permitted to
 19 control.
 20 I'll tell you the story is the exact same.
 21 The geometric mean of fecal coliform in the

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1 stream was 780. So still well above that 126
 2 recreational water quality standard.
 3 But the reason I decided to do both, of
 4 course, fecal coliform would directly reflect
 5 to the conditions that the Trappe wastewater
 6 treatment plant are held to. Whereas, the
 7 State of Maryland has recently adopted E. coli
 8 as their water quality standard parameter.
 9 So I wanted to make sure to both look at
 10 what the treatment plant was being held to and
 11 then also what the rest of the State of
 12 Maryland sees as the standard for water quality
 13 conditions.
 14 MR. WATSON: Mr. Pluta, is Shore Rivers
 15 saying or are you saying that Shore Rivers has
 16 absolute proof that these high levels of
 17 bacteria which are in the stream are coming
 18 directly from the wastewater treatment plant?
 19 MR. PLUTA: No. We're not saying that at
 20 all.
 21 The samples, the results that I shared

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1 with you were from the stream outfall. So that
 2 was the background condition of the stream in
 3 terms of E. coli limits.
 4 So the wastewater treatment plant is 200
 5 yards from this sampling point upstream. And
 6 so there's -- when we do these analysis, you
 7 want to make sure to consider all this
 8 potential sources of inputs of pollution. And
 9 I think anybody looking at a map or anybody
 10 doing this source tracking would raise a big
 11 flag when they see a wastewater treatment plan
 12 so close to this point of discharge.
 13 So while we don't have the definitive
 14 information to say whether it is coming
 15 directly out of that treatment plant, the plant
 16 is close enough to be a culprit of where that
 17 bacteria is being generated.
 18 MR. WATSON: Yeah. A large wastewater
 19 treatment plant. I mean there's farm fields
 20 right beside it that could also be a source,
 21 but I think the Planning Commission's people

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1 there wouldn't suspect that the fertilizer from
 2 the farm fields is causing E. coli at those
 3 kinds of level when you have a wastewater
 4 treatment plant right at the stream, which
 5 essentially ends at the stream.
 6 I also want to ask you about this. Did
 7 you look at the question of how MDE, I think
 8 this is MDE, categorizes La Trappe Creek for
 9 shellfish?
 10 MR. PLUTA: So about oysters?
 11 MR. WATSON: Yes.
 12 MR. PLUTA: So La Trappe Creek is an
 13 oyster sanctuary. I think that was mentioned
 14 by Mr. Lopez.
 15 The sanctuary is a low salinity area.
 16 It's very important for growing oysters in low
 17 salinity areas to fight off diseases. Where we
 18 get diseases, they're usually out in higher
 19 salinity areas.
 20 La Trappe Creek is designated by MDE as a
 21 shellfish closure area for the high level of E.

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1 coli that they've tested in this stream as
 2 well.
 3 MR. WATSON: You want to read the last two
 4 sentences?
 5 MR. PLUTA: So this is straight off of
 6 DNR's website I believe.
 7 Due to high fecal coliform counts and the
 8 potential for bacterial contamination of
 9 shellfish, Maryland Department of the
 10 Environment has classified a portion of the
 11 sanctuary as restricted, meaning no shellfish
 12 harvest is permitted. The rest of the
 13 sanctuary is classified as conditionally
 14 closed, meaning that shellfish cannot be
 15 harvested for three days following a rain event
 16 of one inch or greater over 24 hours.
 17 MR. WATSON: So this is our local stream
 18 into which this material is flowing.
 19 Let's see. We have -- what am I looking
 20 for?
 21 Did you hear from anyone this June in

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1 Trappe who called you about a problem that they
 2 observed at the wastewater plant?
 3 MR. PLUTA: Sure. So in June, while I was
 4 on vacation, I received a voice mail from
 5 Robert Crosswell, former Town Council president
 6 for the Town of Trappe and also the
 7 superintendent of the wastewater treatment
 8 plant. And he voiced his concerns in the voice
 9 mail to me that the sludge handling on the
 10 facility is inadequate, resulting in a large
 11 stench in the area. He goes on to say that the
 12 sludge is not part of the treatment process,
 13 but rather part of the storing and handling
 14 process on the facility.
 15 Apparently some 25 years ago, when the
 16 treatment plant was upgraded to some degree,
 17 one of the lagoons that they had on site there
 18 was turned into a storage pond. And that
 19 storage lagoon has not been emptied for 25
 20 years and continues to accumulate human sludge.
 21 MR. WATSON: This is the transcript of

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1 that voice mail. We've got the voice
 2 recording, but I don't think that mechanically
 3 I can get that played. It's pretty dramatic.
 4 But he says it really should be taken into
 5 consideration that with MDE reviewing the
 6 Lakeside permit. And there really shouldn't
 7 be. There should be a moratorium placed on
 8 connections until they have corrected the
 9 sludge stench problem in the current wastewater
 10 treatment plant.
 11 It doesn't stem from the treatment
 12 process. It stems from the lack of sludge
 13 handling facility at this plant. And they've
 14 just constantly been storing the sludge for
 15 years in the pond out there, and it's just
 16 grossly overloaded and they've done nothing
 17 about it. It's really a bad problem for the
 18 people of the Town of Trappe. I'd be willing
 19 to talk with you. Blah, blah, blah.
 20 This is, again, Mr. Robert Crosswell from
 21 the Town of Trappe. He said that he is a

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1 former president of the Town Council and the
 2 former operator of this wastewater treatment
 3 plant some years ago.
 4 I am not associated with the town any
 5 longer, and I don't have a dog in the fight
 6 about Lakeside. But this is an issue you
 7 should really be aware of.
 8 Let's see.
 9 MR. CALLAHAN: Mr. Pluta, I got a question
 10 for you. So I'm assuming you have been in
 11 contact with Trappe and going over this for the
 12 last several years?
 13 MR. PLUTA: No. I wouldn't make that
 14 assumption.
 15 MR. CALLAHAN: Okay.
 16 MR. PLUTA: This is --
 17 MR. CALLAHAN: Because it seems like
 18 you're concerned about it. And I'm trying to
 19 really put some thought together that I was
 20 assuming that you would voice your concerns
 21 with Trappe.

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1 MR. PLUTA: Well, so this all came to
 2 light when the hookups of the 120 homes was
 3 determined to go to the Trappe wastewater
 4 treatment plant.
 5 At that point, as the river keeper, we
 6 have the tools of water quality monitoring as
 7 one of our tools that we use.
 8 And so the best thing that I thought I
 9 could do was go out and understand the
 10 conditions of La Trappe Creek to help inform
 11 any policy or decisions based around how that
 12 creek is protected, restored, mismanaged,
 13 managed, you name it.
 14 But without this big background water
 15 quality condition report, we really don't know
 16 what we're dealing with.
 17 So now we have a better sense of the
 18 background conditions there, and we can decide
 19 whether we move forward in a productive way or
 20 not.
 21 MR. CALLAHAN: So you've only taken

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1 recently tests of this?
 2 MR. PLUTA: Correct. So at this exact
 3 location, I will say that throughout my normal
 4 monitoring regime, which I monitor the entire
 5 Choptank River twice a month. I have three
 6 stations on La Trappe Creek that I've been
 7 monitoring for several years.
 8 And the trend that we've seen for the
 9 eight years of monitoring that we've done on
 10 La Trappe Creek is that the water quality
 11 conditions in terms of total nitrogen and total
 12 phosphorus and chlorophyll get worse the
 13 further upriver you go in that stream.
 14 MR. WATSON: Is it an impaired stream?
 15 MR. PLUTA: It is an impaired stream.
 16 MR. WATSON: What does that mean?
 17 MR. PLUTA: That means it's impaired
 18 for -- it's recognized as having too many
 19 nutrients in it to meet the water quality
 20 standards.
 21 MR. WATSON: And that's before adding 120

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1 additional homes, which a 27 percent load.
 2 Mr --
 3 MR. PACK: May I ask what body of water in
 4 Talbot County is not impaired?
 5 MR. PLUTA: Good question. So the entire
 6 Choptank River is impaired.
 7 MR. WATSON: Which is the worst --
 8 MR. PACK: Mr. Callahan, I would ask.
 9 We've spent an hour now since we've been
 10 hearing this presentation.
 11 MR. CALLAHAN: Sure.
 12 MR. PACK: This public hearing is actually
 13 on Resolution 308 and not on Resolution 21-01.
 14 I would ask that we open it up and hear
 15 from other citizens who are here to speak.
 16 MR. CALLAHAN: Okay.
 17 MR. PACK: On Resolution 308.
 18 We do thank Mr. Watson for his
 19 presentation. But since this is not a hearing
 20 on 21-01, I think it's only fair that we hear
 21 from other citizens at this time.

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1 MR. WATSON: 21-01, I don't know the
 2 reference.
 3 MS. PRICE: 281 I'm sure is what he means.
 4 MR. CALLAHAN: You meant 281 I'm assuming?
 5 Mr. Pack, you meant 281?
 6 MS. PRICE: The one we voted on last
 7 August.
 8 MR. PACK: Yes.
 9 MR. CALLAHAN: Yeah.
 10 MR. WATSON: The substance of the --
 11 MR. CALLAHAN: Excuse me, Mr. Watson.
 12 MR. PACK: Yes. I would ask that we hear
 13 from the public.
 14 This is a public hearing on 308. And I
 15 think we should hear from the rest of the
 16 public.
 17 MS. PRICE: Can we take like a three or
 18 four-minute break?
 19 MR. CALLAHAN: Absolutely. We're going to
 20 take a break. Okay. Let her hands relax a
 21 little bit.

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1 (Recess taken.)
 2 MR. CALLAHAN: So let me speak first, if
 3 you don't mind.
 4 So you've been roughly about an hour and
 5 ten minutes. We gave you a little -- and you
 6 presented your case.
 7 I think it's only fair that we give you
 8 until another half hour, to about 8:30, to get
 9 through what you need to get through. Okay.
 10 And then we're going to open it up to the
 11 public comment on the other stuff.
 12 And then what we're going to do is you'll
 13 be able to end the night on your public comment
 14 and say your views because you'll hear
 15 everybody. So we'll give you another five or
 16 ten minutes at the very end.
 17 So you got to 8:30.
 18 MR. WATSON: Mr. Callahan.
 19 MR. CALLAHAN: Yes, sir.
 20 MR. WATSON: First of all, I was reminded
 21 that I did not clarify to everyone, read

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1 Mr. Thomas' e-mail to me, which I was invited
 2 here to respond not as -- with respect to my
 3 petition.
 4 MR. CALLAHAN: Yeah. I got you.
 5 MR. WATSON: And I do wish to apologize to
 6 everyone. I understand how difficult this is.
 7 But the essential problem is that there is
 8 an enormous amount of information on so many
 9 important topics that the Council did not know
 10 about. On May the 11th is when we began this.
 11 And on Friday morning at 11 o'clock is the
 12 first time I was advised that this was going to
 13 happen at all at the same time as the public
 14 hearing is scheduled.
 15 But of course, you all knew when you
 16 scheduled me to sit here that you would be
 17 inconveniencing all those other people because
 18 we have a wealth of information to put before
 19 the public and before you.
 20 And the enormity of this is the essential
 21 problem. And you know, it just can't be

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1 conveyed that swiftly. And yet it's so
 2 important.
 3 So Mr. Thomas' e-mail to me on Friday
 4 morning was that you will have the opportunity
 5 to present witnesses, exhibits, and other
 6 evidence pursuant to Article 13. And not
 7 limited to three minutes. Well --
 8 MR. CALLAHAN: We gave you more than three
 9 minutes.
 10 MR. WATSON: The point isn't that you gave
 11 me more than three minutes.
 12 The point is that the petitioners, for
 13 whom I'm speaking and supported by hundreds of
 14 people, want you to understand the information
 15 that is in here. And the circumstances
 16 surrounding it, I recognize are a terrible
 17 inconvenience to everyone. But --
 18 MR. CALLAHAN: I don't think it's an
 19 inconvenience. I'm listening to you. I'm
 20 listening to you and I'm supporting what you're
 21 doing here. You're giving us information.

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1 Okay. I'm supporting.
 2 I'm just saying wrap it up at 8:30.
 3 That's all I'm saying.
 4 MR. WATSON: Mr. Callahan, that's not -- I
 5 don't know the answer to this, but that is not
 6 a suitable answer.
 7 What would -- I need, before this Council
 8 as petitioner, who has the right to present a
 9 petition for a redress of grievances, and under
 10 your rules, that I didn't write, I have the
 11 opportunity, without limitation of time, to
 12 present witnesses and evidence and exhibits.
 13 And to draw out the, I've used the word
 14 misunderstandings, but the story of the history
 15 of Lakeside and how the approval granted here
 16 in 2019 and the timeline from 2002, the 2019
 17 grant was predicated on the false
 18 misunderstandings that in 2006 and seven, this
 19 property already was permitted, was ready to
 20 go, and was totally legitimately green lighted.
 21 And those positions were reached on a

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1 misunderstanding that the property was S-2.
 2 Now, I believe there are people in this
 3 room who know exactly what I'm talking about.
 4 Not many, but some.
 5 And it will take, it would take a long
 6 period of time, and the data is here to draw
 7 that out.
 8 We also have a great quantity of
 9 information that I'd like to get to from
 10 Mr. Smullens (sic.), Dr. Smullens, an expert in
 11 wastewater treatment and other information
 12 bearing on the environmental problems, such as
 13 what you just heard from Mr. Pluta, all of
 14 which alone would be the basis for rescission
 15 of 281.
 16 But so I don't know the answer here, but
 17 all this information has to be on the record
 18 before you vote.
 19 Now, if you decide that you're going to
 20 defer voting and not vote it tonight and want
 21 to my presentation so as to let others present

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1 have me come back at a later date to complete
 2 this without inconveniencing everyone else at
 3 the next meeting or something to that effect,
 4 that would be suitable to me.
 5 MR. DIVILIO: How much time do you need?
 6 MR. WATSON: I'm not going to commit to
 7 that, Mr. Divilio.
 8 MR. DIVILIO: We are a Council with other
 9 duties to do.
 10 MR. WATSON: I understand.
 11 MR. DIVILIO: So tell me. How much time,
 12 how many meetings do you think we should have?
 13 How many hearings? How long should we do this?
 14 You've just spent seven minutes explaining
 15 that you should have more time.
 16 Help me understand real quick. Are we
 17 going to be done tonight or not?
 18 MR. WATSON: No, we're not going to be
 19 done tonight --
 20 MR. DIVILIO: Okay.
 21 MR. WATSON: -- as this is happening.

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1 MR. DIVILIO: Can I call for a vote at any
 2 time?
 3 MR. THOMAS: Well, you've scheduled a
 4 public hearing.
 5 MR. DIVILIO: So we can close the public
 6 hearing once we decide?
 7 MR. THOMAS: I would take the public
 8 comment.
 9 MR. PACK: Mr. Chairman.
 10 MR. CALLAHAN: Yes.
 11 MR. PACK: If you don't mind, I share some
 12 of Mr. Divilio's frustration.
 13 MR. CALLAHAN: Go ahead, Mr. Pack.
 14 MR. PACK: If we could perhaps not take
 15 this matter for vote this evening.
 16 And then perhaps there was some
 17 misunderstanding. I don't know. I wasn't
 18 involved in the e-mail exchange.
 19 MR. CALLAHAN: Right.
 20 MR. PACK: With the Office of Law and
 21 Mr. Watson regarding the length of time that

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<p>1 this would take.</p> <p>2 That we don't take the matter up for vote</p> <p>3 this evening. That we suspend at 8:30. And</p> <p>4 then at a later date, at a later date and a</p> <p>5 later time, whether it's at a Council meeting</p> <p>6 or another meeting of Council, allow the other</p> <p>7 portion of this presentation to go forward so</p> <p>8 we can hear from the rest of the people because</p> <p>9 you have people standing out in the hallway,</p> <p>10 too.</p> <p>11 MR. CALLAHAN: I know.</p> <p>12 MR. WATSON: I feel --</p> <p>13 MR. PACK: I think it's only fair.</p> <p>14 MR. CALLAHAN: And that's what we're</p> <p>15 trying to achieve. That's what we're trying to</p> <p>16 achieve. And that's --</p> <p>17 MR. PACK: We can't take this into</p> <p>18 perpetuity. It has to come to an end at some</p> <p>19 point.</p> <p>20 MR. CALLAHAN: Right.</p> <p>21 MR. WATSON: I share your point --</p>	<p>1 communication and lateness of communication</p> <p>2 contributed to this.</p> <p>3 What I would like to suggest, and this I</p> <p>4 think works, Mr. Pack, to your end, I believe</p> <p>5 by 8:30 -- and I appreciate that chunk of time</p> <p>6 because Dr. Smullens is here, whose testimony I</p> <p>7 think you'll find very interesting in</p> <p>8 connection as it follows onto Mr. Pluta's</p> <p>9 testimony.</p> <p>10 MR. PACK: Okay.</p> <p>11 MR. WATSON: And Mr. Alspach will follow</p> <p>12 that.</p> <p>13 MR. PACK: Call your witness.</p> <p>14 MR. CALLAHAN: Yeah. Exactly. Come on</p> <p>15 up.</p> <p>16 MR. WATSON: Dr. Smullens.</p> <p>17 DR. SMULLEN: Do I sit here?</p> <p>18 MR. WATSON: Yes, please. And we need a</p> <p>19 microphone. I don't know where those are.</p> <p>20 Dr. Smullens, introduce yourself, please.</p> <p>21 DR. SMULLEN: My name is Jim Smullen. For</p>
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<p>1 MR. PACK: -- 8:30, finish up his</p> <p>2 presentation or suspend. We won't take the</p> <p>3 matter for vote.</p> <p>4 That's my request of the chair.</p> <p>5 MR. CALLAHAN: I'm with you. Yup.</p> <p>6 MR. PACK: And then allow the rest of the</p> <p>7 people to speak.</p> <p>8 MR. CALLAHAN: Excuse me, Mr. Pack.</p> <p>9 MR. THOMAS: So I just want to maybe offer</p> <p>10 a suggestion as well.</p> <p>11 MR. CALLAHAN: Go ahead, Mr. Thomas.</p> <p>12 MR. THOMAS: -- table this. If you could</p> <p>13 possibly stipulate to the amount of time so</p> <p>14 Mr. Watson will know when he comes back. That</p> <p>15 may give him some time to focus on --</p> <p>16 MR. CALLAHAN: Right. Bullet points.</p> <p>17 MR. THOMAS: And have an idea so that he</p> <p>18 knows when he comes back that I'm going to have</p> <p>19 this long. It might help him focus.</p> <p>20 MR. CALLAHAN: Okay. Yup.</p> <p>21 MR. WATSON: The total lack of</p>	<p>1 the past ten years, my wife and I have owned a</p> <p>2 home in Talbot County in a Trappe mailing</p> <p>3 address located in the Island Creek Watershed</p> <p>4 directly adjacent to La Trappe Creek</p> <p>5 watershed.</p> <p>6 MR. WATSON: Can you tell us a little bit</p> <p>7 about your credentials?</p> <p>8 DR. SMULLEN: Well, I've been in the field</p> <p>9 of water resources since 1972. Worked for a</p> <p>10 number of years in public agencies.</p> <p>11 For the last 32 years, I've spent the last</p> <p>12 32 years as a wastewater professional</p> <p>13 representing the interests of municipal</p> <p>14 wastewater dischargers with the goal of making</p> <p>15 sure that repair dollars are spent wisely in</p> <p>16 the application of the requirements of the</p> <p>17 Federal Clean Water Act and related State laws.</p> <p>18 MR. WATSON: And what is your academic</p> <p>19 background --</p> <p>20 DR. SMULLEN: I'll be very quick --</p> <p>21 MR. PACK: Dr. Smullen, we'll submit.</p>

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1 We'll submit you're well qualified.
 2 DR. SMULLEN: I think a document was
 3 submitted to you that has my qualifications.
 4 MR. PACK: Yes, sir.
 5 DR. SMULLEN: I don't really need to
 6 (inaudible).
 7 MR. CALLAHAN: Yeah. Exactly.
 8 MR. WATSON: So did Shore Rivers hire you
 9 to do a study here?
 10 DR. SMULLEN: Yes. I got -- I was
 11 approaching retirement thinking I was going to
 12 be a woodworker and a fisherman, but it turns
 13 out I'm going to be doing the same thing I've
 14 been doing for the last four decades.
 15 MR. PACK: (Inaudible.)
 16 MR. WATSON: Serendipitously living right
 17 next to La Trappe Creek and able to help out
 18 your fellow --
 19 DR. SMULLEN: I'd just like to make a
 20 quick statement.
 21 MR. WATSON: Please tell us.

