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**TOWN OF EASTON, MARYLAND
EASTON TOWN HALL
14 S. HARRISON STREET**

April 18, 2016

PRESENT AT CONVENING.

Mayor Robert C. Willey	12	Councilmember Pete Leshar
Council President John Ford	13	Councilmember Ron E. Engle
Councilmember Alan I. Silverstein	14	Councilmember Megan M. Cook

Also present was the Town Manager Mr. Robert F. Karge, Town Attorney Mrs. Sharon VanEmburch, Town Planner Mr. Lynn Thomas and Town Clerk Mrs. Kathy M. Ruf.

CALL TO ORDER.

At 7:00 p.m., President Ford called the regularly scheduled council meeting to order.

OPENING REMARKS BY MR. LESHER AND PLEDGE OF ALLEGIANCE.

Mr. Leshar gave opening remarks and led those present in the Pledge of Allegiance.

APPROVAL OF MINUTES OF APRIL 4, 2016 MEETING.

Upon motion by Mr. Leshar seconded by Mr. Silverstein and carried unanimously, minutes of the April 4, 2016 meeting were approved.

ITEMS BY MAYOR WILLEY.

Mayor Willey presented the following employee service awards:

TOWN OF EASTON 10, 20 AND 30 YEAR EMPLOYEE SERVICE AWARDS.

The following Town of Easton employees received their employee service awards:

- Clint T. Bordley, Easton Police Department 20 years
- Michael J. Dickerson, Public Works 30 Years
- Jason M. Dyott, Easton Police Department 10 years
- Lorraine I. Gould, Parks & Recreation Dept. 10 years
- Andre' T. Magee, Public Works 10 years
- James R. Miller, Easton Police Department 20 years
- Edward J. Patrone, Easton Police Department 20 years

WAIVER OF IMPACT FEE.

Mayor Willey brought the request for waiver of the impact fee to the floor.

Mr. Karge stated that the Individual that made the request for the waiver was not the hangar owner. He stated that the proper process has not been followed.

The council deferred any decision on this matter unless and until the owner of the hangar submits a waiver request. This followed the staff recommendation on the matter.

Mayor Willey discussed the request from the Talbot County Office of Tourism to revise the layout of the Resource Center. He stated that no alterations would be made to the building; only the layout.

Mayor Willey stated that the County has allotted a portion of the funding for the crossing guards in their budget.

ITEMS BY THE TOWN MANAGER

Mr. Karge stated that the approval of the property maintenance bids have been deferred.

69
70 Mr. Karge discussed the status of the light request at the intersection of St. Michaels Road and
71 Marlboro Road. Mr. Karge stated that he has received notice from State Highway Administration
72 that a traffic signal at that intersection is in the works.

73
74 Mr. Karge stated that a request has been received from Channel Marker for the Town of Easton
75 to submit a CDBG grant through the Town of Easton. He stated that a public hearing needs to
76 occur for public comment.

77
78 President Ford set the Channel Marker CDBG public hearing for May 2 at 7:30 p.m. for grant
79 assistance for the rehabilitation of their planned Channel Marker Wellness Center at 8865 Glebe
80 Park Drive.

81
82 **ITEMS BY THE TOWN ATTORNEY.**

83
84 The Town Attorney asked the President of the Council to reschedule the public hearings for
85 the Talbot Commerce Park map zoning amendment and the Zoning Ordinance amendment
86 from May 2 to May 16.

87
88 President Ford set the public hearing for the Zoning Ordinance amendment for the
89 donation bids for May 16 at 7:15 p.m.

90
91 President Ford set the public hearing for the Talbot Commerce Park text and map
92 amendment for May 16 at 7:30 p.m.

93
94 **REVIEW OF INVOICES TOTALING \$788,857.13.**

95
96 Upon motion by Mr. Leshar seconded by Mr. Engle and carried unanimously, invoices totaling
97 \$788,857.13 were reviewed for payment.