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1 DR. SMULLEN: I am primarily interested --
 2 I am not a politician or I don't involve myself
 3 in politics.
 4 I'm primarily interested in restoring and
 5 preserving the quality of the environmental
 6 integrity of Talbot County's waterways. That
 7 has become my goal in my last six months as I
 8 approach full retirement.
 9 In this case, I've been focused on La Trappe
 10 Creek for almost two months and 200 hours? worth
 11 of work.
 12 But secondarily, after three decades of
 13 experiencing firsthand how regulatory agencies
 14 can and do painstaking perform their fiduciary
 15 duties to protect our nation's waterways, I am
 16 astounded at the lack of regulatory oversight
 17 and enforcement action in the case of the
 18 Trappe system.
 19 I've never seen anything like it in my
 20 career. And admittedly, to me a small
 21 wastewater plant is one or two million gallons

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1 a day. And this is .2.
 2 But the users of the waterways downstream
 3 of dischargers of huge wastewater facilities in
 4 this state are no more deserving of protection
 5 than those of us who use the smaller waterways
 6 subject to the operational problems of smaller
 7 dischargers.
 8 We have big wastewater plants on the
 9 Eastern Shore going into big waters. This is a
 10 small wastewater plant going into an even
 11 smaller water.
 12 I am -- first of all, I used to work in
 13 Colorado where in the semi-arid west. And what
 14 this plant would be called would be called a
 15 plant discharging to an effluent dominated
 16 stream.
 17 There's a pipe here and a drip comes out
 18 and then .2 MGD comes out of a pipe here. And
 19 the entire stream is wastewater. The industry
 20 calls that effluent dominated stream.
 21 I'm just saying that the size almost

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1 doesn't matter. It's the relative size that
 2 matters.
 3 And you know, I don't recreate any more in
 4 Back River or the Patuxent, but I do recreate
 5 in this creek and in the other creeks and
 6 tributaries of the Choptank.
 7 And these systems are under the influence
 8 of these small plants, especially when these
 9 plants don't meet the requirements that are put
 10 to them by the regulatory agencies.
 11 So yes. I came here because I let my
 12 professional experience be known, and I was
 13 requested by the Choptank river keeper to
 14 render a report and opinion, which I believe
 15 has been turned over to you.
 16 The Planning Commission had it last week.
 17 I think you probably got it tonight.
 18 I'm in a position to give a brief summary
 19 of my findings. I understand that the time
 20 frame here and I do not want to enrage anybody.
 21 But I worked for two months, 200 hours to put

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1 this report together. And I had to deliver
 2 that report in three minutes in front of the
 3 Planning Commission.
 4 And no offense to anyone, but then I had
 5 to sit back and listen to two local attorneys
 6 tell people, tell citizens who have no
 7 experience in wastewater, for almost an hour
 8 how wastewater plants work and what's the best
 9 way to do it.
 10 And if you want to be in my position and
 11 have your head explode in the back row, that's
 12 how it happens.
 13 So I'm just saying this may be long and
 14 drawn out, but there's a lot here.
 15 And I can come back. I have thoroughly
 16 reviewed letters from the Town of Trappe to the
 17 Planning Commission. And I can tell you that
 18 the truth needs to be known and they weren't in
 19 those letters.
 20 MR. WATSON: Thank you. Can you make a
 21 comment or two about the infiltration aspects

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1 of this and how that feeds into Trappe?
 2 DR. SMULLEN: So the overriding message
 3 from my report is that conditions of extreme
 4 infiltration and inflow.
 5 By the way, extreme infiltration and
 6 inflow is a term of usage in federal
 7 regulatory. I was kind of shocked when I saw a
 8 lawyer put that in the letter.
 9 But extreme infiltration and inflow,
 10 Trappe claims that as a response to extreme
 11 precipitation.
 12 I looked at this very carefully and did a
 13 lot of analysis. Trappe is exposed to extreme
 14 infiltration and inflow on just more or
 15 slightly more than average wet weather
 16 conditions.
 17 Results of analyses of the information
 18 include that the plant, after a monumentally
 19 large month of rainfall in August of 2020,
 20 began to deliver, the collection system began
 21 to deliver to the plant sewage that was diluted

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1 with 50 to 60 percent rainwater and
 2 groundwater. That puts an enormous amount of
 3 strain on a plant that's dependent on physical
 4 and biological treatment processes.
 5 We remove nutrients. We remove phosphorus
 6 with a physical process. We remove nitrogen
 7 from a biological process.
 8 The water's got to go in the plant. It
 9 has to stay there long enough for nitrogenous
 10 bacteria to do what they do. And if that
 11 doesn't happen or the effluent is too dilute,
 12 it doesn't work.
 13 This did not start in February of 2021.
 14 This started in September right after the 14
 15 inches of rainfall that fell in August of 2020.
 16 MR. WATSON: When you say this, what do
 17 you mean this?
 18 DR. SMULLEN: The problems of the Trappe
 19 plant, which really got me going, were
 20 characterized by the Trappe attorney as higher
 21 than normal.

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1 There are three months, one-quarter of a
 2 year, of violations of their ammonia permit,
 3 one-quarter of a year of violations of the US
 4 EPA TMDL wastewater allocation for the unnamed
 5 tributary to La Trappe Creek. That led to
 6 one-quarter of a year of higher than permitted
 7 levels of dissolved oxygen-demanding substances
 8 into La Trappe Creek, which doesn't have a lot
 9 of oxygen to begin with. It's listed on 303D
 10 as an impaired water.
 11 I'm sorry.
 12 MS. PRICE: No. Just quick question. You
 13 said it didn't start until or started in
 14 September of 2020.
 15 You don't think that this has been a
 16 problem in this plant for years? You think
 17 it's --
 18 DR. SMULLEN: Here is what I think. So
 19 Trappe. I've only looked at the records back
 20 to the beginning of 2018. The new permit
 21 started in September of 2018.

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1 Trappe had very rigorous responses to
 2 rainfall in terms of INI prior to August of
 3 2020.
 4 But 14 inches of rainfall did, I'm not
 5 going to say devastate it, it dramatically
 6 accelerated the aging of the system.
 7 Now, there's so much. But look, here is
 8 how INI happens, right. Fifty percent of the
 9 INI problem is typically on the homeowner's
 10 side or the commercial user's side of the line.
 11 Normally, everyone thinks, as the lawyer
 12 said last week, well, the pipes maybe could
 13 leak but we could fix those. And you can. And
 14 I'm sure the public pipes to some extent do
 15 leak.
 16 But what happens when you get big
 17 rainfalls, the homeowner finds that their
 18 basement is getting water. They hook up a sump
 19 pump. They got no place to put it. It goes
 20 into the sanitary system.
 21 Their crawl space is getting water. No

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1 place to put it. They hook it up to the
 2 sanitary system.
 3 The downspout at that end of the house is
 4 flooding out where they keep their car. That
 5 gets connected to the sanitary sewer system.
 6 The yard is wet. So they put in a yard
 7 drain connected to the sanitary sewer system.
 8 That's the nature of infiltration and
 9 inflow on the private side of the line.
 10 The public side of the line is much more
 11 about pipes settle, joints open. In fact, the
 12 lawyers made a big case. Well, all the new
 13 development will all be, you know, chemically
 14 welded PVC piping. Sure it will.
 15 But our experience in this country is that
 16 within a year, what starts out as almost no INI
 17 becomes, and I hate to use these terms, but
 18 they get to about 5,000 gallons per acre a
 19 year. And within ten years, it's 20,000
 20 gallons per acre a year of infiltration and
 21 inflow.

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1 The reason for that is because the guys
 2 that do the drainage design for the new
 3 systems, the new development, they're not
 4 geniuses. They do the best they can. But what
 5 happens when it rains a lot, all of a sudden
 6 brand new homeowners find out they got a soggy
 7 yard, put in a yard drain, connect it to the
 8 sanitary sewer service. They got a problem at
 9 their downspout, they connect the downspout.
 10 They have a problem in the basement or the
 11 crawl space, they connect sump pumps. So --
 12 MS. PRICE: Can I ask another question?
 13 Okay.
 14 So one of the things that this permit is
 15 supposed to have is that the Trappe plant is
 16 supposed to be operated to ENR. It's supposed
 17 to be required of the MDE permit that it gets
 18 upgraded to ENR.
 19 How does the infiltration affect I guess
 20 the biological methods?
 21 I mean yes, ENR is better than BNR, but

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1 don't you still have the same problems of INI
 2 in a better plant or not?
 3 DR. SMULLEN: I can't believe you just
 4 said that. I thought I was going to have to
 5 convince people of that. Yes.
 6 MS. PRICE: We've been hearing about this
 7 for years.
 8 DR. SMULLEN: Let me put this in
 9 perspective.
 10 Last week, the latest item on the menu was
 11 maybe what we're going to do is take all of the
 12 existing flow to the Trappe plant and take it
 13 all over to the spray irrigation facility
 14 north -- east of 50, right. Run it through
 15 that and then bring it back for final
 16 discharge.
 17 My point is this. Yes, the biological
 18 processes that we're talking about that removes
 19 nitrogen -- Trappe doesn't remove nitrogen
 20 right now, by the way. You all know that?
 21 Trappe discharges some of the highest

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1 nitrogen levels I've seen in wastewater plants.
 2 Now, admittedly there's probably a lot
 3 worse. I don't know them.
 4 But I work at plants in Philadelphia that
 5 are 200, 250 and 350 million gallons a day.
 6 And they average 20 milligrams per liter of
 7 nitrogen.
 8 This plant has months where it hits 40.
 9 There's no nitrogen removal whatsoever in this
 10 plant. So the TMDL that EPA did through the
 11 unnamed trib said oxygen is a problem. And the
 12 oxygen problem and phosphorus is a problem.
 13 And by the way, the plant does fine with
 14 phosphorus. It's a physical process. They use
 15 an upflow system for filtering and it works
 16 fine.
 17 But the oxygen problem and the TMDL is the
 18 following. What they call BOD, carbonaceous
 19 BOD, which is in the permit, that robs oxygen.
 20 So they limited that.
 21 But the other side of the oxygen demand

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1 that they limited in the TMDL is the fact that
 2 ammonia, when you discharge it, becomes nitrate
 3 in a process called nitrification. And for
 4 every unit of ammonia that's converted, one and
 5 a half units of oxygen are taken out of the
 6 water. So they're required to do that in the
 7 plant. It's called nitrification.
 8 So all Trappe does, they don't remove
 9 nitrogen, but they convert the ammonia to
 10 nitrate so when it goes in the river, it
 11 doesn't suck the oxygen.
 12 MS. PRICE: That wasn't my question.
 13 I want to know if it's better if you take
 14 care of INI --
 15 DR. SMULLEN: Right.
 16 MS. PRICE: -- BNR.
 17 DR. SMULLEN: All of that is by biological
 18 processes.
 19 MS. PRICE: Right.
 20 DR. SMULLEN: Right. If you have
 21 heavily -- the plants are not designed to treat

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1 50 to 60 percent rainwater. Those -- you've
 2 heard that this new plant on the other side of
 3 50 can't open up until the sewage strengths
 4 have gotten to a level where the plant can
 5 work. That means the processes are working.
 6 But until they do that, they want to send it to
 7 the existing plant.
 8 MS. PRICE: The existing plant is supposed
 9 to get upgraded to ENR.
 10 DR. SMULLEN: It is. But those -- the
 11 biological processes for nitrogen, they are not
 12 going to be any more resilient at that time if
 13 this kind of INI is still going on as they are
 14 now.
 15 MS. PRICE: So it's been suggested, it's
 16 been suggested that maybe not allowing the
 17 development to hook up to the existing Trappe
 18 wastewater treatment plant until it is upgraded
 19 to ENR is going to solve the problem.
 20 But from this part of the testimony, it
 21 doesn't sound like that's going to really help.

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1 DR. SMULLEN: Look, this system works at
 2 the whim of the weather. You could build a new
 3 plant, and it might not rain a lot for five or
 4 six months. It will be fine.
 5 But if you get the kind of weather that we
 6 had last winter, it's going to happen again.
 7 MS. PRICE: So in your opinion, how do we
 8 add any existing capacity, let alone what we've
 9 got now? How do we treat it and not have
 10 this --
 11 DR. SMULLEN: Well, first of all --
 12 MS. PRICE: -- fix?
 13 DR. SMULLEN: -- before you make the
 14 connections, do what EPA said you're supposed
 15 to do.
 16 MS. PRICE: Which is?
 17 MR. CALLAHAN: Fix the INI problem. Do
 18 the testing to find out where the problems are.
 19 And then do the remedial actions, the
 20 structural stuff, to fix it.
 21 And by the way, so EPA, as you know, has

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1 construction grants program, a revolving fund
 2 program where they fund.
 3 EPA has a term of use called extreme INI,
 4 and that's set at 275 gallons per person per
 5 day. That's regarded as the upper limit beyond
 6 which EPA will not fund the plant until you
 7 bring that number down.
 8 For six straight months, the peak days at
 9 that plant were above that number peaking at
 10 411 gallons per day.
 11 The system leaks like a sieve.
 12 MS. PRICE: Is MDE aware of that?
 13 MR. WATSON: Can I ask two questions? I'm
 14 sorry.
 15 DR. SMULLEN: I can answer that question.
 16 MS. PRICE: Is MDE aware of the INI
 17 problem?
 18 DR. SMULLEN: So the day after we had the
 19 hearing at the Planning Commission, a letter
 20 arrived from MDE answering a bunch of questions
 21 the Planning Commission asked.

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1 MS. PRICE: That letter arrived actually
 2 on September 4th or 9th.
 3 DR. SMULLEN: Oh, it did. I didn't --
 4 MS. PRICE: That letter is a month old.
 5 DR. SMULLEN: Oh, really?
 6 MS. PRICE: Yes. Unless there's another
 7 letter.
 8 DR. SMULLEN: I never saw that letter
 9 until the other day.
 10 MR. WATSON: That letter was the subject
 11 of the request to the Planning Department or
 12 one of the PIAs and it didn't come in.
 13 DR. SMULLEN: So that letter says --
 14 MR. WATSON: I got two questions.
 15 DR. SMULLEN: I was going to answer.
 16 MR. WATSON: Answer hers --
 17 DR. SMULLEN: The letter says well,
 18 essentially the plant was out of compliance
 19 with the permit for a quarter of a year. Three
 20 whole months. But Trappe said it was because
 21 of excessive INI. And that's what the letter

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1 said.
 2 Trappe made an affirmative defense that
 3 said that INI was directly related to excessive
 4 rainfall. It wasn't.
 5 The MDE didn't check the affirmative
 6 defense.
 7 The affirmative defense is not that
 8 there's excessive INI. It's that there was
 9 excessive rainfall that caused excessive INI.
 10 If you have excessive INI and you don't
 11 have excessive rainfall, that doesn't count.
 12 You have to solve the INI problem before you're
 13 going to get these plants to work right,
 14 especially these biological nutrient removal
 15 plants, the ENR plants, which are going to be
 16 highly dependent on things like residents' time
 17 and high strength sewages to build high
 18 strength concentrations --
 19 MS. PRICE: Whose job is it to enforce
 20 fixing INI problems?
 21 DR. SMULLEN: MDE. You know what, that

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1 particular issue --
 2 MS. PRICE: -- public comment in front of
 3 MDE in two weeks. So this is what we need to
 4 tell them.
 5 DR. SMULLEN: Honest to God, whatever
 6 anybody else thinks, whatever all of this is
 7 about, I can tell you that everywhere else in
 8 the world, MDE and EPA do this. Not county
 9 government.
 10 MS. PRICE: That's right. This is not the
 11 right format. It's good information to have.
 12 DR. SMULLEN: I don't know --
 13 MR. WATSON: Excuse me, Ms. Price. This
 14 gentleman is my witness on my time. I got --
 15 MS. PRICE: Okay. Fine. Give him an
 16 extra five minutes because I got to the meat
 17 and potatoes to some questions that need to be
 18 answered instead of you spending two hours
 19 questioning him. The information that we want
 20 to have --
 21 MR. WATSON: Please.

<p style="text-align: right;">Page 146</p> <p>1 MS. PRICE: -- we've gotten to it. 2 So give him an extra five minutes if you 3 don't mind because I got a lot of information 4 from that little exchange, if you don't mind. 5 DR. SMULLEN: I am determined to do what I 6 can do to assist in bringing about a change in 7 the apparent regulatory agency disregard for 8 the quality and protection of our county's 9 waterways. I'm going to make it my goal to get 10 EPA to make MDE do their job. And if I have to 11 do it with letters or lawyers or work with the 12 NGO, that's what I'm going to do instead of 13 woodworking and fishing for the next couple of 14 years. 15 MR. WATSON: Two quick questions. First 16 of all, thank you very much. Two quick 17 questions. 18 This Council was told last year, believed 19 last year when they approved this, that the 20 Trappe plant was not in violation of its 21 permits.</p>	<p style="text-align: right;">Page 148</p> <p>1 nutrient related limit. It's making sure they 2 don't discharge ammonium, which will rob the 3 oxygen. 4 So they convert the ammonium to nitrates. 5 Total nitrogen doesn't change. Whether it's 6 ammonium, whether it's nitrate. What total 7 nitrogen is is ammonium, sub (inaudible) 8 nitrogen, and (inaudible). 9 So you may convert from one to the other 10 so the oxygen depletion doesn't happen in the 11 estuary. But that doesn't stop the load of 12 nitrogen going in. 13 And the reason they don't want the 14 nitrogen is beyond the ammonium nitrogen 15 demand, the very next thing that happens when 16 the nitrogen go in is the algae grow it, the 17 algae die, they rot, and the oxygen is gone. 18 Hence, the deep water (inaudible) in the 19 Chesapeake Bay. 20 The problem that has changed our entire 21 world as a state for the last 40 years.</p>
<p style="text-align: right;">Page 147</p> <p>1 How could it be not in violation of its 2 nitrogen permit if it's spewing out nitrogen at 3 38 milliliters? 4 DR. SMULLEN: Nitrogen is not in their 5 permit. They have no requirement to remove 6 nitrogen. 7 MR. WATSON: So they don't violate their 8 nitrogen discharge element, which in an ENR 9 plant it might be three, in a BNR plant eight, 10 because there is no requirement in the Trappe 11 permit to limit nitrogen at all. So of course, 12 they are not in violation. 13 DR. SMULLEN: In the -- 14 MR. WATSON: I believe you all didn't know 15 that. 16 DR. SMULLEN: In the three years that I 17 looked at their data, the peak month average, 18 the whole month, was 40 milligrams per liter of 19 nitrogen as opposed to four for an ENR plant. 20 So it's quite high. 21 I just want to make sure. They do have a</p>	<p style="text-align: right;">Page 149</p> <p>1 MR. WATSON: Dr. Smullens, should Talbot 2 County permit additional 120 or more additional 3 homes to connect to this existing wastewater 4 treatment plant? 5 DR. SMULLEN: Not until they solve the INI 6 problem. 7 I mean why not solve the INI problem 8 first? I mean this thing has been going on for 9 20 years. What is another year or two to do 10 the investigations and do the work? 11 And by the way, Crisfield just got a grant 12 to solve their INI problems. Their grant from 13 the Maryland Restoration Fund, Bay Restoration 14 Fund is to stop the INI because they have a 15 different problem. They're so flat that they 16 can't get all flow to the plant. Sometimes its 17 pump station can't get pumped, overflows, comes 18 into the sanitary sewer. It's the same thing. 19 So Trappe could have asked for money as 20 part of this \$7 million grant. They could have 21 asked for part of that money to solve the INI</p>

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1 problem.

2 MR. WATSON: We're at 8:30.

3 Dr. Smullens, I hope that we'll have an

4 opportunity to get our questions together and

5 get more information yet from you.