98
99 **PUBLIC HEARING ON THE REQUEST TO ANNEX APPROXIMATELY 13.025 ACRES, MORE OR**
100 **LESS LYING CONTIGUOUS TO THE EXISTING BOUNDARIES OF THE TOWN OF EASTON OWNED**
101 **BY ROUTE 33, LLC AND STANDARD FUSEE CORPORATION (FORMERLY MCLAUGHLIN**
102 **ACQUISITION CORPORATION). CONCURRENTLY WITH THE HEARING ON THE ANNEXATION**
103 **RESOLUTION, THE COUNCIL WILL HOLD A HEARING ON ORDINANCE 676, APPLYING A**
104 **GENERAL COMMERCIAL (CG) ZONING CLASSIFICATION UNDER THE EASTON ZONING**
105 **ORDINANCE TO THE PROPERTY SUBJECT TO THE ANNEXATION PROPOSAL.**

106
107 **RESOLUTION NO. 6064, "A RESOLUTION TO ANNEX CERTAIN LANDS OWNED BY**
108 **ROUTE 33, LLC AND STANDARD FUSEE CORPORATION (FORMERLY KNOWN AS**
109 **MCLAUGHLIN ACQUISITION CORPORATION), LOCATED ON THE NORTH SIDE OF**
110 **MARYLAND ROUTE 33 AND CONSISTING OF 13.025 + ACRES OF LAND, MORE OR**
111 **LESS, INTO THE TOWN OF EASTON AND TO PROVIDE FOR THE TERMS AND**
112 **CONDITIONS OF THE ANNEXATION."**

113
114 **ORDINANCE NO. 676, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING**
115 **THE OFFICIAL ZONING MAP OF THE TOWN OF EASTON TO APPLY ORIGINAL**
116 **ZONING CLASSIFICATION OF GENERAL COMMERCIAL (CG) TO CERTAIN PARCELS**
117 **OF LAND ANNEXED TO THE TOWN OF EASTON BY RESOLUTION NO. 6064**
118 **LOCATED ON THE NORTH SIDE OF MARYLAND ROUTE 33 AND CONSISTING OF**
119 **13.025 ACRES OF LAND, MORE OR LESS."**

120
121
122 At 7:15 p.m., President Ford opened the scheduled public hearing. He discussed the process.

123
124 Mr. Thomas, Town Planner gave the history of the annexation request. Mr. Thomas stated that
125 the Planning Commission considered and forwarded their recommendation to annex the
126 property. Mr. Thomas stated that the annexation is consistent with the Comprehensive Plan.
127 He stated that the area is classified as Priority One Growth Area and recommended for future
128 commercial land use. He stated that the traffic has been expressed as a concern at the two
129 Planning Commission meetings. Mr. Thomas stated that there is a pending signal at Marlboro
130 Road and St. Michaels Road. Mr. Thomas stated that there has been no expressed, conceptual
131 plan for development forwarded to the Planning and Zoning Commission. The Town Planner
132 stated that even if the annexation does not occur, development may happen but under the
133 county's jurisdiction under their rules and regulations. Mr. Thomas discussed the comments

134 regarding strip development towards St. Michaels. He discussed the Town establishing the
135 Urban Growth Boundary around the entire perimeter around the town of Easton.

136
137 President Ford commended Mr. Thomas, the Planning Commission and the Town Attorney on
138 the letter sent to the council and the concerns addressed.

139
140 The Town Attorney stated that the Annexation Plan has to be consistent with the municipal
141 growth element of the Comprehensive Plan. She discussed the discretionary powers of the
142 council. Ms. VanEmburch stated that in order to grant it, you have to find the Annexation Plan
143 consistent with the municipal growth element. In order to deny, it is completely a discretionary
144 action on the council.

145
146 Mr. Silverstein asked if the council could keep the zoning intact for the next five years.

147
148 The Town Attorney stated that the county could decide whether to give the town a waiver and
149 apply the town's zoning district or they could require the county's zoning to be enforced which
150 would be applicable for a five year period.

151
152 Mr. Thomas stated that the letter was jointly from Mr. Tettlebaum and himself.