6 DR. SMULLEN: I would just ask. I'm kind

7 of working for free for the river keeper. But

8 if you have questions about the report, it's

9 fine to ask Trappe and their attorneys what

10 they think. But please ask us. Allow us a

11 chance to explain. And if nothing else, rebut.

12 Just you are so correct. Whether this

13 highly diluted flow goes to the existing plant,

14 goes to the new plant, nitrogen removal

15 facilities are not made to (inaudible) like

16 this.

17 Thank you very much for your time.

18 MR. CALLAHAN: Thank you.

19 MR. WATSON: Two very quick points. And

20 then I will depart after we confirm what my

21 understanding to be.

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1 One is, Ms. Price, I think you're

2 suggesting that MDE is the issue here, so

3 Dr. Smullens and all of us ought to be talking

4 to MDE.

5 The essential point is that it is you on

6 the County Council who have the power, not us,

7 not MDE, you on the County Council have the

8 power. And this Resolution 308 is the last

9 opportunity to make a decision to stop. Talbot

10 County can stop the connection of the Lakeside

11 homes to this plant.

12 And by rescinding it without prejudice

13 means it all goes on hold until you get the

14 answers. Okay. Because if you don't rescind

15 it, then Talbot County never has another thing

16 to say about it and it's between MDE and the

17 Town of Trappe. And you are abdicating your

18 duty. And you sit as the Board of Health to

19 put this on hold.

20 Second point I want to make very

21 briefly --

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1 MS. PRICE: Can I just say something to

2 that real quick?

3 MR. WATSON: Of course.

4 MS. PRICE: I've felt that if we do

5 something, it really needed to be an amendment

6 to the comp water and sewer plan because there

7 are two different legal opinions right now.

8 And so rescinding 281 may or may not do

9 anything.

10 Amending our comp water and sewer plan

11 with basically the same action that you're

12 asking for, taking in all this information, may

13 actually be the better way to go, to amend the

14 comp water and sewer plan because I think the

15 horse has left the barn on 281.

16 And so doing what you want to do with your

17 amendment to the comp water and sewer plan may

18 be the better way to address the concerns and

19 fix the problem, along with talking to MDE and

20 making sure they understand this.

21 MR. WATSON: Can I answer that question

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1 very briefly?

2 MS. PRICE: Please do.

3 MR. WATSON: Mr. Thomas was not wrong when

4 he said a few weeks ago that one could deal

5 with this by amending the comprehensive water

6 and sewer plan yet again.

7 But if that were to happen, and we're all

8 adults in this room, we know what is going on

9 at Lakeside, what the project is about. And at

10 Lakeside, construction began in July.

11 And with respect to a new amendment, a new

12 amendment of the comprehensive water and sewer

13 plan, with all due respect, I believe, and I

14 was in the real estate development finance

15 business for 50 years, I believe the argument

16 of the Lakeside developer is as to new

17 amendments, he is vested and vested in good

18 faith because there was never anything being

19 discussed as respects a new amendment when he

20 began construction.

21 So while it may be literally true that one

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1 could amend the comprehensive water and sewer
 2 plan and it would have impact, it wouldn't have
 3 any impact whatsoever on Lakeside --
 4 MS. PRICE: -- rescinding --
 5 MR. WATSON: I understand.
 6 MS. PRICE: -- either. So I just don't
 7 know.
 8 MR. WATSON: I'm responding, though, to
 9 your articulation that an amendment is the
 10 better way to go.
 11 Rescission is the only way to go if you
 12 actually don't want to give this lip service,
 13 but actually wish to do something, not to kill
 14 Lakeside, not to put it out of business, but to
 15 stop the presses while all these questions that
 16 Dr. Smullens, his head is exploding, and others
 17 of us have because it needs to be stopped while
 18 these really important questions, I mean we're
 19 not making this stuff up, get answered.
 20 And then when you really know what is
 21 going on, it can come, the matter can come

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1 back. And that's the difference.
 2 The other point that I wanted to make, if
 3 you remember, there were two, is that God bless
 4 Dr. Smullens because he expressed exactly why
 5 this session, which is such an awful session,
 6 everybody is frustrated, I feel rotten for
 7 everybody else out there, why this has to
 8 happen. Because if you remember, what you just
 9 heard from Dr. Smullens, but for the
 10 petitioners, Dan Watson and 349 other people,
 11 forcing this into hearing our petition,
 12 Dr. Smullens would have, once again, needed to
 13 address you in three minutes. His head --
 14 I mean these issues, all of these issues
 15 are very complicated. They really are. And
 16 they need -- you saw my frustration in having,
 17 because of notice Friday morning at 11 that I'm
 18 supposed to have all -- to tell you everything
 19 I need to tell you, I've got all that
 20 information in here. But you can't do it in a
 21 Twitter message.

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1 So the same phenomena you saw with respect
 2 to Dr. Smullens and his frustration of having
 3 this information that he's unable to convey in
 4 such a short order of time, is a similar
 5 phenomena you're seeing with regard to all
 6 these other points, Mr. Alspach and all the
 7 others.
 8 And but for the ability to call them up as
 9 witnesses so they can speak without the clock
 10 banging them dead, you would never get the
 11 information. We would have all form and no
 12 substance in this session.
 13 So with that, if I understand -- actually
 14 why don't I ask Mr. Thomas to explain what the
 15 understanding is here with regard to the
 16 suspension of my remarks and the deferral of a
 17 vote on 308.
 18 MR. PACK: Well, I made the request,
 19 Mr. Watson, to the chair that we suspend this
 20 at this time and pick it up at a later date.
 21 And I'm asking that the Council not take a vote

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1 on the matter this evening.
 2 MS. PRICE: Well, I was always going to
 3 suggest that we don't take a vote because there
 4 is public comment to MDE in a couple of weeks.
 5 MR. PACK: Okay. That's --
 6 MS. PRICE: I'm not too sure I want to
 7 shut everything down. But if there are some
 8 very key points.
 9 I mean I would also like to hear from
 10 Mr. Councill from the Planning Commission and
 11 maybe any other Planning Commission members who
 12 got information from you. I would ask that at
 13 least we hear from our Planning Commission
 14 before we --
 15 MR. PACK: Well, we have a public hearing.
 16 So why don't we allow Mr. Watson time to
 17 collect his things together.
 18 MR. CALLAHAN: Right.
 19 MR. PACK: And then we'll do our public
 20 hearing.
 21 MR. DIVILIO: Wait a second. Before we

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1 get to that, you just said that if it was not
 2 for this petition, we would never have received
 3 this information.
 4 I want to make sure that we leave public
 5 record open so that we can continue receiving
 6 this information, just as we have been
 7 receiving this information.
 8 MR. WATSON: With due respect, I infer you
 9 are saying that the submittal of written
 10 information is the equivalent of hearing
 11 Dr. Smullens?
 12 MR. DIVILIO: Yes. If he submits his
 13 information to me and gives me an e-mail,
 14 that's just the same as if I sit here and
 15 listen to him speak.
 16 MR. WATSON: Actually I addressed this
 17 recently.
 18 The communication -- well, I respectfully
 19 disagree as to its effectiveness because one
 20 doesn't know what is consumed.
 21 MS. PRICE: Right. And the public doesn't

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1 hear it and questions can't be asked. So I
 2 disagree. E-mail is not the same thing as
 3 public comment.
 4 And that's part of transparency in
 5 government, Mr. Divilio. We need to hear it
 6 and we need the ability to ask questions.
 7 MR. DIVILIO: The transparency comes from
 8 public information. They can request all of
 9 this. It all goes into the record.
 10 And yes --
 11 MS. PRICE: It's not the same as this.
 12 MR. DIVILIO: When I make the decision,
 13 the decision is made publicly. And that's very
 14 transparent.
 15 So yes. I would like to receive
 16 information and have been receiving
 17 information.
 18 MR. WATSON: With due respect, the
 19 Planning Commission -- Dr. Smullens' comment is
 20 exactly on point. Dr. Smullens had three
 21 minutes to try to convey to the Planning

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1 Commission on Wednesday his point of view on
 2 all these complex issues.
 3 He had submitted in advance of that
 4 meeting, I believe it was in advance, his
 5 36-page report with a 21-page appendix. Okay.
 6 He had submitted it to Mr. Strannahan, he had
 7 submitted it to Mr. Spies, he had submitted it
 8 to the other members.
 9 And it is absolutely correct that each of
 10 those individuals could have read all 54 pages
 11 of it, thought about it, analyzed it on their
 12 own, and reached their conclusions and never
 13 even had heard from Dr. Smullens for three
 14 minutes theoretically.
 15 But as a practical matter, with all due
 16 respect, I think, and I will say this out loud,
 17 that I think the decision and the performance
 18 of the Planning Commission in achieving the
 19 decision they achieved reflects, reflects the
 20 failure of process because conveying the kind
 21 of intricate indicate information that we have

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1 here on really important points in three
 2 minutes, which but for this petition business,
 3 is where the Council would be, is demonstrably
 4 ineffective on complicated matters.
 5 This, Ms. Price and gentleman, this
 6 Lakeside matter, I mean it's not a joke about
 7 the size and impact of this. We are
 8 essentially building a new town that is going
 9 to straddle Route 50. Until Lakeside showed
 10 up, Mr. Councill is exactly right, that long,
 11 long ago, Trappe was identified on the
 12 Comprehensive Plan as the likely area of growth
 13 next to developed area and it's down in the
 14 south part.
 15 Until Lakeside showed up as a project in
 16 2002, and jumping ahead preview item number
 17 five and four, it was never designated as
 18 anything but unprogrammed. Until that time,
 19 all of the development that was in the
 20 Comprehensive Plan was on the west side of
 21 Trappe.

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1 So there was growth there. Nobody is
 2 denying the idea that Trappe has for decades
 3 been identified as the growth spot. But in
 4 those days, and there was nobody on the Council
 5 today who was there then and in terms of our
 6 staff, the county staff, very, very few
 7 individuals have been around here and know what
 8 that story is. Whereas, on the development
 9 team, there seems to be some continuity.
 10 Anyway, it's a complex story, but the
 11 decisions about this are going to change Talbot
 12 County. An oil refinery in Wittman would have
 13 changed Talbot County forever. And it's why it
 14 is such a colossally serious matter that all
 15 the frustrations that we're going through, and
 16 I'm in the doghouse with 300 people now, it
 17 just has to get on the record. And it is
 18 Dr. Smullens' information that you all need to
 19 grasp. But it isn't just Dr. Smullens'
 20 information.
 21 MR. CALLAHAN: So Mr --

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1 MR. WATSON: I've beat that horse to
 2 death.
 3 MR. CALLAHAN: Yup. Okay. So your
 4 question is with Mr. Thomas where we proceed
 5 with suspending this until possibly after the
 6 MDE meeting. So we need to set up another
 7 meeting so he can end his --
 8 MR. THOMAS: So we would set up another
 9 hearing to continue this. And I think it would
 10 be appropriate to agree on a timeframe so
 11 that --
 12 MR. CALLAHAN: Right.
 13 MR. THOMAS: -- so that Mr. Watson has
 14 time to prepare and knows how much time he's
 15 going to have to wrap this up.
 16 MR. CALLAHAN: Okay.
 17 MR. WATSON: Well, I would be happy to
 18 discuss it with you in a bona fide way. I mean
 19 I'm not making -- this isn't all that much fun
 20 actually.
 21 But I want to make the point that I'm not

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1 satisfied with the notion that somebody is just
 2 going to tell me how much time I've got.
 3 I would like to have that discussion
 4 because, again, under -- if anybody is
 5 concerned about that, under the rules of
 6 procedures that are your rules of procedure,
 7 this is a petition with the ability to do the
 8 things we've cited and without that time
 9 limitation. So --
 10 MS. PRICE: But I also think it's fair for
 11 you to give some idea and not just say it's
 12 going to take however long I want.
 13 Tell us. Three hours? Six hours? Just
 14 some idea.
 15 MR. WATSON: I couldn't agree with you
 16 more. This is why I'm saying.
 17 MR. PACK: Mr. Watson, we'll --
 18 MR. WATSON: -- that we can sit down and
 19 talk.
 20 MR. PACK: Let's work that out at a later
 21 date.

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1 Why don't we let you gather your things
 2 together.
 3 MR. CALLAHAN: Right.
 4 MR. PACK: Because we have other people
 5 that we need to hear from.
 6 So we'll work through the timing at a
 7 later date. Okay. We will certainly do that.
 8 MR. WATSON: Thank you very much. I
 9 agree.
 10 MR. CALLAHAN: Okay. All right. Let's
 11 just take five minutes while he gets things
 12 cleaned up here.
 13 And we'll go ahead and we'll keep on with
 14 the public hearing.
 15 (Recess taken.)
 16 MR. CALLAHAN: Okay. Like I said, we'll
 17 go ahead and keep on with the public hearing.
 18 And this gentleman right up here, I'm
 19 going to put him up here first. He's been very
 20 patient and I appreciate it.
 21 SECRETARY: It's this one right here.

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1 MR. CALLAHAN: And I'm going to do my
 2 best. Obviously we've got three minutes, five
 3 minutes. I'm not going to be a big stickler on
 4 it, but please don't get too long winded.
 5 MR. YOWELL: Oh, I'm not. I can assure I
 6 will not.
 7 MR. CALLAHAN: Okay. Thank you. I
 8 appreciate it.
 9 MR. YOWELL: I'm not sure why I'm here
 10 anymore. It's been so long ago that I came in.
 11 MR. CALLAHAN: Well, could you state your
 12 name and your address?
 13 MR. YOWELL: My name is Calvin Yowell,
 14 Y-O-W-E-L-L. I've been here in Talbot County
 15 for about 25, 26 years.
 16 I am involved with the Isaac Walton League
 17 of America Midshore Chapter. We have property
 18 in Trappe, Moneymake Road, bordering on
 19 Bolingbroke Creek.
 20 I have spent the last month conducting a
 21 series of interviews and done a lot of reading.

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1 Interviews with both Council member, members of
 2 the County engineering office, trying to get a
 3 better handle on what is going on and why there
 4 is so much opposition.
 5 Basically, there is a certain population
 6 or subset of the population that does not like
 7 to see growth, especially the magnitude that
 8 has been proposed for Trappe.
 9 I think, however, there are ways of
 10 addressing the issues, especially the one that
 11 we heard about this evening. And I'd like to
 12 spend a few minutes, if I may, to share my
 13 ideas with you. Figure out how to do this.
 14 SECRETARY: Just double click.
 15 MR. YOWELL: I did. I think it's time to
 16 move ahead. I think that 308 should just be
 17 canceled, terminated, put in the trash can.
 18 It's time to get something done. Okay.
 19 This project has been on the books since
 20 the early 2000s. It was put on hold due to the
 21 downturn in the real estate market. It's been

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1 resurrected, they've had public hearings, and
 2 we're still having more public hearings.
 3 It seems like everybody has a contentious
 4 attitude, and I think this can be done
 5 differently. And I want to go over a few major
 6 points about 281. Okay.
 7 The MDE has made a final ruling. In that
 8 ruling, the first roughly 120 properties,
 9 homes, their effluent or sewage flow would be
 10 into the existing Trappe system. And this
 11 seems to be the point of contention.
 12 I think we can do it differently because
 13 Trappe's system has already been compromised.
 14 It's not meeting its own requirements. And
 15 some of the requirements are even missing, like
 16 for nitrogen, as we heard earlier this evening.
 17 The long-term question I think some people
 18 may have is spraying. It seems to be a big
 19 issue. I have come to understand that very
 20 important in making the decision to spray is
 21 the type of soils that you have and the ability

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1 of those soils to take up the effluent when
 2 it's sprayed.
 3 We hear of war stories about Wye Mills,
 4 about Martingham. And in both of those cases,
 5 one was poorly designed, the other one had a
 6 water table that was very high. So it had no
 7 opportunity to absorb the flow.
 8 Then we look at other systems here in the
 9 county. We have Easton's and we have
 10 St. Michaels?. And all of those border onto
 11 major waterways. And they're able to pipe it
 12 down and out. Okay.
 13 Trappe is different because it's inland, a
 14 little higher ground. So whether or not that
 15 soil is the right type, who knows.
 16 Now, the whole project has been laid out
 17 and it's been told to me that it's a 20-year
 18 project, maybe even a 25-year project. It's
 19 not going to happen overnight, and that its
 20 development is going to be market driven.
 21 We're not going to build houses just because we

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1 can do it. We have to have people who want to
 2 live there who are willing to put out the
 3 money.
 4 So the thing is, it's built in phases.
 5 Each phase is going to have sub-phases in it.
 6 And as they go along, there are some check
 7 points, whether you choose to recognize them or
 8 not, in the MDE agreement.
 9 At a point where they are reaching
 10 capacity of 80 percent within a particular
 11 phase, then they're going to look at do we go
 12 forward with the next phase. And if that being
 13 the case, there are ways in which one can
 14 manage the growth if it's necessary to do so.
 15 Another thing that I learned in
 16 interviewing various people is that MDE's
 17 numbers are ultra conservative. And when
 18 compared with what's historically been the case
 19 with the outflows from Easton plant and the
 20 St. Michaels plant, they're saying their
 21 average, daily average per household is

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1 114 gallons. Well, that's a heck of a
 2 difference when MDE says you get 250 per
 3 household.
 4 So I don't think the flows are going to be
 5 as radicle or as high as MDE is providing for,
 6 which might suggest the amount of land set
 7 aside for the spray field could be more than
 8 adequate, but we don't know, not until we start
 9 spraying.
 10 We look at Trappe. And we've heard a lot
 11 about the Trappe plant tonight, how poor
 12 condition it is, the fact that it's back level,
 13 that it's supposed to be meeting certain
 14 criteria and it doesn't.
 15 Then if we look at Lakeside, and they plan
 16 on having, if you will, a modular system. And
 17 as each phase goes in, another modular system
 18 will be added. And supposedly, they'll meet
 19 the requirements of MDE of three milligrams
 20 liter and .3, as illustrated here.
 21 I think one should step back, look at the

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1 situation, look at the Trappe conditions, and
 2 say there is a reasonable alternative that I
 3 believe the developer and the county and the
 4 Town of Trappe can come together and agree
 5 upon. And that is to not send the flow from
 6 the 120 first homes over to Trappe, but to send
 7 that to, send the flow from Trappe over to
 8 Lakeside where they can do the reduction in
 9 phosphorus and nitrogen load. And then either
 10 spray it locally or send it back for the pipe
 11 going into La Trappe Creek.
 12 There's been some of these conversations
 13 ongoing as I sit here tonight. And I think
 14 there should be an opportunity for those
 15 conversations to potentially come to fruition
 16 before one were to vote on 308. Okay.
 17 Now, if you look at the report out of 281,
 18 about the expenses associated with the
 19 upgrading of the Trappe facilities and its
 20 maintenance and also the outstanding debt that
 21 they have to service on that plant, becomes

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1 questionable, I think, as to whether or not
 2 that plant should even be upgraded. I think
 3 there are systems problems that they can
 4 address and must address, especially
 5 infiltration of the system.
 6 But beyond that, I think the parties
 7 should sit together and see if there's a better
 8 way. Possibly then to have two pipes going to
 9 Lakeside, one to send it over, one bring back
 10 the cleaned effluent.
 11 There's also a number of issues that go
 12 beyond the sewage system. And I have not heard
 13 or read much information regarding any of
 14 these. And I'd be interested to know to what
 15 extent they're being addressed or have been
 16 addressed just for my own education.
 17 There is an extension survey report called
 18 the Hines report that was done. I'm not
 19 qualified to assess its quality. I don't know
 20 of any of us in here are, as a matter of fact.
 21 So you have to kind of take that at face value

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1 and say okay, the proper people did the study.
 2 They say the soils are proper and can handle
 3 the flows. We have to accept that or get the
 4 right person.
 5 MS. PRICE: Can I ask you a quick
 6 question?
 7 MR. YOWELL: Certainly.
 8 MS. PRICE: You said as far as the first
 9 120 homes and not to send to the current plant.
 10 But they have not yet built that first pond or
 11 whatever of this spray irrigation.
 12 MR. YOWELL: Okay.
 13 MS. PRICE: So the homes that are under
 14 construction now, my question is where would
 15 that effluent go if Lakeside has not yet built
 16 their first pond?
 17 MR. YOWELL: Good question. You're about
 18 a half a page ahead of me.
 19 MS. PRICE: I'm sorry.
 20 MR. YOWELL: It's all right. And these
 21 are a whole lot of questions I have.