153
154 Mr. Zach Smith, Attorney on behalf of the applicant which is two property owners, Route 33 LLC
155 and the Standard Fusee Corporation. He stated that the annexation would consist of 13.025
156 acres of land, west of the town and contiguous to the town of Easton. Mr. Smith stated that the
157 smaller of the two properties is currently zoned CG and the remaining 11 acres are zoned LI by
158 the county. He requested annexation and the application of the Town's CG zone. He stated that
159 annexation of the property is consistent with the Town of Easton Comprehensive Plan and in
160 the best interest of the Town of Easton. Mr. Smith stated that the owner of Standard Fusee
161 Corporation believes it is no longer appropriate to manufacture explosive products at the
162 Easton site and intends to move that function to another piece of property they own in Indiana.
163 He stated that the owners thought that the neighbors of the current site would receive that
164 well. Mr. Smith stated that the administrative functions will remain in Easton as the president
165 Mr. Jay McLaughlin has his home in Easton. Mr. Smith discussed annexation benefits to the
166 town and stated that annexation of this property would also expand Easton's tax base and give
167 the town control and destiny of this area. Mr. Smith discussed what may happen if the property
168 is not annexed. He discussed possible land uses under the county's Comprehensive Plan. Mr.
169 Smith stated that the owner would like to have sewer service which would occur with
170 annexation. He stated that the property is already developed and would allow the properties to
171 be connected. He stated that the annexation would allow re-development of underutilized
172 property. Mr. Smith discussed future land use on this property and stated that it should it be
173 annexed and zoned commercial per the Comprehensive Plan. Mr. Smith discussed what is
174 permitted under the county's zoning land use regulations. Mr. Smith stated that the
175 Comprehensive Plan identifies these as Priority One properties and as commercial; both of
176 which are before the council tonight. Mr. Smith discussed the possibility of the parcels being
177 zoned retail. He stated that CG Zoning will not permit a major retail or shopping center
178 development which can only be entitled through the PUD process and only with the approval of
179 the Town Council. Mr. Smith discussed the loss of industrial land versus industrial land users.
180 Mr. Smith urged the council to approve the annexation and designate CG or CL zoning. Traffic
181 impacts were discussed. Mr. Smith stated that when a proposal is submitted to the town, it is
182 an appropriate time to require the applicant or his successor to prepare a traffic impact study.
183 Mr. Smith stated that the applicant is willing to tie this site to other sites and they are willing to
184 construct the road. Mr. Smith stated that it is unreasonable to ask the applicant to wait for
185 annexation. He stated that if the town is willing to annex the property at this time, agree to the
186 zoning at this time, the property owner would be willing to sit on the property until that time
187 and then look for a suitable use after that time period has elapsed. If not, the applicant may
188 consider moving forward to a use with the county's rules and regulations.

189
190 President Ford stated that the Planning Commission voted 5-0 to recommend the
191 establishment of the newly created BC zoning classification on the subject properties, should
192 they ultimately be annexed into the Town. The Commission voted 3-2 to recommend that the
193 annexation be approved. President Ford asked if the applicant is willing to move forward with
194 the annexation if the council approved the BC zoning classification. Mr. Smith stated that he
195 cannot say at the moment but could be discussed. He stated that with the Standard Fusee LLC
196 property, they may view that as down zoning.

197
198 President Ford discussed his contact with Mr. Smith to discuss the development of a service

199 road behind these properties which could mitigate future traffic issues on St. Michaels Road. He
200 stated that if the service road is in place, it does not guarantee his support for annexation but if
201 it was not, he would have trouble supporting the annexation. Mr. Smith stated that they have
202 reached out and tried to get that deal done.
203

204 Mr. Leshner thanked Mr. Smith for his presentation and discussed the preserved forest that
205 adjoins the property. He stated that he wants to maintain that preserved forest and asked what
206 can be done to ensure that will be done.
207

208 Mr. Smith stated that they are aware of that portion of the property and it is contiguous to the
209 property Remco has preserved with a Forest Conservation Easement and this property owner
210 would be agreeable to setting that area aside to fulfill their Forest Conservation area
211 requirements. He stated that they would agree to that condition of approval as long as they
212 received credit for that.
213