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1 Also, municipal services, has all that
 2 been addressed? Fire, police.
 3 MS. PRICE: Schools?
 4 MR. YOWELL: Huh?
 5 MS. PRICE: Schools?
 6 MR. YOWELL: Schools, yes. Internet
 7 service, what have you. Has all that been
 8 addressed? I don't know, but it needs to be if
 9 it isn't I think.
 10 Now, I think there should be a different
 11 approach as to how you solve the problem. And
 12 that is there should be some kind of a council
 13 formulated. Not with 100 people on it, not
 14 with 20 people. I came up with saying we have
 15 one voice for conservation issues, one for
 16 environmental. And I just put ideas here of
 17 who might be in that category.
 18 Environmental, Shore Rivers and Chesapeake
 19 Bay Foundation.
 20 The Town of Trappe, can you put somebody
 21 in there financially informed and also somebody

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1 that could look at the technical side of
 2 things. Maybe the county engineer know because
 3 whatever is done must conform for what's done
 4 in public works and public health county wide.
 5 Developer has to play a role.
 6 And I think there should be a lawyer to do
 7 pro bono work on a particular subject at hand.
 8 So this could be a small working group,
 9 each member having to speak in behalf of like
 10 agencies. And let's keep the ball moving.
 11 Now to answer Ms. Price's question, I
 12 always call her Laura when I go in the shop,
 13 the developer would have to step up and
 14 concurrently build and install the first
 15 module. That's the only way it would work.
 16 Now, whether or not they would, I don't
 17 know. But if you could put together a small
 18 group of committed persons, I think some of
 19 this progress could be made.
 20 MS. PRICE: But you have to get them to
 21 agree not to keep building right now. And I

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1 don't know if they're going to do that.
 2 They're already constructing things.
 3 MR. YOWELL: They're not -- we won't even
 4 get, to my knowledge, they won't even get the
 5 first building permit until after the first of
 6 the year.
 7 MS. PRICE: But MDE has told them they can
 8 build. It's already happened.
 9 MR. YOWELL: But you got to have a
 10 building permit to put up a house.
 11 MS. PRICE: That's true.
 12 MR. YOWELL: Right. You can't get that
 13 until you've done a certain amount of
 14 infrastructure work. You've got to have roads
 15 in, right, you got to have piping put in
 16 underground as you go along.
 17 MS. PRICE: Right. But they have it
 18 because they've already been told they can
 19 connect to the existing plant. They already
 20 have that infrastructure in place at this time,
 21 unless that gets turned upside down.

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1 MR. YOWELL: I'm suggesting to you, if I
 2 can go back. How do I go backwards?
 3 SECRETARY: The right side. The right,
 4 yeah, previous, up at the top.
 5 MR. DIVILIO: Click on the left.
 6 SECRETARY: Yeah, just click there.
 7 MR. YOWELL: Sorry. Yeah. All I'm saying
 8 is it has to be done concurrent.
 9 Now, if you could convince the developer
 10 that rather than sending it over to the Trappe
 11 facility, which is in terrible condition, as we
 12 heard, then you could put all the effluent
 13 going through the Lakeside units, return the
 14 cleaned effluent back into Trappe. Or
 15 negotiate with them to spray it.
 16 I think there's too much politics and too
 17 much contention between the parties.
 18 MS. PRICE: How do we incentivize them to
 19 agree to that?
 20 MR. YOWELL: You hire me. No. I think
 21 there's some members of government agencies

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1 that could begin to facilitate that
 2 conversation. I would be willing to address
 3 certain items as well.
 4 But I think we need to move ahead. I
 5 don't think this going at each other is solving
 6 any problems. It's going to happen. Let's
 7 make it happen the best way possible. Let's
 8 keep moving. Let's not, as I say, be
 9 contentious.
 10 That's all I have to say. I'll answer any
 11 questions. I got a notebook that thick of the
 12 reading I've done, interview notes, etc.
 13 MR. CALLAHAN: I appreciate your --
 14 MR. YOWELL: Simple enough.
 15 MR. CALLAHAN: Right. And I appreciate
 16 you waiting around for us. And I gave you 16
 17 minutes.
 18 MR. YOWELL: Thank you very much.
 19 MR. CALLAHAN: You're welcome.
 20 MR. YOWELL: And why you give him any more
 21 minutes, I have no idea.

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1 MR. CALLAHAN: No problem. Thank you.
 2 Okay.
 3 So I'll start here, would you like to
 4 speak?
 5 SPEAKER: I'll tell you what, I think we
 6 probably should go with the sheet, the sign-up
 7 sheet.
 8 MR. CALLAHAN: Oh, is there a sign-up
 9 sheet out there?
 10 SPEAKER: There is.
 11 MR. CALLAHAN: Oh, it is. Okay.
 12 MS. PRICE: Mr. Callahan.
 13 MR. STAMP: No. That's for public
 14 comment.
 15 MR. PACK: That's for public hearing.
 16 SPEAKER: I'm sorry.
 17 MS. PRICE: Could we hear from the
 18 Planning Commission members first?
 19 MR. PACK: That's the public comment;
 20 isn't it?
 21 MR. CALLAHAN: Oh, is that the public

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1 comment?
 2 SPEAKER: No. They were going to call
 3 people because they couldn't come into this
 4 room.
 5 MR. DIVILIO: And there's some people are
 6 outside.
 7 SPEAKER: They were going to use that
 8 sheet to call people in for comments.
 9 MR. PACK: They signed the wrong sheet.
 10 MR. CALLAHAN: Okay.
 11 MS. PRICE: The only thing --
 12 SPEAKER: A lot of them have already left.
 13 MR. CALLAHAN: I got you.
 14 MS. PRICE: What I would ask is that we
 15 hear from our Planning Commission and/or Public
 16 Works Advisory Committee members first and
 17 then...
 18 MR. PACK: This is a public hearing.
 19 MS. PRICE: I know, but they just got all
 20 the information last week. And it might be
 21 nice for us to ask a few questions of our

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1 official boards and committees first is my
 2 preference.
 3 MR. PACK: (Inaudible.)
 4 MS. PRICE: I know, but (inaudible).
 5 MR. CALLAHAN: So what we'll do. There is
 6 people out here that signed up to come here and
 7 talk about 308. So we're going to go ahead and
 8 do public hearing now. And then we're going to
 9 open it up to them once we get done in here.
 10 Okay.
 11 So Chip, would you like to come up?
 12 MR. COUNCELL: Sure. Good evening. My
 13 name is Chip Councell. I serve as chairman of
 14 the Talbot County Planning Commission.
 15 I'd like to give you a little update about
 16 what happened, what we've been doing.
 17 MR. CALLAHAN: Sure.
 18 MR. COUNCELL: Obviously there's no
 19 official action before the Planning Commission.
 20 We took it upon ourselves to find the facts.
 21 So over the last several months, the

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1 Planning Commission has had three workshops.
 2 We developed a list of questions for the Talbot
 3 County Public Works, Ray Clarke, the Town of
 4 Trappe, the Maryland Department of the
 5 Environment. That letter was signed on
 6 September the 3rd or written on September the
 7 3rd, signed by Lee Curry on September the 24th.
 8 I received it four o'clock yesterday.
 9 MR. CALLAHAN: Got you.
 10 MR. COUNCELL: We also asked questions of
 11 the developer, Lakeside, through Ryan
 12 Showalter. We accepted written comments and
 13 held our meeting last Wednesday and Thursday
 14 evening.
 15 At the conclusion of our hearing, a motion
 16 was made to rescind Resolution 281. That
 17 motion failed by a three to two vote.
 18 There was unanimous consensus for the
 19 concerns of La Trappe Creek. Make no mistake
 20 about it. If you haven't had time to look at
 21 our meeting, read the Talbot Spy today. I

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1 think they summed up my comments very well.
 2 Mr. Smullens, I know we gave him three
 3 minutes. I read his entire report. I knew how
 4 I stood on it when I read his report.
 5 There is concern for La Trappe Creek. The
 6 Planning Commission is committed to that.
 7 We're willing to do whatever it takes to get
 8 there.
 9 The problem with La Trappe Creek exists
 10 today. My personal concern is what is the
 11 fastest way to fix that. That's happening with
 12 or without the Lakeside development. We've all
 13 got to sit down and work together.
 14 I made the comment last week, it's Talbot
 15 County's problem, it's not Trappe's problem,
 16 it's Talbot County's problem.
 17 So at the end of our vote, there was a
 18 suggestion that there should be further
 19 recommendations or possible amendments, either
 20 to the sewer and water plan or Resolution 281.
 21 We felt that at this point it comes back to you

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1 and then we will address it.
 2 In my opinion, and this is my opinion,
 3 that 281 is a good resolution. It provides for
 4 capital improvements that I think are much
 5 needed. We heard from Ray Clarke about that.
 6 And also in the language of 281, it does talk
 7 about the initial hookups of the homes at
 8 Lakeside, and it talks about the possibility of
 9 either an ENR module for those first homes or,
 10 and I stress the word or, hook up to the
 11 existing Trappe wastewater treatment plant.
 12 So I think 281 addresses what we need to
 13 do. And at the end of the day, we need to do
 14 whatever we can as fast as we can to work with
 15 MDE, Trappe, whoever, but we've got to do
 16 something about La Trappe Creek.
 17 MR. CALLAHAN: Thank you. You good?
 18 MR. PACK: Thank you.
 19 MR. CALLAHAN: Thank you, Mr. Councell.
 20 MR. COUNCELL: Yup.
 21 MR. CALLAHAN: Okay.

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1 MR. ANDERSON: President Callahan, Members
 2 of the Council, my name is Bill Anderson. I'm
 3 chair of the Public Works Advisory Board.
 4 The Public Works Advisory Board prepared
 5 and adopted five to nothing a three-page
 6 statement of 12 points that we presented to the
 7 Planning Commission. I'd like to ask that a
 8 copy of that be received into the record.
 9 MR. CALLAHAN: Sure.
 10 MR. ANDERSON: Of this proceeding as well.
 11 MS. PRICE: Ms. Moran, is that in Granicus
 12 for us or not?
 13 SECRETARY: No.
 14 MS. PRICE: Thank you.
 15 SECRETARY: I've never seen it.
 16 MR. ANDERSON: Rather than go through
 17 that, I also prepared a summary recap of my
 18 three pages in ten points that I would like to
 19 have in your hands, if I could pass that out
 20 and ask that a copy of that be included in the
 21 record as well. Thank you.

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1 I had occasion to look at the map the
 2 other day. And it dawned on me probably for
 3 the first time that all of the Choptank River
 4 is in Talbot County. Maybe you knew that all
 5 along. But I didn't. I always assumed that
 6 the midpoint of the river would be the
 7 dividing line.
 8 But you have custody, control and care of
 9 the entire river. The borderline actually is
 10 the Dorchester side of the river over on the
 11 Cambridge side. I thought that was
 12 interesting.
 13 So here is my recap of our 12-point
 14 summary.
 15 First, the early 2021 permit violations,
 16 which Dr. Smullen referred to as a whole
 17 quarter, show that the existing Trappe
 18 wastewater treatment plant is susceptible to
 19 uncontrolled washout of treatment media and,
 20 therefore, subject to future uncontrolled
 21 violations.

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1 Second, even when that plant is in
 2 compliance with its permit limits, the Trappe
 3 wastewater treatment plant discharges a total
 4 nitrogen concentration that averages
 5 23.87 milligrams per liter, according to
 6 Trappe's town counsel, Ms. Ryan.
 7 That compares to a region two total
 8 nitrogen limit of four milligrams per liter.
 9 Mr. Pluta referred to three milligrams per
 10 liter, which is actually the limit on ammonia
 11 nitrogen from the region two plant. But the
 12 region two plant routinely operates and
 13 discharges at less than half of its limit of
 14 four. So something under two milligrams per
 15 liter.
 16 The Trappe discharge results in an annual
 17 loading to La Trappe Creek, according to
 18 Ms. Ryan, of 6,336 pounds per year of total
 19 nitrogen.
 20 Now, if you take the \$1,000 a pound cost
 21 to remove it that you heard from Mr. Pluta this

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1 evening, that means that in a year, Trappe is
 2 putting into that little, La Trappe Creek,
 3 \$6.3 million worth of nitrogen at the cost of
 4 removal every year.
 5 Third, the existing Trappe wastewater
 6 treatment plant is stockpiling sludge without a
 7 sludge utilization permit. And according to
 8 what you heard from Mr. Robert Crosswell,
 9 causing a stench in the Town of Trappe.
 10 Fourth, MDE has taken no enforcement
 11 action in response to permit violations by the
 12 existing Trappe wastewater treatment plant.
 13 I today received a copy of the MDE letter
 14 to the Planning Commission, saw it for the
 15 first time, read it today. And I was surprised
 16 to find that MDE also referred to violations
 17 for May through June or, excuse me, through
 18 July. And that was the first we had heard
 19 about additional violations in May through
 20 July. We don't know what they were, what they
 21 are. And this was the first information we had

<p style="text-align: right;">Page 190</p> <p>1 that there were actually violations then.</p> <p>2 Number five, hookup of the first batch of</p> <p>3 Lakeside homes, which is now identified as 120</p> <p>4 EDUs, to the existing Trappe wastewater</p> <p>5 treatment plant is crucial to the successful</p> <p>6 startup of the proposed new Lakeside wastewater</p> <p>7 treatment plant. There are no offsets</p> <p>8 provided.</p> <p>9 Six, the hookup is designed for two-way</p> <p>10 operation pursuant to the development rights</p> <p>11 and responsibilities agreement. And therefore,</p> <p>12 the two wastewater treatment plants really need</p> <p>13 to be considered part of a single sewer system.</p> <p>14 And by the way, the new cost estimate that</p> <p>15 we heard at the Planning Commission hearing for</p> <p>16 the upgrade of the existing plant, Trappe</p> <p>17 plant, is now I believe we were informed</p> <p>18 \$10 million, not \$7 million.</p> <p>19 And according to MDE's table of scheduled</p> <p>20 upgrades, that upgrade to the ENR in Trappe is</p> <p>21 not scheduled to occur until July 1, 2025.</p>	<p style="text-align: right;">Page 192</p> <p>1 maximum of 540,000 gallons per day.</p> <p>2 Why did I say supposed maximum? Because</p> <p>3 the 540,000 gallons per day that we're all</p> <p>4 fixated on is actually an average, the annual</p> <p>5 average.</p> <p>6 This is the permit application that Trappe</p> <p>7 filed with the Maryland Department of</p> <p>8 Environment dated, signed January 2019,</p> <p>9 January 21, 2019. And in this document,</p> <p>10 they're asking for a maximum flow, not of</p> <p>11 540,000 gallons, not of 650,000 gallons, no.</p> <p>12 1.51 million gallons per day to be spray</p> <p>13 irrigated onto 87.6 acres. That's the maximum.</p> <p>14 And no one has ever done any analysis of what</p> <p>15 that would entail.</p> <p>16 Ninth, there were major discrepancies</p> <p>17 between the parcels identified in the title and</p> <p>18 text of Resolution 281, on the one hand, and</p> <p>19 the sewer service map that the resolution</p> <p>20 adopted, on the other. The result was that</p> <p>21 Resolution 281 unwittingly reclassified</p>
<p style="text-align: right;">Page 191</p> <p>1 Seventh, the developer has acquired</p> <p>2 exclusive rights, exclusive rights to 120 EDUs</p> <p>3 of the Trappe wastewater treatment capacity</p> <p>4 pursuant to the January 2021 agreement. And</p> <p>5 those rights, once acquired, will be permanent.</p> <p>6 There may, in fact, be no end to the additional</p> <p>7 discharge into the existing Trappe wastewater</p> <p>8 treatment plant.</p> <p>9 MDE's November 4, 2020, letter approving</p> <p>10 Resolution 281, amendment one, even implies</p> <p>11 that the 120 EDUs might actually become 500</p> <p>12 EDUs. Again, with no offsets.</p> <p>13 Eighth, if you apply the 250-gallon per</p> <p>14 day per EDU planning figure, that's not only in</p> <p>15 MDE's requirements, but also in the wastewater</p> <p>16 capacity allocation agreement that was entered</p> <p>17 into in January and in a document entitled</p> <p>18 Trappe wastewater flow allocations that</p> <p>19 Ms. Ryan provided on August 11, 2021, the</p> <p>20 Lakeside project represents 185,250,000 gallons</p> <p>21 per day of sewage above and beyond the supposed</p>	<p style="text-align: right;">Page 193</p> <p>1 approximately 18 parcels that were not called</p> <p>2 out in the text or in the title or ever</p> <p>3 actually reviewed for consistency with the</p> <p>4 Comprehensive Plan.</p> <p>5 Tenth, finally, plans change. In 2004,</p> <p>6 the predecessor of this Council unanimously</p> <p>7 rejected reclassification of Trappe East to</p> <p>8 S-1.</p> <p>9 In 2010, the town told MDE, this County</p> <p>10 Council that no wastewater treatment plant</p> <p>11 would be built in Trappe East for Lakeside. So</p> <p>12 the 120 EDUs, the 540,000 gallons per day, the</p> <p>13 possible switchover of first homes to the</p> <p>14 Lakeside wastewater treatment plant may or may</p> <p>15 not occur. And the permit for the proposed new</p> <p>16 Lakeside wastewater treatment plant continues</p> <p>17 to be a moving target.</p> <p>18 Thank you.</p> <p>19 MR. CALLAHAN: Thank you. You can come</p> <p>20 up, Tom.</p> <p>21 MR. LESHER: We do have a sign-up.</p>

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1 MR. CALLAHAN: Oh, we do?

2 MR. LESHER: That pertains to (inaudible).

3 MR. CALLAHAN: Okay. You want to start
4 with this now?

5 MR. LESHER: Sure.

6 MR. CALLAHAN: Okay. Go ahead, Tom.

7 MR. ALSPACH: Tom Alspach speaking on
8 behalf of Talbot Preservation Alliance.

9 I believe I was to be one of Mr. Watson's
10 witnesses. And I hope he'll excuse me for
11 coming and speaking now because what I want to
12 impart to you, I think I can do fairly
13 efficiently. And I think it might fit into the
14 context of some of what you've heard but coming
15 from a slightly different angle that I think
16 should be a cause of concern for all of you.

17 I agree with Chip Councell that there are
18 some aspects of 281 that are good having to do
19 with budget for capital improvements, having to
20 do with the water system. There are others
21 that are benign. But there are others that are

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1 just too loosey-goosey because they essentially
2 emasculate the County Council with regard to
3 any future control over what happens with
4 wastewater that is discharged into county
5 waters and La Trappe Creek.

6 And the way this has happened is that
7 since you approved 281, the Town of Trappe and
8 the developer have entered into two new
9 agreements that are going to define how much
10 effluent is sent from Trappe East to the
11 existing plant and for how long. Or I should
12 more correctly say they don't define that.
13 They leave both those things open ended.

14 For starters, the wastewater capacity
15 allocation agreement of January 21st between
16 the Town of Trappe and the developer does
17 specify that the developer will have the 120
18 EDUs, that is 120 residences, that can be
19 connected. The developer has five years to
20 acquire them.

21 But they then become the permanent

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1 property essentially of the developer that will
2 be used indefinitely forever as long as the
3 developer wants to use them with respect to
4 residences in Trappe East.

5 And that number, 120, is entirely or can
6 be entirely a moving target. You've just heard
7 testimony about how the capacity of the plant
8 might be increased. There is nothing at all in
9 281 that would prevent the developer and the
10 town next month, six months from now, two years
11 from now from saying well, guess what, we're
12 going to increase 120 units to 250 units and
13 let them put 250 units worth of effluent into
14 the town system.

15 And by the way, I was around at the start
16 of this thing. I've been on this project for
17 20 years. And I remember very well in its
18 initial rendition, it was the first 250 houses
19 that were supposed to go to Town of Trappe
20 plant. That was a proposal that your
21 predecessors rejected back in 2004.

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1 So one, the initial problem is that the
2 number of EDUs that ultimately could be sent
3 from Trappe East to the existing Trappe plant
4 is essentially unlimited based entirely upon
5 what the developer and the town might agree at
6 any point in the future.

7 Even more critical in my opinion is the
8 second document that I believe I've been
9 provided that I think represents another
10 amendment to the developer's rights and
11 responsibility agreement, the DRRRA, which I
12 think you're familiar with, that governs all
13 aspects of the project. And it runs between,
14 again, the Town of Trappe and the developer.
15 The county has no say in it.

16 The DRRRA was I believe amended again, or
17 is proposed to be amended very soon, having to
18 do with when exactly the developer is to start
19 building the new wastewater plant for Trappe
20 East so that the effluent can go there.

21 We submitted the letter to the Planning

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1 Commission critical of the DRRA as it was first
 2 proposed to be amended because it basically
 3 left that decision of when to begin up to some
 4 kind of loose arrangement between the Town of
 5 Trappe and the developer.
 6 They have changed that language. And as I
 7 understand it, what now provides is that the
 8 petitioner, which is the developer, shall
 9 redirect the wastewater flow of the initial 120
 10 units to the project's wastewater plant, that
 11 is will be redirected to the Trappe East plant
 12 when such new wastewater plant is constructed
 13 and ready for operation.
 14 That is a meaningless standard,
 15 especially --
 16 MS. PRICE: Did you say should?
 17 MR. ALSPACH: Shall.
 18 MS. PRICE: It does say shall.
 19 MR. ALSPACH: They shall redirect it to --
 20 the shall sounds good at the beginning. But
 21 you got to read the end of the sentence. They

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1 shall redirect it when the plant has been
 2 constructed and is ready for operation.
 3 Who determines when it's ready for
 4 operation? Well, the developer determines when
 5 it's ready for operation. It could be ready
 6 for operation probably in 18 months, but it
 7 also could be developed and be ready for
 8 operation in three years, five years, or ten
 9 years. We don't know how long it's going to
 10 take for them to sell those 120 units or
 11 whether they will be able to get more than that
 12 number of EDUs by further negotiations from the
 13 town.
 14 And I think you need to look at this from
 15 the perspective of the developer, who they're
 16 in business to make money. They're going to do
 17 what's most cost effective for them. They're
 18 not going to want to start putting the millions
 19 of dollars into this new multimillion dollar
 20 wastewater plant until they're sure they've got
 21 cash flow, revenue, income that's been

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1 developed from the sale of a lot of individual
 2 startup units to get the income flowing to get
 3 some projections of how much they're going to
 4 be able to expect they're going to be able to
 5 count on coming into the coffers in order to
 6 underwrite the cost of the new wastewater
 7 plant.
 8 It's cheaper to just pay for the
 9 connection to the Trappe existing plant, pass
 10 that cost along to the initial homebuyers, and
 11 deal with it that way. And my prediction is
 12 going to be that that is what's going to
 13 happen. And they're not going to be in any
 14 hurry to get that plant underway if they can
 15 connect to the town's existing plant and keep
 16 the costs down while they see how many homes
 17 they sell how fast.
 18 How fast will they sell? Excuse me. How
 19 many houses are they selling annually in Trappe
 20 now or in the past ten years? It's not 120. I
 21 can tell you that.

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1 So that, to me, suggests that it may be
 2 quite a long time. And it's something you no
 3 longer have control over if you leave 281 the
 4 way it is in terms of when the developer has to
 5 redirect from the existing plant to the new
 6 plant. You have no control over that under 281
 7 now unless you change that provision.
 8 Now, it would not and it should not be
 9 conceived as any roadblock to the Trappe East
 10 developer, Lakeside developer to proceed with
 11 its development even if you were to conclude
 12 that 281 should be changed to prevent any
 13 connection to the existing Trappe, Town of
 14 Trappe plant at least until it was upgraded to
 15 ENR and its INI was fixed. That shouldn't stop
 16 the development going forward because one of
 17 the good things in 281, it was drafted with the
 18 developer's consent, says very clearly on page
 19 45 of Exhibit F that they now have the
 20 technology to begin use of the new wastewater
 21 plant, to develop and start using a new

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1 wastewater plant right away and it will operate
 2 properly at the initial low flows.
 3 In the past we've been hearing and for 20
 4 years we were hearing they have to connect to
 5 the Trappe existing plant for a period of time
 6 because until there are a certain number of
 7 houses that have been built, they won't have
 8 enough effluent coming into the plant to make
 9 it operate.
 10 Well, read Exhibit F on page 45. And it
 11 very clearly says that is no longer the case
 12 because of developments in technology. And
 13 they now have the ability to operate properly
 14 at the initial low flows. And that's why
 15 further down it says that startup of the
 16 wastewater treatment plant for Lakeside project
 17 can be provided by, one, the modular ENR MBR
 18 treatment, people who are operating at the
 19 initial development low flows or by a direct
 20 connection to the existing Trappe wastewater
 21 plant.

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1 So they very clearly have the option to
 2 connect -- to start the new plant up, develop
 3 the new plant, and make it work with the
 4 initial houses they construct there based on
 5 what 281 says already.
 6 So in our view, the main part of 281 that
 7 needs to be fixed is you got to get more
 8 control over the timing of when this
 9 connection, if it is allowed, will be
 10 discontinued.
 11 But more to the point, it should not be
 12 allowed at all until at least the existing
 13 Trappe plant solves this INI problem and gets
 14 upgraded to ENR to address all the things
 15 you've heard about tonight regarding outflow
 16 into existing La Trappe Creek.
 17 And that should not be a burden or an
 18 impediment to the developer since they very
 19 clearly said and it says in 281 that they can
 20 get along without relying upon the existing
 21 Trappe plant and they can start their project

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1 up by just servicing it directly and
 2 immediately through the initial houses with
 3 their own spray field program, the first module
 4 thereof.
 5 So those are a couple of things that I
 6 would like you to think about, particularly the
 7 county's current lack of control over so much
 8 of what is going to happen unless we do
 9 something about the current verbiage that I
 10 have now just described in 281.
 11 So I hope you'll think about a way to
 12 address that to retain some county control.
 13 MS. PRICE: Quick question for him and a
 14 comment, if that's all right.
 15 My question to you is when you said that
 16 the developer could just pay the Trappe plant
 17 however much while they are connected to the
 18 existing Trappe wastewater treatment plant,
 19 would you say that there's a financial benefit
 20 to the Town of Trappe to have that developer
 21 pay them for that connection?

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1 MR. ALSPACH: I won't just say it. I
 2 won't say it. Well, I'll say it because that's
 3 in their agreement. That's why Trappe wants to
 4 do this.
 5 MS. PRICE: -- Trappe probably needs
 6 users.
 7 I mean we talk about that all the time in
 8 our, Mr. Clarke, all the sanitary districts.
 9 Thank you. All the sanitary districts that
 10 we're concerned about having enough users. So
 11 I mean that makes sense. Nothing wrong with
 12 that, that Trappe would have a benefit to
 13 having those users on their plant financially.
 14 MR. ALSPACH: They would definitely get a
 15 financial advantage by having these connection
 16 fees paid.
 17 Is that financial advantage to Trappe
 18 worth what it does to the waters of La Trappe
 19 Creek? Maybe that's a judgment call that you
 20 have to make.
 21 They haven't had that advantage for many,

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1 many years now. They now are on the verge,
 2 according to another letter they put into the
 3 record, of qualifying for some \$7 million in
 4 State funding grants and programs to improve
 5 the plant. So it's not as if they're dependent
 6 upon these connections in order to do the ENR
 7 upgrade that is in the capital budget that is
 8 already in Resolution 281.

9 That's what they're supposed to be doing,
 10 using this money that's in the capital budget
 11 under -- I forget the exhibit number but you
 12 probably have seen it. Here it is. It's
 13 \$4.3 million to upgrade the plant and another
 14 2 million for the pumping stations.

15 Right now, it's scheduled for '21. I
 16 expect that's going to be pushed back.

17 But my only point is, Ms. Price, that they
 18 have the ability to generate the revenue that
 19 they need through these programs to upgrade the
 20 plant to the point that it possibly could take
 21 more connections if the INI was fixed and it

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1 was upgraded to ENR.

2 But right now, it would be disastrous, for
 3 the reasons you've heard tonight, to have
 4 another 120 houses dumping their wastewater
 5 into the plant as it exists at the present
 6 time. And I submit the Council should not
 7 allow that to happen.

8 MS. PRICE: Well, the quick comment was
 9 something that you reminded me of saying, or.
 10 And I have the transcript from last year's
 11 public hearing, and I asked that question.

12 I said I'm not comfortable bringing 120
 13 homes into a plant that's not operating at BNR.
 14 I mean you've got an or in here, and I think it
 15 need to be specific. You need to say one way
 16 or the other is it going to be a wastewater
 17 treatment plant or is it going to be the
 18 (inaudible) or the spray irrigation. And I
 19 said I'm not going to have a multiple choice in
 20 legislation that I'm going to vote on.

21 And I wish that I had gotten much more

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1 clarity to that answer because or stayed in
 2 there and it probably wasn't the right thing.

3 So it's just funny that you said that and
 4 I have this transcript with my quotes. I'm
 5 like oh.

6 MR. ALSPACH: Well, there is. Certainly
 7 agree with Ms. Price of a year ago.

8 MS. PRICE: Thank you.

9 MR. ALSPACH: Thank you, Mr. Callahan.

10 MR. CALLAHAN: No problem. Thank you.
 11 Okay. I think Mr. Vice President, we're
 12 going to start --

13 MR. LESHER: -- sign-up sheet.

14 MR. CALLAHAN: Yes. The sign-up sheet.

15 MR. LESHER: First is Lilian Stevens.

16 MS. STEPHANO: Hi. It's actually Lily
 17 Stephano.

18 MR. LESHER: I'm sorry.

19 MS. STEPHANO: I'm going to switch gears a
 20 little bit. Everybody has covered the
 21 logistics of La Trappe Creek. And I'm here to

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1 support all the people of Trappe.

2 But most of the focus has been on
 3 La Trappe Creek. I want to bring your attention
 4 to the next potential disaster, which is the
 5 Miles Creek. That's where all the spraying and
 6 all this will go into of this proposed waste
 7 treatment facility that the developer may or
 8 may not do, whatever time you're talking about.

9 And I watched the meeting of the Planning
 10 Commission. And I hear all of you talking
 11 about you all agree that this La Trappe Creek is a
 12 mess. And they all agree, but they're not
 13 willing to stop and say hey, let's just put the
 14 brakes on, let's just see how we can make this
 15 work, just stop for a minute, let's do it
 16 right.

17 And that's what I'm begging you to do, is
 18 to just kind of put on the brakes. I'm not
 19 saying don't do this development, but I don't
 20 know what's the rush in this.

21 And so what I want to talk to you about is

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1 the other side of this. Like so say you get
 2 the Trappe piece worked out. Well, then you've
 3 got the Miles Creek piece to think about. And
 4 I just want to talk to you a little bit about
 5 the Miles Creek.
 6 My husband and I bought 65 acres on the
 7 Miles Creek six years ago, 165 acres. We were
 8 allowed to build one three-bedroom house on
 9 165 acres outside of the critical area in order
 10 to preserve the waterway. Okay. We did it.
 11 We love it.
 12 Lakeside has been granted the right to
 13 build 2,500 homes outside of the critical area
 14 that will spray the waste onto 88 acres that is
 15 at the headwater of the already distressed
 16 Miles Creek. Okay.
 17 I'm baffled. I'm baffled how that's
 18 possible. None of this is consistent with the
 19 environmental requirements that we found six
 20 years ago.
 21 And the proposed waste system has multiple

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1 examples of failures throughout this country
 2 that is just not even being discussed.
 3 The guy today talking about well, maybe if
 4 it's the right soil, it might work. Well, do
 5 we know that it's the right soil? It might
 6 work, it might not work.
 7 I beg all of you just to slow down on
 8 this. This damage is everlasting. Think past
 9 today.
 10 Now, let's talk about the damage, the
 11 personal damage. If you've ever driven down
 12 Bruceville Road and gone over Miles Creek
 13 Bridge, you've seen multi-generational families
 14 that fish on that bridge and eat that fish.
 15 And if you go farther, you see
 16 multi-generational homes with crab traps and
 17 John boats that rely on that water for
 18 sustainability.
 19 If you go farther down to the landing, you
 20 see young moms, moms-to-be swimming with their
 21 children and their dogs in that water. And we

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1 all know the dire result of contaminated water
 2 on public health and economics.
 3 And if you have ridden around that area of
 4 Bruceville Road, you know these people have
 5 been left behind. They have not been benefited
 6 by economic boom of the Eastern Shore.
 7 Allowing this waste management plant to
 8 move forward as it is is a direct devaluing and
 9 destruction of a way of life, of natural
 10 habitats that we have tried to preserve of past
 11 regulations that were put into place because of
 12 past destruction.
 13 And you are allowing one entity, one
 14 entity to undo all of that, all of that. And
 15 for what?
 16 I agree in economic improvement for the
 17 community of Trappe. But this can be done
 18 responsibly and it can be done right. It's
 19 just being pushed for some reason now, pushed
 20 during this pandemic when no one was looking.
 21 Not responsible.

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1 But under the current plan, this
 2 dispossession and ruin of natural resources for
 3 people who have been here for generations and
 4 for those of us who have invested in
 5 conservation of nature to preserve the
 6 integrity of that area is all for naught. You
 7 are ruining more than you are saving.
 8 Please stop and get it right.
 9 MR. CALLAHAN: Thank you.
 10 MR. LESHER: Next is John Thacker.
 11 MR. THACKER: Good evening, Council. My
 12 name is John Thacker, and I live in the Packard
 13 Plan subdivision of Talbot County, about three
 14 miles from the proposed Lakeside Trappe housing
 15 development.
 16 I've been a part-time resident of Talbot
 17 County since 2010 and a full-time resident
 18 since last year. I chose to make Talbot County
 19 my home in significant part due to its abundant
 20 and beautiful natural resources.
 21 I've become an avid kayaker and boater.

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1 I've kayaked to the headwater marshes of my
 2 home creek, Island Creek, as well as Mill Creek
 3 and Skipton Creek and the Wye River Watershed,
 4 Town Creek and the Tred Avon and Miles Creek
 5 near Trappe.
 6 I enjoy paddling into these marshes to
 7 experience the abundance of life. You usually
 8 find schools of fish jumping and larger fishes
 9 rising to feed, birds like egrets and heron and
 10 osprey hunting, and occasionally muskrat
 11 scurrying in the reeds.
 12 In early August of this year, I paddled to
 13 the headwaters of La Trappe Creek and was
 14 struck by how different it is. The water was
 15 still and lifeless. I saw no large birds
 16 wading in its banks. But I smelled the
 17 unmistakable stench of untreated sewage.
 18 I have since learned that the Trappe
 19 wastewater treatment plant is often and
 20 chronically in non-compliance with wastewater
 21 treatment standards, that its existing

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1 treatment plant is inadequate for its existing
 2 load, and that there is no definitive plan to
 3 remedy this situation.
 4 Now comes the Lakeside Trappe developer,
 5 who wants to hook up 120 new homes to an
 6 already failing treatment plant so that it can
 7 profit from the ensuing development of another
 8 2,380 new homes, an astonishingly large number
 9 in relation to the Town of Trappe's existing
 10 size.
 11 This Council's Resolution 281, adopted
 12 before the findings of non-compliance of the
 13 Trappe plant, was a key enabling ordinance that
 14 allows the town and the developer to proceed.
 15 I heard in a recent meeting this Council
 16 state, "that it is not the Town of Trappe's
 17 parent" so you cannot hold it accountable for
 18 its wastewater violations and that once you
 19 forwarded the plan to MDE, the matter is now
 20 out of your hands.
 21 To the contrary. Trappe is a part of

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1 Talbot County. And its effluent into
 2 La Trappe Creek affects other Talbot County
 3 residents downstream on La Trappe Creek and
 4 onward to the Choptank and all its other
 5 tributary creeks and rivers.
 6 This Council is the steward of these wider
 7 county interests. And it is incumbent upon you
 8 to use any means at your disposal to induce
 9 Trappe to bring its wastewater treatment plant
 10 into environmental compliance and to forbid any
 11 new additions to its load until it does so.
 12 Given Trappe's track record, and I do not
 13 think you can take it at its word that it will
 14 do so.
 15 Given MDE's track record in this case, and
 16 as recently disclosed in other Maryland
 17 treatment plant deficiencies, you cannot rely
 18 on it to defend the environmental integrity of
 19 Talbot County.
 20 That falls to you, this Council. If the
 21 only means at your disposal to protect these

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1 interests is to rescind 281, then I recommend
 2 that you do that. And then work with the Town
 3 of Trappe, the Lakeside developer, and MDE on a
 4 properly sequenced wastewater treatment
 5 solution that does not make a bad situation
 6 worse and that holds the Town of Trappe and the
 7 developer accountable for ongoing compliance as
 8 the Lakeside Trappe development ensues.
 9 Thank you for your attention.
 10 MR. CALLAHAN: Thank you, Mr. Thacker.
 11 MR. LESHAR: Thank you. Next on the list
 12 is Mike McConnell, but he has spoke already and
 13 appears to have left the room.
 14 Then we have Dan Stephano.
 15 Not seeing him, next we have Chuck Powers.
 16 MR. POWERS: Thank you for seeing me. I
 17 was really pleased that it's tonight and not
 18 last night when the Ravens had a great game
 19 because I wouldn't be here.
 20 My name is Chuck Powers. I'm an engineer,
 21 PE licensed. I've been in the chemical plant

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1 process flow control design, wastewater flow
 2 control design for 45 years. I retired a few
 3 years ago, but I still consult quite a bit with
 4 a lot of chemical companies, water wastewater
 5 companies.
 6 I'm not going to elaborate on what Calvin
 7 and Bill and Tom and Chip, they did a great
 8 job. There's a lot of things that have come to
 9 the surface here tonight.
 10 I own property in Talbot County over by
 11 Sherwood. I have farms, various farms and
 12 different properties. I love the Eastern
 13 Shore. I grew up on the Eastern Shore and then
 14 moved away and been all over the world doing
 15 different things.
 16 But this is your legacy. The issues
 17 you're hearing about, what people are saying
 18 tonight is going to carry on for years. You
 19 may get letters ten years from now saying boy,
 20 was that a mistake or a great job. This is
 21 your legacy.

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1 Secondly, what's important here is you
 2 might set a precedent that other developers in
 3 time to say oh, this is -- we're going to build
 4 because you made the decision on this one for
 5 this reason and it might hamper and hurt Talbot
 6 County.
 7 Talbot County is unique in that it is
 8 probably one of the richest, richer counties on
 9 the Eastern Shore. It probably has more
 10 saltwater or surface shorelines than most other
 11 counties. So there's a lot of issues with the
 12 environment you all are seeing. It's a tough
 13 decision.
 14 The bay is dying overall. Okay. You
 15 heard from, I forget the gentleman's name with
 16 the shore. And he studies. He sees this all
 17 the time. It doesn't take much just to turn on
 18 your phone and go read all the reports of
 19 everybody that's out there that studies and
 20 does work. Okay.
 21 The funny thing is there's five or six

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1 rivers on the western shore, as we so call it,
 2 that are almost dead. Okay. They call them
 3 red. They're not doing better, they're doing
 4 worse.
 5 The Choptank has a rating of a C minus
 6 according to the Chesapeake Bay Foundation.
 7 It's getting worse, it's not getting better.
 8 There is a hole outside of La Trappe Creek
 9 that's 89 feet. It's an unusual spot. They
 10 don't know if it's an underwater aquifer coming
 11 up that just keeps (inaudible) and all, but
 12 there's been research done on that by CHB and
 13 many others. There's a lot of pollution that
 14 gets stuck in there and stays. And it's right
 15 off La Trappe Creek. So it's going to go to
 16 the holes in some spots.
 17 There's reports that I read. This one is
 18 by the DNREC, which is through Delaware, about
 19 the Chester and the Choptank watershed. And in
 20 here it says in the final assessment, it's
 21 estimated that by 2007, more than ten years

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1 ago, 39 percent of the historic wetland acreage
 2 watershed on the Choptank is gone.
 3 We're talking about 80 some acres that
 4 absorbs this effluent that you're going to be
 5 pumping out. Well, it's going to have runoff.
 6 Now, there was another report by the DNR
 7 that you can go Google and check all these
 8 things out. I can share them with you later if
 9 you'd like. And the Chesapeake Bay Foundation
 10 that says their study on the entire Chesapeake
 11 Bay pollution comes from five sources. This is
 12 very important to listen to this.
 13 Forty-five percent ag runoff.
 14 What are we doing with this effluent?
 15 It's ag runoff. Sixteen percent wastewater
 16 plants. Seventeen percent urban runoff.
 17 I heard I believe it was a young man, I
 18 forget his name, Calvin, he did a nice talk
 19 about what are all these others (inaudible) to
 20 deal with, not just the Trappe plant.
 21 MR. CALLAHAN: Would you mind wrapping it

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1 up here? I appreciate it.