214 President Ford asked if there were representatives from the county or state that wanted to
215 address the council regarding the annexation request as they are entitled to be heard prior to
216 public participation.
217

218 Mr. Dirk Bartlett, 7975 Bloomfield Road, stated that he is not speaking for the County Council
219 but stated that the annexation concerns the county because Route 33 is the gateway to the
220 county. Property as exists today is a buffer for the commercial growth which will be built out on
221 Waterside Village and the Route 33 corridor. He stated that the jobs that are there will be gone
222 should the upgrade in zoning occur. Mr. Bartlett discussed current industrial parks in the town.
223 He stated that the county has provided land for the town to use for commercial growth but he
224 does not believe this particular parcel is suitable. Mr. Bartlett discussed greenbelts. He stated
225 that they do not permanently preserve land.
226

227 Mr. Tom Alspach, 295 Bay Street, #1, stated that he is present on behalf of Talbot Preservation
228 Alliance and himself. He stated that he is not here to oppose the annexation. Mr. Alspach
229 stated that he is present to discuss what the right time for the annexation to occur and what
230 terms and conditions. Mr. Alspach stated that now is not the right time. He stated that the
231 Planning Commission had a split vote 3-2. Mr. Alspach stated that although this site is a Priority
232 1 annexation site in the Comprehensive Plan, the council is not compelled to do anything. Mr.
233 Alspach cited Rockville v Brookville Turner Construction Company; where it was decided that
234 municipalities can reject annexation for no reason at all. Mr. Alspach discussed attaching
235 conditions to an annexation and having an agreed plan. He stated that here is a chance to plan.
236

237 Mr. Josh Hastings, Eastern Shore Land Conservancy, 114 S Washington Street, stated that ESLC
238 has good concerns, and they believe in strong towns and connectivity. He stated that ESLC
239 believe in a greenbelt that is permanent. Mr. Hastings stated that they have concerns and
240 wonders what is the impact on infill? He stated that Route 33 is the gateway into this area. Mr.
241 Hastings stated that ESLC would be happy to do a small area plan connecting it to their
242 greenspace and the work they have already completed. Mr. Hastings stated that they have very
243 strong concerns with strip development and ongoing traffic issues. Mr. Hastings thanked the
244 council for good work.
245

246 Mr. Douglass Slocum, 27900 Dixon Creek Lane, stated he lives right across from the property.
247 He read a statement into the record that discussed concerns with expansion of development,
248 and traffic in immediate area. He discussed the MD Route 33 having the highest volume of
249 Talbot County. Mr. Slocum stated that the traffic light is not the answer. He asked the council to
250 not move forward as that is doing things backwards. He read a statement from Peter Fellows
251 that asked for a plan from Standard Fusee.
252

253 Ms. Bonnie Morro, 8094 North Fork Blvd, Easton Village, asked the council to pause and study
254 the long term impact. She questioned whether more commercial development is needed. Ms.
255 Morro discussed the traffic impact to Easton Village.
256

257 Mr. Charlie Bohn, 7881 Fort Stokes Lane, Ratcliffe, stated he is concerned with traffic as it is
258 today. Mr. Bohn discussed the buildout of Easton Village and Waterside Village. He stated that
259 the council needs to see plan. Mr. Bohn stated that there is no need to annex this property at
260 this time.
261

262 Ms. Jill Ferrier, 211 S Harrison Street, asked the council to please be careful and be good
263 stewards and not mess with the tenor of the community.