2 MR. POWERS: Okay. The issue is there's

3 another environmental issue, and that is it was

4 a study done in the Everglades. The phosphates

5 and nitrates soften up eggs so the birds can't

6 reproduce. It kills the eagles, kills the

7 osprey, kills the turtles. That's another

8 thing we have to think about from this runoff.

9 So there's a lot of factors that go into

10 several of the items here. We have to have,

11 and I've heard it said many times, some type of

12 sustainable system, some type of sustainable

13 process that you all will make decisions on

14 that will help our longer term.

15 And then what is being done about the

16 solids and the other products that come out of

17 this?

18 MR. CALLAHAN: We're going to have to wrap

19 it up.

20 MR. POWERS: Thank you very much.

21 MR. CALLAHAN: Thank you. Appreciate it.

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1 We've got a long list tonight. So we're

2 going to start doing a little bit more time

3 keeping here. So just to let everybody know.

4 MR. LESHER: Next on the list is Glen

5 Foxwell, but he does not appear to be in the

6 room any longer.

7 Following Glen is Eric Clogue.

8 If he's not here, next on the list is Bob

9 Flower. I think he may have left.

10 Dan Watson is on the list. Tom Alspach is

11 on the list.

12 Bruce Holly.

13 MR. HOLLY: My name is Bruce Holly. And

14 I'm a come-hither. I've only been here six

15 years, but I have some background.

16 I grew up in a place in northern New

17 Hampshire that is a lot different from the

18 Eastern Shore, but I think it's equal in its

19 beauty and equal in its vulnerability. I grew

20 up on the French side of the river across from

21 a pulp paper mill that supported my family and

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1 most of the people in that town.

2 I grew up charmed with the notion that we

3 had two-headed fish in the river. I grew up

4 charmed, absolutely charmed with it.

5 Watched several members of my family go

6 belly up to cancer of one sort or another, but

7 it wasn't the mill that did it. Can't prove

8 that.

9 Anyway, I grew up with some idea that

10 maybe things that you choose to do have an

11 impact on the land around you.

12 Heard a lot tonight about people wanting

13 to keep the ball rolling and that there are

14 judgment calls you sort of have to make to keep

15 the ball rolling.

16 Well, that's true. I was in the Army. We

17 kept the ball rolling there, too. I was the

18 king of people who lived by the adage a poor

19 plan violently executed often has a chance of

20 success. Works out, sometimes.

21 So anyway, the idea of keeping the ball

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1 rolling you can say makes a lot of sense. In

2 this case, though, given the apparently highly

3 questionable process to date in approving the

4 Resolution 281, the current problems with

5 Trappe's sanitation system that we've discussed

6 for a long time tonight, and the level of past

7 and present concern about the project's impact

8 on Miles Creek, La Trappe Creek, the Choptank

9 River watershed, and eventually the Chesapeake

10 as a whole, and particularly on Talbot County,

11 I really want to ask you to really think about

12 what you're doing in not rescinding 281.

13 You have time to make this make some

14 sense. At this point to an awful lot of us,

15 doesn't make any sense at all.

16 Thank you.

17 MR. CALLAHAN: Thank you.

18 MR. LESHER: And next is Jane Bulman. I

19 do not see her in the room at the present.

20 SPEAKER: She was outside. She was

21 outside.

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1 MR. LESHER: She was outside. Jane
 2 Bulman.
 3 MS. PRICE: Someone should call out there.
 4 SPEAKER: I think she left.
 5 MR. LESHER: If not, next is Woody
 6 Lambert.
 7 MR. LAMBERT: Good evening, Council
 8 members. Thanks for listening to me again.
 9 I just came before you to speak about that
 10 rescinding 281 by passing 308 would be the best
 11 action for the future of Trappe and Talbot
 12 County.
 13 My main concern that I've come before you
 14 and I've come before the Town of Trappe, the
 15 Council meetings there, the Town Council
 16 meetings, I have serious concerns about the
 17 health and welfare of my family. I live 200,
 18 let's see, 2,000 feet east of the proposed
 19 wastewater treatment facility.
 20 And the first concern I have is with the
 21 groundwater. So we're talking about

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1 540,000 gallons of water pumped daily, which is
 2 197,100,000 gallons per year, that's going to
 3 be pumped out onto the land with the things
 4 that are used to treat the wastewater. So
 5 there's chlorides and nitrates.
 6 And I've shared articles before, both
 7 before the Council and in the Town of Trappe,
 8 which talk about the increase of nitrates and
 9 chlorides in the water. And I have concerns
 10 about my family's welfare with that.
 11 And one of the articles, I can share the
 12 articles with you, but the effects of spray
 13 irrigation on municipal wastewater and small
 14 watershed. That was one article that I found
 15 that talked about that.
 16 The other thing is the increase in
 17 pharmaceuticals and PCPs in the water, which
 18 there's also documentation and literature that
 19 supports a lot of the development and the water
 20 that's going to be moving through that facility
 21 that's going to be sprayed on the land near my

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1 house and into the water there, I think is
 2 going to affect my health and my family's as
 3 well health.
 4 And also, so they've minimized the number
 5 of monitoring wells. There's no monitoring
 6 well even before that to the east of the
 7 facility between my home and the spray fields
 8 lagoons and the treatment facility. So in
 9 essence, there's no way for them to tell if my
 10 well water is endangering my family that we
 11 drink and we bathe in.
 12 So then that's one key thing, is spray, is
 13 the other thing itself and being subject to --
 14 I've talked about the pathogenic aerosols
 15 before. And I know that this can drift onto my
 16 property.
 17 And I know there's also been literature,
 18 namely the health and hygiene aspects of spray
 19 irrigation.
 20 And I think there needs to be more
 21 research done, even with pathogenic aerosols

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1 and COVID as we start spraying this all over
 2 the land. And as the gentleman spoke, we're
 3 not even sure how effective it's going to be
 4 absorbed until it's done, which doesn't seem
 5 like a smart way to approach it.
 6 I'll wrap up really quickly.
 7 MR. CALLAHAN: Thank you.
 8 MR. LAMBERT: I just think if we did back
 9 up and we looked at the long-range plan, this
 10 area really, it could be done well. I think
 11 saving money by doing this the way it's
 12 proposed is shortsighted, and I think the land
 13 along Miles Creek especially could be a future
 14 area that's used as an educator for the
 15 children of Trappe and Talbot County and
 16 maintaining Miles Creek and the safety and the
 17 health of our community in that immediate area
 18 there, I think would be a wise decision.
 19 So I really support you rescinding 281,
 20 please.
 21 MR. CALLAHAN: Thank you.

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1 MR. LESHER: Next is Steve Shimko.
 2 Queuing up after him is Nicholas Fidus.
 3 Steve Shimko and Nicholas Fidus will be
 4 next.
 5 MR. SHIMKO: Good evening. My name is
 6 Steve Shimko. I live in St. Michaels,
 7 Maryland.
 8 I'm here basically to express my thought
 9 that I think that hooking up the first 120
 10 homes of Trappe East or Lakeside Trappe to the
 11 existing failing wastewater treatment plant in
 12 Trappe is a mistake.
 13 The plant has been failing for a long
 14 time. Trappe seems to not be capable of
 15 operating the plant in a way to manage its
 16 discharge, is exceeding its discharge permits.
 17 Also, we cannot count on MDE to do the
 18 enforcement for us. We have seen in other
 19 cases, such as The Preserves at Wye Mills, at
 20 the Prettyman Mobile Home Park in Caroline
 21 County, and that the Valley Protein plant in

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1 Linkwood, all of those facilities have been
 2 operating or have operated outside of their
 3 discharge permits for many years, and MDE has
 4 taken little or no enforcement action against
 5 them.
 6 So we cannot count on MDE to do the work
 7 for us. We can't count on MDE to keep our
 8 waters clean. I think MDE is not in compliance
 9 with their dictate from the Environmental
 10 Protection Agency to protect the waters of the
 11 Chesapeake Bay, and therefore, I think that
 12 hooking up 120 homes to an existing failing
 13 wastewater treatment plant is a mistake.
 14 Thank you.
 15 MR. CALLAHAN: Thank you.
 16 MR. LESHER: So next is Nicholas Fidus.
 17 And queuing up after him will be Bruce
 18 Armistead.
 19 Nicholas Fidus.
 20 MR. CALLAHAN: I see Bruce out there.
 21 MS. PRICE: If not, we'll take Bruce

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1 Armistead.
 2 Queuing up after Bruce will be Lisa
 3 Ghezzi.
 4 MR. ARMISTEAD: Good evening.
 5 MR. CALLAHAN: Good evening.
 6 MR. ARMISTEAD: Quick comment perhaps off
 7 the record for Clay. For some reason, those of
 8 us in the peanut gallery could hear much better
 9 from this mike than this mike.
 10 MR. STAMP: Okay. Thank you.
 11 MR. ARMISTEAD: I don't know why.
 12 Mr. Callahan and Members of the Council,
 13 good evening. My name is Bruce Armistead, 114
 14 Bay Street in Easton.
 15 I'm going to be very careful to try to
 16 avoid being redundant because I know it's been
 17 a long evening for you.
 18 You may recall that I was here a year or
 19 so ago on behalf of Dr. and Mrs. Stephen
 20 Harris. The Harrises are the landowner
 21 adjacent to the proposed spray field, even

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1 closer to the spray field than Mr. Lambert, who
 2 you heard from just a few minutes ago. And as
 3 such, they're perhaps the most affected in an
 4 adverse manner by this proposal.
 5 I was engaged by Dr. and Mrs. Harris not
 6 to oppose Lakeside, but to express their
 7 concerns about the proposed spray effluent
 8 system, its location, and to encourage the
 9 relocation of that system or even the
 10 substitution of a new plan in lieu of that
 11 particular type of system.
 12 Now, last week the Planning Commission
 13 heard a lot of testimony, which I won't repeat,
 14 you've heard some of it tonight, but there
 15 seems to be a lot of new information that might
 16 not have been available to you when you made
 17 your decision last year.
 18 There was also an awful lot of criticism,
 19 and I would say scathing criticism, of MDE and
 20 its woeful mismanagement of the Trappe plant.
 21 So that's a concern. There was a great deal of

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1 concern over placing our faith and trust in MDE
 2 to properly operate a system like the proposed
 3 Lakeside system.
 4 Nevertheless, the Planning Commission did
 5 vote three to two. I concede that is a
 6 majority. But I submit to you that that is not
 7 exactly a resounding affirmation of the
 8 environmental, of consistency with the
 9 environmental component of our Comp Plan,
 10 certainty one of the most important components
 11 of our Comprehensive Plan.
 12 So Dr. Harris and I find ourselves in the
 13 middle of what seems to be a much larger
 14 problem. And I personally am not capable of
 15 understanding or assembling even all of the
 16 technical data and options of a biological and
 17 engineering nature that have been thrown
 18 around.
 19 But I will ask you to step back for a
 20 moment and just take a look at the bigger
 21 picture. Why are we making a bad situation in

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1 Trappe worse? Why are we risking degradation
 2 of one of the most pristine areas in our
 3 county, namely Miles Creek? And what is the
 4 logic behind not considering other alternatives
 5 that might possibly solve both the problems and
 6 needs of Lakeside and the Town of Trappe?
 7 Now, to that point, counsel for the
 8 developer last week mentioned an ongoing
 9 process that I believe was referred to as a
 10 PER. I think that may stand for something like
 11 Project Evaluation Review. It was also my
 12 understanding that that is an ongoing process
 13 that is looking at up to three options, one of
 14 which is the possibility of upgrading the
 15 existing plant in Trappe perhaps to provide for
 16 service for both Trappe and Lakeside. So why
 17 are we not looking at that option?
 18 I'm sure that the first answer that you're
 19 going to hear is that Trappe cannot afford a
 20 new plant. I suspect that's true. But let's
 21 look at what funding possibilities might exist.

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1 First of all, the development has, no
 2 doubt, budgeted a substantial sum to build the
 3 plant in Lakeside. It seems entirely fair to
 4 ask the developer to reallocate those funds
 5 towards a new plant in Trappe, in return for
 6 which the developer would get the same amount
 7 of capacity that has already been promised.
 8 Secondly, you probably all heard last week
 9 that the State of Maryland has declared a
 10 surplus of \$2.5 billion. That's billion with a
 11 B. I don't know where that's going to go, but
 12 I certainly hope some of it will trickle down
 13 to MDE and that MDE could see its way to
 14 allocate a portion of that towards what's known
 15 to be a significant problem.
 16 Thirdly, Congress is plodding along, and
 17 we don't know what they're going to do. But I
 18 think it's reasonable to assume that at some
 19 point there's going to be an infrastructure
 20 bill. I suggest to you that I see no better
 21 definition of infrastructure than a public

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1 sewer plant treating and solving an existing
 2 problem.
 3 And lastly, I say to you that I think
 4 Talbot County should contribute to this. As
 5 Chip Councell mentioned a while ago, the
 6 discussion last week at the Planning Commission
 7 is that this is not a Trappe problem, this is
 8 not a Lakeside problem alone. It is a Talbot
 9 County problem. This may be a situation of pay
 10 me now or pay me later.
 11 As was mentioned just a few minutes ago,
 12 the County has already had to assume
 13 responsibility for the other spray systems in
 14 our county, namely Martingham and The Preserve
 15 at Wye Mills. It's realistic to assume that
 16 the county may have to take over this system in
 17 the not-too-distant future. So that I think
 18 alone justifies some contribution by Talbot
 19 County to solving this problem.
 20 MR. CALLAHAN: If you could wrap it up,
 21 Bruce, that would be great.

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1 MR. ARMISTEAD: Yes.
 2 MR. CALLAHAN: Appreciate it.
 3 MR. ARMISTEAD: Just about finished.
 4 MR. CALLAHAN: Yup.
 5 MR. ARMISTEAD: My last comment is that
 6 last week, two members of your Planning
 7 Commission had the courage to stand up and say
 8 enough is enough and we need to send a strong
 9 and unequivocal message to MDE to solve this
 10 problem by rescinding 281.
 11 I submit to you and ask you which of the
 12 members of this Council, in addition to
 13 presumably Mr. Leshner, have the courage to do
 14 the same thing? As I said before, we only have
 15 one shot at getting this right. And it's up to
 16 you as the elected officials of this county to
 17 make that happen.
 18 Thank you.
 19 MR. CALLAHAN: Thank you.
 20 MR. PACK: And just as a point of
 21 correction. This Council has not taken over

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1 The Preserve at Why Mills' system.
 2 MR. ARMISTEAD: Fine. Ray is involved in
 3 some manner I know.
 4 MR. PACK: We have not taken over that
 5 system.
 6 MS. PRICE: But the intention is to do so.
 7 MR. PACK: We have not taken that over.
 8 Just a point of correction.
 9 MS. PRICE: That's fine.
 10 MR. PACK: Just a point of correction.
 11 That's all.
 12 MS. PRICE: It's coming.
 13 MR. ARMISTEAD: Thank you, Mr. Pack.
 14 MR. LESHER: Next is Lisa Ghezzi.
 15 And following her will be Rodney Nelson.
 16 MS. GHEZZI: President Callahan, Members
 17 of the Council. Thank you for permitting
 18 additional comments to be heard this evening on
 19 this very important matter. I come before you
 20 as a member of the Planning Commission. You
 21 know that. You appointed me.

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1 Last week the Planning Commission heard
 2 new information concerning the Lakeside
 3 project. I was one of the two commissioners
 4 who voted in the minority for the rescission of
 5 281 as amended. For those of you who have the
 6 time to review the video stream of our meeting,
 7 you know my reasons for doing so and you heard
 8 from each of the members.
 9 Given the complexity of this matter, I saw
 10 no alternative of addressing the important
 11 concerns except for rescission. I will not
 12 take the time now to go over each of those
 13 tonight. All of my thoughts have been
 14 expressed.
 15 Mr. Anderson from the Public Works
 16 Advisory Board made extremely important points.
 17 I agree with what Mr. Council has said. In
 18 fact, the Planning Commission members respect
 19 one another a great deal. But like you, we
 20 don't all agree.
 21 I can't tell you that we're all happy with

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1 the final vote, but nonetheless, we do respect
 2 one another's decisions.
 3 We all agree, as Mr. Council pointed out,
 4 that the existing Trappe plant has failed and
 5 that La Trappe Creek is being polluted, per
 6 all the reasons that Dr. Smullen has pointed
 7 out.
 8 One thing that has more recently in the
 9 last three or four testimonies been emphasized,
 10 another concern we had. And that was that MDE
 11 was not carrying out its enforcement rule. How
 12 can we be sure at the county level that our
 13 decisions will be carried out consistently when
 14 one of the major partners in this is either
 15 unable or not doing its job?
 16 The role each party plays is essential to
 17 the effective rollout of the Trappe East sewer
 18 systems to properly manage flow and treat
 19 effluent. We depend upon MDE.
 20 To my disappointment, just last night, as
 21 you've heard, the Planning Commission received

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1 MDE's response dated September 3rd to our
 2 August 2nd request. Why we did not receive
 3 this letter earlier, we really have no idea.
 4 It will be interesting to see what happens
 5 there.
 6 Though the contents of the letter would
 7 have changed my approach last week as I
 8 considered information and as I gave my final
 9 comments, which again, you can hear on the
 10 recording, which has been nice to have that to
 11 go back to, it would not have changed my vote.
 12 The MDE letter addressed only one of my
 13 concerns.
 14 Furthermore, none of the responses by the
 15 three parties who rebutted the arguments placed
 16 before us by concerned citizens, including the
 17 county engineer, Trappe's legal counsel, and
 18 the applicant's legal counsel, I repeat none of
 19 their responses to the new information
 20 presented by the citizens or other concerned
 21 parties were compelling or did they satisfy my

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1 concerns.
 2 As I listened tonight to new information,
 3 I am fascinated by Mr. Pluta's cost amount,
 4 \$1,000 per pound of nitrogen to remove. If you
 5 think about that, that is a tremendous amount
 6 on an annualized basis, \$6.3 million.
 7 What I find is that if we were to move
 8 forward, an area that I do disagree with
 9 Mr. Councell, in the capital improvements,
 10 those are really a short-term fix to a
 11 long-term problem. The longer and the deeper
 12 we've dug into this, the more we've entertained
 13 comments, the more we've brought on persons
 14 like Dr. Smullens, and I'm pleased to have
 15 heard the other engineer, the chemical
 16 engineer, thank you, for bringing new
 17 information, more new information to the table.
 18 The deeper we dig, the more we find.
 19 When it really comes down to it, the
 20 Planning Commission did not have the authority
 21 and the resources to resolve the important

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1 matters before you all today. But you do.
 2 And I appreciate Mr. Armistead's
 3 challenge. And what the other engineer
 4 gentleman said, this is your legacy. And I
 5 really hope that you reconsider.
 6 And as I remain committed to the
 7 rescission of 281 as amended, I hope that you
 8 will consider the same after tonight's
 9 discussion.
 10 Thank you for your time.
 11 MR. CALLAHAN: Thank you.
 12 MR. LESHER: Next is Rodney Nelson.
 13 And following Rodney Nelson will be Iris
 14 Robertson.
 15 MR. NELSON: Hello. I'm Rodney Nelson,
 16 and thank you for the chance to speak tonight.
 17 Our roots go way back at the Trappe
 18 (inaudible). We've had businesses there
 19 throughout our generations, 75 years. And
 20 we've seen a decline in the waterways over that
 21 time.

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1 I remember hearing stories from my
 2 grandmother seeing crabs six and eight feet
 3 deep in La Trappe Creek. Those days are long
 4 since gone.
 5 We all know La Trappe Creek is in bad shape.
 6 And I think everybody is in agreeance (sic.)
 7 with that.
 8 My concern now is to not make that worse
 9 and also look at the new problem that I see
 10 existing is on Miles Creek. When I was ten
 11 years old, I went for a canoe ride down Miles
 12 Creek and saw some of the prettiest -- it was
 13 like a wilderness area you don't see any more in
 14 Talbot County. It's not developed, no houses.
 15 Just a big straight marshland and wooded area.
 16 Took me 37 years, but I finally bought the
 17 piece I was looking at. So I live there now,
 18 and I have a vested interest in keeping it
 19 clean. It's home to a lot of migrating
 20 waterfowl. There's a lot of spring fish go up
 21 there, the yellow birch spawning area, as well

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1 as there's beavers up there, there's otters.
 2 There's things you don't usually see in most
 3 creek around here because it's left alone.
 4 Part of that reason is access to it by
 5 other people by boat. There's a little bridge
 6 on Miles Creek that a larger boat or even a
 7 John boat can't get under in high tide. At low
 8 tide you can get under it, but there's not
 9 enough water to navigate up to the headwaters
 10 of it.
 11 So what I'm trying to paint a picture of
 12 is this is a pristine, left-alone area. And
 13 we'd like to protect that.
 14 And this new runoff from the plant, the
 15 aerosols that we don't know what's happening,
 16 the impact that's going to have and all that
 17 other nutrient deposit is hopefully not going
 18 to cause another La Trappe Creek.
 19 So I would like to rescind 281.
 20 MR. CALLAHAN: Thank you, Mr. Nelson.
 21 Appreciate it.

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1 MR. LESHER: Next is Iris Robertson.
 2 And following her will be Alan Gerard.
 3 MS. ROBERTSON: Good evening, Council.
 4 Thanks for the opportunity for letting me
 5 speak. My name is Captain Iris Robertson. You
 6 guys have seen me before, you know who I am. I
 7 make my living by running my grandfather's
 8 historic yacht, the Salina II, as a sailing
 9 charter boat in St. Michaels harbor. Water
 10 quality is critical to my life.
 11 I thank you for reconsidering the proposed
 12 wastewater management for the Lakeside
 13 development. This water pollution is an
 14 extremely important issue. The Talbot County
 15 government has stated that you're committed to
 16 providing the best possible service to the
 17 citizens who have given us their public trust,
 18 that you strive to protect the environment and
 19 the natural resources so that the special
 20 quality of life we enjoy remains intact.
 21 So why is it that La Trappe Creek is not

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1 currently safe for recreation? How much worse
 2 will it be when 120 units are added to this
 3 already failing system?
 4 You, the County Council, are responsible
 5 for public health. Clearly, what will be done
 6 to La Trappe Creek is a threat to public health.
 7 The data that the river keepers and Dr. Smullen
 8 presented show that this threat to our health
 9 is very real. And the threat to the health of
 10 the water downstream and the threat to the
 11 economic engine currently supports commercial
 12 fisheries like oystering, crabbing, and
 13 fishing, a threat to the economic engine that
 14 generates millions of dollars in recreational
 15 boating, fishing, and water-born sports, the
 16 economic engine of tourism that is very close
 17 to home for me. All of this depends on clean
 18 water.
 19 I beseech you to do the right thing and
 20 make that clean water your number one priority
 21 for La Trappe Creek, for Talbot County, for my

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1 friends and neighbors who live here.
 2 Please rescind 281. Thank you.
 3 MR. CALLAHAN: Thank you, Ms. Robertson.
 4 MR. LESHER: Next, Alan Gerard.
 5 He will be followed by Steve Harris.
 6 MR. GERARD: Mr. President, Members of the
 7 Council, my name is Alan Girard. I live at 311
 8 August Street, Easton, Maryland. Today I'm
 9 representing the Chesapeake Bay Foundation.
 10 Thank you all for your public service. I
 11 know this is not the only late night hearing
 12 that you do on many issues around the county.
 13 This is probably the largest land use
 14 change that this county has ever seen through a
 15 single action. So I truly appreciate, on
 16 behalf of all the people here and the folks
 17 that have left that haven't had a chance to
 18 speak, your interest in hearing the public and
 19 having a robust public discourse on this issue.
 20 I think that's what's needed. I think that's
 21 what the project deserves.

<p style="text-align: right;">Page 250</p> <p>1 Recent proposals and actions by the town, 2 the developer, and the Maryland Department of 3 Environment significantly alter how, when, and 4 where the wastewater treatment plant would 5 occur with this project. And with that new 6 information, that has come up literally within 7 the last couple of weeks, I urge you to rescind 8 Resolution 281.</p> <p>9 Two points. One related to the wastewater 10 treatment and the first phase, the 120 units 11 that are planned for connection.</p> <p>12 281 includes provisions for a startup 13 treatment for either the new or the existing 14 plant. Meanwhile we hear Mr. Alspach 15 referencing the developer rights and 16 responsibilities agreement recently being 17 amended to include no flows from the Lakeside 18 plant going to the existing plant unless and 19 until it is upgraded to ENR levels. That's how 20 the developer's attorney characterizes the 21 recently-adopted amendment to this DRRRA.</p>	<p style="text-align: right;">Page 252</p> <p>1 existing plant. Now, 281 calls for upgrading 2 the existing plant. Now, we heard earlier that 3 there's preliminary engineering that the town 4 and the developer have been negotiating. We 5 understand now that the town is evaluating 6 options to shut down the existing plant. And 7 the options to deal with the 200,000 gallons of 8 wastewater that flow to the existing plant are 9 connect to the Lakeside plant and spray 10 irrigate the full effluent, connect to the 11 Lakeside plant and partially spray irrigate and 12 use the existing discharge permit to direct 13 discharge to La Trappe Creek, or have all of 14 the 200,000 gallons direct discharged to 15 La Trappe Creek.</p> <p>16 This is the way the developer's attorney 17 had characterized this preliminary engineering 18 work, again, that the town and the developer 19 are considering, without County Council 20 involvement.</p> <p>21 Now, I'll say that the county does need to</p>
<p style="text-align: right;">Page 251</p> <p>1 Now, 281 contemplates an upgrade to the 2 existing plant at Trappe, but it is silent on 3 this staging contingency. And moreover, this 4 contingency is in an agreement between a 5 municipal corporation and the developer. 6 Talbot County is out of that agreement.</p> <p>7 Now, the developer said before the 8 Planning Commission well, we could, if the 9 Council is interested, enter into a third party 10 agreement relative to this position, these 11 provisions in the agreement. I don't know if 12 the developer has approach you with this.</p> <p>13 It certainly is not in the county water 14 and sewer plan now. It is not in Resolution 15 281. There is no written documentation that 16 the county has relative to this new provision 17 of we are not going to connect these homes to 18 the existing plant unless and until ENR 19 technology in place. County has a 20 responsibility to play a role here.</p> <p>21 Second, wastewater treatment for the</p>	<p style="text-align: right;">Page 253</p> <p>1 be involved in these issues. It is the 2 county's obligation to program service in the 3 county water and sewer plan. The county is 4 required to involve the public in these 5 decisions about the water and sewer plan, and 6 State laws requires both of these actions.</p> <p>7 And just for the record, I want to state 8 that section 9-505 of the Environment Article 9 in the Annotated Code of Maryland requires 10 county and water and sewer plans to include 11 provisions around the sizing, staging, and 12 adequacy of sewer service. This is the 13 county's obligation under State law, and I urge 14 you to take it seriously.</p> <p>15 Thank you.</p> <p>16 MR. CALLAHAN: Thank you.</p> <p>17 MR. LESHER: Next is Steve Harris.</p> <p>18 And following Mr. Harris, we have Monica 19 Otte.</p> <p>20 DR. HARRIS: Steve Harrison, 2720 Wrights 21 Mill Road, Trappe. Mr. Armistead spoke for me.</p>

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1 I appreciate that.
 2 Only thing that -- lots has been said
 3 tonight. The only thing I haven't heard is in
 4 the new plans from MDE, the spray fields spray
 5 beyond the surface water monitoring stations.
 6 So there was no monitoring of a significant
 7 portion of the spray fields downstream from the
 8 spray fields. They're all upstream. Important
 9 to know what's going in, but we don't know
 10 what's going out.
 11 I want to thank you all for being here
 12 tonight and for listening to us. Please hear
 13 us and do the right thing. Please rescind 281.
 14 Thank you.
 15 MR. CALLAHAN: Thank you, Dr. Harris.
 16 MR. LESHAR: Thank you. And then Monica
 17 Otte, who was here earlier. She may have
 18 already left.
 19 I believe that's it on our list signed up
 20 in advance.
 21 MR. CALLAHAN: Okay.

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1 MR. LESHAR: For this hearing.
 2 MR. CALLAHAN: Okay. So I'm going to
 3 start here. Is there anybody on this side that
 4 would like to come up and speak, on this side?
 5 MR. SHOWALTER: Mr. Callahan, you're
 6 leaving the record open for comments after
 7 Mr. Watson finishes his presentation; is that
 8 correct?
 9 MR. CALLAHAN: After? After Dan?
 10 MR. SHOWALTER: Yes.
 11 MR. CALLAHAN: I was just going to let him
 12 speak on public comment for five minutes.
 13 MR. STAMP: He means when Dan comes back
 14 and finishes his.
 15 MR. CALLAHAN: Oh, yeah, yeah. I'm sorry.
 16 MR. STAMP: There will be an opportunity
 17 for --
 18 MR. CALLAHAN: Yeah. I'm sorry. Yes.
 19 MR. LESHAR: So would we offer the
 20 opportunity after -- is that the last word or
 21 is there further comment?

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1 MR. CALLAHAN: After Dan.
 2 MR. LESHAR: After Dan is the question.
 3 MR. CALLAHAN: Yes, yes.
 4 MS. PRICE: I would think there would have
 5 to be.
 6 MR. CALLAHAN: Yes, yes, yes. Okay.
 7 Is there anybody on this side that would
 8 like to come up and speak? Okay.
 9 MS. PRICE: You mean that gentleman that
 10 we don't know in the last row doesn't want to
 11 speak tonight?
 12 MR. BARTLETT: I would hate to be the last
 13 one speaking.
 14 MR. CALLAHAN: Come on. Come on now.
 15 Okay.
 16 MS. PRICE: Or is there anybody out in the
 17 hallway? Make sure they can hear us if there's
 18 anybody still out there.
 19 MR. STAMP: Do you want me to ask in the
 20 hallway?
 21 MR. CALLAHAN: Yeah. It wouldn't hurt.

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1 MR. STAMP: Good.
 2 MR. CALLAHAN: Thank you. We're good. So
 3 at this time, at this time, we're going to hold
 4 it open, right. We're going to suspend it, and
 5 we're going to come up with another meeting
 6 date, correct?
 7 MR. THOMAS: Yes.
 8 MR. CALLAHAN: Did you want to do that now
 9 or are we going to wait?
 10 MR. THOMAS: I would suggest we wait.
 11 MR. CALLAHAN: All right. That sounds
 12 good. Okay.
 13 So let's move on. Okay. And we're not
 14 going to take a vote on that tonight.
 15 MR. PACK: No.
 16 MR. CALLAHAN: Yup. So everybody
 17 understands.
 18 MS. PRICE: So if the MDE public comment
 19 is still after our next meeting. So our next
 20 meeting in the 26th. That meeting is the 28th.
 21 So the soonest we could come back to this was

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1 going to be what, November like 9th, right?
 2 SECRETARY: November 9th. I believe
 3 Mr. Callahan is out that day, out for that
 4 meeting.
 5 MR. CALLAHAN: What date?
 6 SECRETARY: November 9th. We have you
 7 as...
 8 MR. CALLAHAN: Right.
 9 SECRETARY: Won't be here for that
 10 meeting.
 11 MR. CALLAHAN: Right. I'd like to do that
 12 after, after that.
 13 SECRETARY: Okay.
 14 MR. CALLAHAN: The next one. That would
 15 be fine.
 16 MS. PRICE: That's Thanksgiving week. So
 17 we might have to think about our County Council
 18 schedule. We can take care of that another
 19 day.
 20 MR. CALLAHAN: Right. Okay. All right.
 21 So we'll work on that date.

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1 So can we say that date one more time so
 2 everybody knows about the MDE date? It's the
 3 28th, correct?
 4 And where is it going to be held?
 5 SECRETARY: The Community Center.
 6 MR. CALLAHAN: Okay. At the Community
 7 Center.
 8 MS. PRICE: What time?
 9 SECRETARY: Five o'clock.
 10 MR. CALLAHAN: Five o'clock. Okay. I
 11 just want to make sure everybody knew that.
 12 Okay. Let's move on. Council discussion
 13 on a public hearing for numbered resolutions.
 14 I think, Mr. Pack, you wanted to put that
 15 on the agenda.
 16 MR. PACK: Yeah. Almost forgot that.
 17 MR. CALLAHAN: Yup, yup.
 18 MR. PACK: This was something that I spoke
 19 about several times in the past regarding rules
 20 of procedures at certain points.
 21 One of those that I would like for us to

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1 kind of get a handle on is dealing with
 2 numbered resolutions and how the public hearing
 3 part of that is handled. It came up a couple
 4 of meetings ago. I think Ms. Price, at the
 5 meeting I wasn't here, I was home listening to
 6 it, and she brought that point up.
 7 And I think it's something that we need to
 8 get more concise on how those numbered
 9 resolutions are handled regarding public
 10 hearing, whether or not it's done by a majority
 11 vote, whether or not it's done based on if
 12 there is a county appropriation of funds
 13 attached to those.
 14 And under article eight, I believe it kind
 15 of remains -- it's silent actually. It's
 16 silent on how that process is actually done.
 17 So I think that's something that I would
 18 like to see the county attorney draft for
 19 Council's consideration on how the public
 20 hearing part of a numbered resolution is
 21 actually handled because right now there is

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1 no...
 2 MR. CALLAHAN: Okay.
 3 MR. PACK: There is no language in there
 4 that weighs that out.
 5 MR. CALLAHAN: Okay. Thank you.
 6 Council, want to comment on that?
 7 MS. PRICE: Sure.
 8 MR. CALLAHAN: Yeah.
 9 MS. PRICE: I think we should always have
 10 a public hearing. If it's silent, then we need
 11 to make sure that it is clear that we have one.
 12 I don't think it matters whether there's
 13 an appropriation of funds or not. As we've
 14 seen this process play out when people don't
 15 get an opportunity to, even though they can
 16 comment at the end of our meetings or whatever.
 17 It's a forum. It's important. There's no
 18 reason to not include the public.
 19 In my 11 years on the Council, I cannot
 20 remember a numbered resolution that didn't have
 21 a public hearing. I would like to continue

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1 with that the way we've been doing it. And if
 2 we need actual verbiage to ensure that that
 3 happens, I think that that's really important
 4 that we need to hear from the public always.
 5 MR. CALLAHAN: Thank you, Ms. Price.
 6 Okay.
 7 So Mr. Thomas, could you go ahead and
 8 start working with Council on some of those
 9 procedures? That would be great.
 10 MR. THOMAS: Yes, absolutely.
 11 MR. CALLAHAN: That would be great.
 12 So the next up is county manager report.
 13 MR. STAMP: Good evening, Council. Thank
 14 you.
 15 So under county manager report, I have
 16 several items, the first being board and
 17 committee appointments.
 18 I have a request regarding Upper Shore
 19 Aging Board of Directors. We're requesting the
 20 reappointment of Mr. Bill Shrieves.
 21 MR. PACK: So moved.

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1 MR. DIVILIO: Second.
 2 MR. CALLAHAN: Madam Secretary, could you
 3 call the vote, please.
 4 SECRETARY: Mr. Callahan.
 5 MR. CALLAHAN: Aye.
 6 SECRETARY: Mr. Divilio.
 7 MR. DIVILIO: Aye.
 8 SECRETARY: Mr. Leshner.
 9 MR. LESHNER: Aye.
 10 SECRETARY: Ms. Price.
 11 MS. PRICE: Aye.
 12 SECRETARY: Mr. Pack.
 13 MR. PACK: Aye.
 14 MR. STAMP: Did I have an effect on the
 15 audience?
 16 MR. CALLAHAN: You really did. Okay.
 17 MR. STAMP: So the next item I have, I
 18 would ask Ray Clarke to come forward. Ray has
 19 actually three items for you tonight.
 20 The first one is a recommendation on Bid
 21 1523, St. Michaels phase five sanitary sewer

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1 system replacement rehabilitation and Grace
 2 Street pump station replace engineering
 3 services, amendment number 17.
 4 He will explain in detail, but you'll see
 5 in your packet the Department of Public Works
 6 is requesting Council approve an increase
 7 engineering services agreement with Rauch,
 8 Incorporated, \$183,353 for additional design,
 9 inspection and construction of administrative
 10 services required to oversee construction of
 11 recently identified sewer system repairs and
 12 pump station replacement within St. Michaels
 13 sanitary sewer system.
 14 So I'll hand it off to Ray at this point.
 15 He can provide more details.
 16 MR. CLARKE: Council, the only point I'll
 17 make is that this is actually, we're working
 18 with Rural Development. This is a continuation
 19 of the work that we have been doing in the
 20 sewer collection for St. Michaels.
 21 At the same time, what we're requesting is

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1 the approval of this change order contingent
 2 upon receiving the funding from Rural
 3 Development. So we've been working with Rural
 4 Development. They've asked us to go ahead and
 5 try and work with you all to approve the change
 6 orders.
 7 Once we have those change orders, then we
 8 can work with Rural Development to start the
 9 process of securing funding. And once we have
 10 that funding, we'll probably then work to go
 11 ahead and execute the contracts. But that's
 12 only once we have the funding available to us.
 13 And the other point, too, to make is that
 14 the work that we're talking about here is to do
 15 the design work. Actually the construction
 16 work will actually be the next request. The
 17 design work is with Rauch, Incorporated.
 18 Schumer, Incorporated will actually be doing
 19 the sewer collection system and pump station
 20 work. As part of the construction, it would
 21 also be included in this.

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1 MR. PACK: Ray, is it Rural Development or
 2 USDA?
 3 MR. CLARKE: Actually it's Rural
 4 Development. It's through part of the USDA.
 5 MR. PACK: Part of USDA?
 6 MR. CLARKE: Yes, it is. Rural
 7 Development under the rural utility service
 8 agreement.
 9 MR. PACK: I'll make a motion that we go
 10 ahead and approve Bid 1523.
 11 MR. CALLAHAN: Do I have a second?
 12 MR. DIVILIO: Second.
 13 MR. CALLAHAN: Okay. I got a motion and a
 14 second. Madam Secretary, could you call the
 15 roll, please.
 16 SECRETARY: Mr. Callahan.
 17 MR. CALLAHAN: Aye.
 18 SECRETARY: Mr. Divilio.
 19 MR. DIVILIO: Aye.
 20 SECRETARY: Mr. Leshner.
 21 MR. LESHNER: Aye.

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1 SECRETARY: Ms. Price.
 2 MS. PRICE: Aye.
 3 SECRETARY: Mr. Pack.
 4 MR. PACK: Aye.
 5 MR. STAMP: The next item that Ray will
 6 talk to you about is Bid Number 17.09,
 7 St. Michaels pump station number three upgrade
 8 rehabilitation. Change order number 21.
 9 In your agenda, you'll see that he is
 10 requesting Council approval to award change
 11 order 21 to Schumer, Incorporated in the amount
 12 of \$1,286,105 for pump station replacement and
 13 upgrades within the St. Michaels sanitary
 14 sewer system, to include pump stations number
 15 one, number two, and the Rio Vista pumping
 16 station.
 17 Again, as the previous one, approval will
 18 be contingent upon USDA providing funding for
 19 the work.
 20 And again, Ray can answer details on this
 21 matter.