264 Ms. Barbara Weingarden, 8192 Gatherly Circle, Easton Village, thanked the council for listening.
265 She stated that those who fail to plan, plan to fail. Ms. Weingarden discussed vacant retail
266 storefronts. Ms. Weingarden discussed the lack of living wages in the vicinity. She suggested
267 targeting the nearby colleges.
268

269
270 Ms. Marsha Fidis, 9400 Bantry Road, discussed the greenspace and the conservation easement.
271 She stated that this property is part of the greenspace buffer. Ms. Fidis stated that she would
272 like to see the council consider what they should ask for from the property owner. Ms. Fidis
273 asked the council for a dedicated permanent easement and a growth plan that would enhance
274 area and protect the greenspace. Ms. Fidis asked the council to consider what the citizens of
275 Easton are getting in return for the annexation. She stated that the town would lose leverage to
276 annex now and plan later. Ms. Fidis urged the council to find out how the property would be
277 used.
278

279 Mr. Kevin Nolan, 7950 Bloomfield Road, stated he has been here since 1999 fulltime since 2003
280 and is present as a concerned citizen. Mr. Nolan stated that the gateway is at risk. He stated
281 that he sees complete disregard and the property owner should be concerned about how his
282 neighbors fee. He said he rides his bike and it's so unsafe. Mr. Nolan asked the council to be
283 good stewards and make the right decision.
284

285 Ms. Katherine Jones, 107 N Washington Street, thanked the council for their consideration and
286 stated that she has a home in Traveler's Rest. She said she has sat in the seats the council are
287 sitting in and appreciates their efforts. Ms. Jones stated that she travels the St. Michaels Road
288 every day and agrees with the comments from those before her. Ms. Jones stated she has been
289 in Easton for 38 years and has a deep affection for Easton. She urged the council to look at
290 what the owner intends to do with the property before it is annexed into the town of Easton.
291 Ms. Jones asked the council to look at that intersection and solve that problem before any
292 other buildout.
293

294 Mr. James Brennan, 28330 Village Lake Way, discussed the community and asked the council to
295 say they surveyed the citizens. He discussed the tidal marsh where he says the Standard Fusee
296 sits.
297

298 Ms. Jane Bollman, 221 S Hanson Street, told the council that if they vote to annex without a
299 plan, you are voting to risk sprawl.
300

301 Mr. Mike Haggar, 27950 Tred Avon, stated he has been here for three years commuting from
302 D.C. everyday. Mr. Haggar discussed empty stores and businesses no longer in Easton. Mr.
303 Haggar asked the council to survey the citizens and see what they want.
304

305 Ms. Grace Saltus, 28330 Village Lake Way, stated that she previously testified at the Planning &
306 Zoning Commission. She discussed the tidal basis and stated that there is a safety issue with
307 traffic. Ms. Saltus stated that anything to do with that property should be considered a
308 brownfield due to the nature of the pyrotechnics and the manufacture of those products. She
309 stated she is concerned that Waterside Village is less than half completed. Ms. Saltus asked the
310 council to disapprove annexation and seize the opportunity and reject the request.
311

312 Mr. Smith on behalf of the applicant discussed two points. To require a plan would be the
313 exception not the rule for an annexation. Mr. Smith stated that the town is doing a good job of
314 planning and it is working. He stated that the town is following the Comprehensive plan which
315 is saying what should occur.
316

317 At 9:13 p.m., President Ford thanked the audience for coming and for their comments. He
318 stated that he appreciated the civility. Mr. Ford stated that Planning and Zoning in this the town
319 of Easton as everyone else is to seek a balance between individual property rights and the
320 property rights of a community. Mr. Ford stated that the council has a lot to think about. Mr.
321 Ford stated that he would close the hearing for tonight but additional comments can be sent to
322 town office to be forwarded to the council for consideration.
323

324 **COMMENTS FROM THE COUNCIL.**

325

326 Mr. Silverstein stated that he recently toured the new Habitat for Humanity home on Salmon
327 Street. He stated that he attended the Little League Baseball Opening Ceremony.
328

329 President Ford reminded those present that there would be an Affordable Housing meeting for
330 interested citizens Saturday from 10 a.m. to 12 p.m. at Eaton Volunteer Fire Department.

331
332 **AJOURN.**

333
334 At 9:14 p.m., upon motion by Mr. Silverstein seconded by Mr. Leshner and carried unanimously,
335 President Ford adjourned the regularly scheduled meeting.

336
337 _____
338 Kathy M. Ruf, Town Clerk