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1 MR. CLARKE: And again, I think as we
 2 highlighted, this is actually a lot of pump
 3 station work. We definitely need work at the
 4 Madison Avenue pump station.
 5 At the same time, we had done smoke
 6 testing back in March. We found some problems
 7 within the sewer collection system, private
 8 property as well as within the trunk lines of
 9 the county. And this is going to correct a lot
 10 of the problems that we found, as well as
 11 dealing with the situation over at the
 12 St. Michaels Crab House, Steak and Crab House
 13 on Mulberry Road.
 14 MR. CALLAHAN: Okay.
 15 MR. PACK: Mr. Callahan, I make a motion
 16 that we go ahead and approve Bid 1709.
 17 MR. CALLAHAN: Thank you, Mr. Pack.
 18 Do I have a second?
 19 MR. DIVILIO: Section.
 20 MR. CALLAHAN: Thank you, Mr. Divilio.
 21 I got a motion and a second. Madam

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1 Secretary, could you call the roll, please.
 2 SECRETARY: Mr. Callahan.
 3 MR. CALLAHAN: Aye.
 4 SECRETARY: Mr. Divilio.
 5 MR. DIVILIO: Aye.
 6 SECRETARY: Mr. Leshner.
 7 MR. LESHNER: Aye.
 8 SECRETARY: Ms. Price.
 9 MS. PRICE: Aye.
 10 SECRETARY: Mr. Pack.
 11 MR. PACK: Aye.
 12 MR. STAMP: And the next item Ray is going
 13 to ask for. I just want to say this is an
 14 exciting one actually. This means he's doing a
 15 good job.
 16 And I would like for you to elaborate on
 17 that a little bit, Ray.
 18 He's requesting to accept a grant for
 19 region two St. Michaels wastewater treatment
 20 plant ENR operations maintenance funding.
 21 Again, you'll see that he's asking for

<p style="text-align: right;">Page 270</p> <p>1 approval to accept a grant in the amount of</p> <p>2 \$42,921 from Bay Restoration Funds for the</p> <p>3 operation, maintenance of region two wastewater</p> <p>4 pump.</p> <p>5 Means we're doing the right thing; isn't</p> <p>6 it?</p> <p>7 MR. CLARKE: It is. The good news is I</p> <p>8 guess typically if MDE has the funding, we</p> <p>9 would qualify for a \$30,000 grant to support</p> <p>10 operations and maintenance for the region two</p> <p>11 wastewater treatment plant.</p> <p>12 Because we operated in 2020 with our</p> <p>13 levels being roughly about 1.5 milligrams per</p> <p>14 liter for total nitrogen, we were well below.</p> <p>15 And so MDE basically was providing us with some</p> <p>16 additional monies, an additional \$12,000 grant</p> <p>17 award for actually exceeding the levels.</p> <p>18 MR. PACK: Mr. Callahan, I'll make a</p> <p>19 motion that we approve the Bay Restoration</p> <p>20 Funding grant application.</p> <p>21 MR. CALLAHAN: Okay. Thank you, Mr. Pack.</p>	<p style="text-align: right;">Page 272</p> <p>1 regarding illegal hookup into our storm system.</p> <p>2 Did we ever issue? I know the Public</p> <p>3 Works Advisory Board took it up at one time.</p> <p>4 We were going to send a letter out. I just</p> <p>5 want to know. This just jumped into my head.</p> <p>6 Did we ever issue anything to them regarding</p> <p>7 illegal hookups.</p> <p>8 MR. CLARKE: No. And partly that's due to</p> <p>9 the fact that I think in previous discussions,</p> <p>10 because the county operates the wastewater</p> <p>11 system within the Town of St. Michaels, we</p> <p>12 would have to do a bill and legislation to</p> <p>13 basically do like an illicit connection</p> <p>14 ordinance.</p> <p>15 So for the county, for the county, we can</p> <p>16 do a policy regulation or policy. But we can't</p> <p>17 do that within the town. It has to be done</p> <p>18 through a regulation.</p> <p>19 MR. PACK: An actual bill. Okay. We'll</p> <p>20 talk about that later. Okay. Thank you.</p> <p>21 MR. DIVILIO: Read my mind.</p>
<p style="text-align: right;">Page 271</p> <p>1 MR. DIVILIO: Second.</p> <p>2 MR. CALLAHAN: Thank you, Mr. Divilio.</p> <p>3 We got a motion and a second it. Madam</p> <p>4 Secretary, could you call the roll, please.</p> <p>5 SECRETARY: Mr. Callahan.</p> <p>6 MR. CALLAHAN: Aye.</p> <p>7 SECRETARY: Mr. Divilio.</p> <p>8 MR. DIVILIO: Aye.</p> <p>9 SECRETARY: Mr. Leshner.</p> <p>10 MR. LESHER: Aye.</p> <p>11 SECRETARY: Ms. Price.</p> <p>12 MS. PRICE: Aye.</p> <p>13 SECRETARY: Mr. Pack.</p> <p>14 MR. PACK: Aye.</p> <p>15 Before Ray steps out, just one question</p> <p>16 going back to 1709.</p> <p>17 We were talking about the INI earlier</p> <p>18 regarding illegal hookups. I think Dr. Schumer</p> <p>19 was speaking to that.</p> <p>20 At one time, we were going to issue notice</p> <p>21 to the Town of St. Michaels to the residents</p>	<p style="text-align: right;">Page 273</p> <p>1 MR. STAMP: Thank you, Ray. Appreciate</p> <p>2 that.</p> <p>3 The final item I have for you tonight is</p> <p>4 regarding the Roads Department. I'm happy to</p> <p>5 report that the Roads Department in what I'll</p> <p>6 call the phase one resurfacing project has</p> <p>7 completed about nine miles of resurfacing, to</p> <p>8 include Chapel Road, Black Dog Alley, Landing</p> <p>9 Neck, and Deep Neck Roads.</p> <p>10 We have identified funding. We have in</p> <p>11 our possession enough funding to cover a</p> <p>12 request from Warren for \$300,000 to conduct</p> <p>13 additional resurfacing as a phase two we'll</p> <p>14 call it for another 11 to 18 miles of</p> <p>15 resurfacing.</p> <p>16 Some of that is going to be in wedging and</p> <p>17 leveling, which is his speak to fixing a road.</p> <p>18 MR. CALLAHAN: (Inaudible.)</p> <p>19 MR. STAMP: So my ask is that we use</p> <p>20 existing funds from the highway user funds from</p> <p>21 the State of Maryland, which we possess,</p>

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1 \$300,000 to go toward phase two resurfacing for
 2 Warren.
 3 MR. PACK: I didn't realize we had
 4 \$300,000 in that fund right now.
 5 MR. STAMP: Yes, sir. Actually \$355,000.
 6 MR. PACK: So we used just about all of
 7 it.
 8 MS. PRICE: Right. But doesn't HUR
 9 revenues go into our general fund anyway? So
 10 wasn't this part of our budget --
 11 MR. STAMP: This was set aside in a
 12 journal entry from our previous finance
 13 director and it is available for use.
 14 MS. PRICE: Okay.
 15 MR. PACK: I'll make a motion that we go
 16 ahead and let Roads Department utilize \$300,000
 17 of highway user funds for phase two resurfacing
 18 project, phase two?
 19 MR. STAMP: Yes.
 20 MR. CALLAHAN: Thank you, Mr. Pack.
 21 That's a motion. Second?

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1 MS. PRICE: Second.
 2 MR. CALLAHAN: Okay. Ms. Price, you snuck
 3 in on me.
 4 MS. PRICE: You were looking that way.
 5 MR. CALLAHAN: Yeah, you did. Okay.
 6 We got a motion and a second. Madam
 7 Secretary, could you call the roll, please.
 8 SECRETARY: Mr. Callahan.
 9 MR. CALLAHAN: Aye.
 10 SECRETARY: Mr. Divilio.
 11 MR. DIVILIO: Aye.
 12 SECRETARY: Mr. Leshner.
 13 MR. LESHNER: Aye.
 14 SECRETARY: Ms. Price.
 15 MS. PRICE: Aye.
 16 SECRETARY: Mr. Pack.
 17 MR. PACK: Aye.
 18 MR. CALLAHAN: Good.
 19 MR. STAMP: And that completes your county
 20 manager report for this meeting. Thank you,
 21 sir.

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1 MR. CALLAHAN: Good job, good job. Okay.
 2 So we're going to move on to public
 3 comment.
 4 MR. LESHNER: So we have two names signed
 5 up here. And first is Althea Dulin.
 6 MS. PRICE: Really stuck it out, haven't
 7 they.
 8 MR. CALLAHAN: Yeah. Good evening,
 9 Ms. Dulin.
 10 MS. DULIN: Good evening. As stated, I'm
 11 Althea Dulin from Cordova, Maryland.
 12 I'm here to ensure the Council and public
 13 are aware the official opinions of the Open
 14 Meeting Act, OMA, Compliance Board in response
 15 to multiple citizens' complaints against Talbot
 16 Family Network, TFN, an instrumentality of
 17 Talbot County government.
 18 The OMA response highlights multiple
 19 violations of the Act, including the statement
 20 some of TFN's committees improperly disregarded
 21 the Act's mandates.

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1 The OMA Board indicates it cannot reach
 2 any conclusion regarding the OMA status of the
 3 TNF "action committee mentioned in the
 4 November 2019 TFN Board meeting minutes. The
 5 committee is not named in the bylaws. And
 6 neither the TFN nor the complainants have
 7 explained the committee's origin".
 8 It is surely not possible for a
 9 complainant to explain this, given TFN's
 10 shrouded committee meetings since at least
 11 fiscal year 17.
 12 It is also important to note the OMA Board
 13 typically only investigates OMA related items
 14 identified by the complainants. They do not
 15 conduct a complete review to determine overall
 16 OMA compliance.
 17 It is my understanding this Council not
 18 only accepts State funding on behalf of the
 19 TFN, it also certifies TFN complies with
 20 provisions set forth by the State of Maryland
 21 and the Governor's Office of Crime Control and

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<p>1 Prevention, which includes compliance with</p> <p>2 Maryland Open Meetings Act, among others.</p> <p>3 At the next TFN Board meeting on Tuesday,</p> <p>4 October 19th, at 2:30 p.m., the TFN Board must</p> <p>5 publicly announce the violation and orally</p> <p>6 summarize the OMA opinion.</p> <p>7 Since all TFN meetings occur during</p> <p>8 daytime working hours, inhibiting public</p> <p>9 participation, I urge the Council to</p> <p>10 communicate the need for the TFN to record and</p> <p>11 post board and committee meetings.</p> <p>12 The OMA Board opinion reiterates the</p> <p>13 policy of the Open Meetings Act is to increase</p> <p>14 the faith of the public in government.</p> <p>15 Although recent efforts by TFN are</p> <p>16 commended, between approximately July</p> <p>17 throughout August of 2021, their new online</p> <p>18 posting of about 40 meeting minutes from as far</p> <p>19 back as fiscal year 17, representing about</p> <p>20 50 percent of all board and committee meetings,</p> <p>21 highlight their serious historical failure to</p>	<p>1 MR. PACK: Yeah. But we don't fund TFN.</p> <p>2 It might be a pass-through. We don't fund</p> <p>3 them.</p> <p>4 MS. DULIN: Well, I think it's like 2,500</p> <p>5 in matching perhaps, but the bigger amount</p> <p>6 flows through. That's my understanding.</p> <p>7 MR. PACK: Okay. We do (inaudible) in</p> <p>8 kind as far as spacing, but not funding.</p> <p>9 MS. DULIN: That's fine. I'm just saying</p> <p>10 I think it flows through and I know the Council</p> <p>11 president has to sign on the dotted line for</p> <p>12 that submission, at least by what I received</p> <p>13 from Ms. Andrew.</p> <p>14 SPEAKER: That's correct.</p> <p>15 MR. CALLAHAN: She had to throw me in</p> <p>16 there. Okay. We'll check on that. Okay.</p> <p>17 MR. LESHER: We have one other name on the</p> <p>18 list, which is Alexis Seip, who I do not see in</p> <p>19 the room at the moment.</p> <p>20 MR. CALLAHAN: No.</p> <p>21 MR. LESHER: That brings us to the end of</p>
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<p>1 warrant the public's faith.</p> <p>2 Concerns regarding TFN do not end with OMA</p> <p>3 violations. I will close with several</p> <p>4 questions, which I know you can't answer, but</p> <p>5 food for thought I suppose.</p> <p>6 Since TFN has not complied with OMA for</p> <p>7 years and OMA can't reach conclusion regarding</p> <p>8 the action committee, does the Council plan to</p> <p>9 rescind it's most recent certification of</p> <p>10 compliance that was apparently attached to the</p> <p>11 budget request that goes in?</p> <p>12 And does TFN's improper disregard, and</p> <p>13 those are OMA Board's words, improper</p> <p>14 disregarding of the OMA mandates jeopardize its</p> <p>15 funding?</p> <p>16 Thank you for your time.</p> <p>17 MR. CALLAHAN: Thank you, Ms. Dulin.</p> <p>18 MR. PACK: We don't fund TFN. We don't</p> <p>19 fund TFN.</p> <p>20 MS. DULIN: My understanding is the</p> <p>21 funding flows through the county.</p>	<p>1 the list.</p> <p>2 MR. CALLAHAN: Okay. Mr. Ewing.</p> <p>3 MR. EWING: Thank you. Ran out of paper</p> <p>4 for that list.</p> <p>5 MR. CALLAHAN: No problem, no problem.</p> <p>6 MR. EWING: Wouldn't be a night if we</p> <p>7 didn't end on the Talbot Boys.</p> <p>8 MR. CALLAHAN: Yeah.</p> <p>9 MR. EWING: Clive Ewing. Easton,</p> <p>10 Maryland. I'm speaking tonight regarding the</p> <p>11 Talbot County statue.</p> <p>12 I'd like to reinforce my protest from two</p> <p>13 weeks ago where the Council did not provide due</p> <p>14 process to my and Mr. Montgomery's petition to</p> <p>15 rescind the resolution to remove the Talbot</p> <p>16 Boys statue. We'd like the Council to rectify</p> <p>17 that process error immediately before further</p> <p>18 damage is done to the public trust.</p> <p>19 I also like to mention that I attended the</p> <p>20 county's presentation to the Easton Historic</p> <p>21 District Commission last night. And I'm sure</p>

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1 you're aware of it. Your attorney said that
 2 the Council was now providing an overabundance
 3 of information in its application to that
 4 commission to remove the monument in the spirit
 5 of complete transparency.
 6 And isn't that ironic that after the vote
 7 has been taken, after the public didn't have a
 8 chance to weigh in on it, the Council's
 9 attorney is saying now we want transparency.
 10 The decision was made, and now we're going to
 11 give a bunch of transparency. Seems like
 12 should have transparency all the way
 13 throughout.
 14 We did learn a little bit more information
 15 last night about possibility of the monument
 16 being boxed up and stored before it goes to its
 17 destination. I hadn't heard that in the
 18 resolution or any discussion previously.
 19 The attorney seemed to talk about plans
 20 for ensuring the safety and integrity of the
 21 statue itself. Seemed like he was winging

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1 that, if you were asking me. I don't know if
 2 y'all had any discussions about that.
 3 Certainly would make sense. But it's, again,
 4 new information that if the public was involved
 5 in this, it certainly would relieve some
 6 consternation.
 7 The attorney talked about what was going
 8 to be done after some questions about with the
 9 space. And he said it would be returned to
 10 grass and mulch, but he didn't seem to indicate
 11 or even maybe know that there was already an
 12 approved resolution to put a Union monument
 13 there, albeit 100 years ago. And that's
 14 certainly something the commission, the Easton
 15 Historic Commission, requires. They didn't
 16 press him on the point, but that is something
 17 that I think certainly should be advertised.
 18 And lastly, there were several questions
 19 to the attorney about what was the intention of
 20 the resolution? Was it the statue or the
 21 statue and the base, the entirety of the

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1 monument? And it appeared that attorney wasn't
 2 sure because he consulted with another attorney
 3 about that. And his response was well, the
 4 intention was the entirety of the monument.
 5 There has been discussions about what was
 6 really intended. Is it just the statue or the
 7 entirety of the monument?
 8 I think it's been publicized that folks
 9 locally are interested keeping that monument in
 10 this county. And I think it would be germane
 11 to know whether is it the statue or is it the
 12 entirety of the monument that's in play here.
 13 And lastly, I'd say any further
 14 conversations really need to be done publicly,
 15 not in private. Ensure full transparency, just
 16 like Mr. Watson had a presentation here tonight
 17 because there really wasn't a process followed.
 18 And my hope is that you will hear us out so
 19 that we can flesh this out, keep this monument
 20 in Talbot County.
 21 Having it go to Virginia makes really no

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1 sense at all. The process, whatever that
 2 process was that someone determined it had to
 3 go to Virginia really had no public input.
 4 Really wish we had the opportunity to weigh in
 5 on that. If the majority of the Council had a
 6 change of heart, that should have been made
 7 known to the public.
 8 So again, appreciate it. I know it's been
 9 a long night. Thank you.
 10 MR. CALLAHAN: Thank you, Mr. Ewing.
 11 Appreciate it.
 12 And both of you for sticking around here
 13 tonight. I know it's been a long night. So we
 14 really thank you.
 15 MR. EWING: We thank you.
 16 MR. CALLAHAN: Let's wrap it up with
 17 Council comments. Mr. Pack.
 18 MR. PACK: I have no comment,
 19 Mr. Callahan. After all that, I'm at a loss
 20 for words I guess.
 21 MR. CALLAHAN: Okay. Ms. Price.

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1 MS. PRICE: I think tonight is a night to
 2 say nothing because you don't know how to say
 3 in a transcript, right?
 4 MR. CALLAHAN: Mr. Leshner.
 5 MR. LESHER: I have nothing.
 6 MR. CALLAHAN: I was looking at you.
 7 MR. DIVILIO: One of those nights.
 8 MR. CALLAHAN: Yeah. Sorry.
 9 MR. DIVILIO: I'll save my comments for
 10 next.
 11 MR. CALLAHAN: Okay. I think I will say
 12 just a couple of words myself for Council
 13 itself and staff and the public.
 14 We had a big night tonight. We learned a
 15 lot. We listened. That's what we're here for.
 16 I really appreciate Council bearing with
 17 my clock. I have to adjust my clock a little
 18 bit here.
 19 But I think it's important just for people
 20 to say what they need to say and vent a little
 21 bit.

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1 So I have a little bit of, you know,
 2 strategy in my mind that I feel like sometimes
 3 people are waiting and they're passionate about
 4 things. And I'd like to give them the time to
 5 say what they need to say.
 6 So sometimes it's tough up here, and we
 7 have to stick to a program, stick to
 8 procedures. But when we're dealing with very,
 9 very sensitive subjects, it needs to be handled
 10 right.
 11 So I think that's the way we should have
 12 handled tonight. And we've all done a great
 13 job.
 14 And I want to commend staff. It's late.
 15 It's almost 11 o'clock. You've done a great
 16 job to prepare Council.
 17 I want to thank Council tonight for doing
 18 a good job.
 19 And I'll leave it at that. Mr. Leshner,
 20 Vice President.
 21 MR. LESHER: The County Council's next

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1 meeting will be held on Tuesday, October 26th,
 2 beginning at six o'clock p.m. The Council will
 3 be convening in open session at 4:30 p.m. and
 4 immediately adjoining into closed session to
 5 discuss real estate, legal, and other personnel
 6 matters, as listed on the statement for closing
 7 that meeting.
 8 Therefore, is there a motion to adjourn
 9 and to reconvene as specified?
 10 MS. PRICE: So moved.
 11 MR. DIVILIO: Second.
 12 MR. CALLAHAN: Okay. We got a motion and
 13 a second. Madam Secretary, could you?
 14 SECRETARY: Mr. Callahan.
 15 MR. CALLAHAN: Aye.
 16 SECRETARY: Mr. Divilio.
 17 MR. DIVILIO: Aye.
 18 SECRETARY: Mr. Leshner.
 19 MR. LESHER: Aye.
 20 SECRETARY: Ms. Price.
 21 MS. PRICE: Aye.

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1 SECRETARY: Mr. Pack.
 2 MR. PACK: Aye.
 3 (Meeting concluded at: 10:52 p.m.)
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1 STATE OF MARYLAND
2 I, Diane Houlihan, a Notary Public in and
for the State of Maryland, County of Baltimore City,
3 do hereby certify that the within named, Talbot
County Council Audio, personally appeared before me
4 at the time and place herein set according to law,
was interrogated by counsel.

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

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

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

13 AS WITNESS my hand Notarial Seal this 25th
day of October, 2021, at Easton, MD.

14
15 

16
17 Diane Houlihan
Notary Public

18
19
20 My commission expires September 16, 2025
21

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