

## MINUTES

### COSM

#### Commissioners

#### COSM Working Session

Wednesday, August 10, 2022, 6:00 pm - 8:00 pm

Edgar M Bosley Jr. Municipal Admin Building

300 Mill Street; PO Box 206

St. Michaels, MD 21663



#### 1. 6:00 - Call to Order for Working Session - Pledge of Allegiance

President Breimhurst called to order a live in-person and remote working session of the Commissioners of St. Michaels at 6:00 pm in the meeting room of the Edgar M. Bosley Jr. Municipal Building, 300 Mill Street, St. Michaels, and the Pledge of Allegiance was recited. Also present were Commissioners Joyce Harrod, Tad duPont, Katrina Wellington, and attending via Zoom, Commissioner Al Mercier. Also present were Rob Straebel, Town Administrator, Planning and Zoning Officer Kymberly Kudla, Chief Tony Smith, Operations Manager Brian Thompson, and Town Clerk Suzanna Warnick. Twelve members of the public were present as well as attendees on Zoom.

#### 2. Agenda Amendments

None

#### 3. Announcement of Prior Closed Session

The Commissioners met Wednesday, August 3, 2022, in closed session at 4:00 pm pursuant to Maryland Code, under the Open Meetings Act, General Provisions Article Section 3-305(b) 1: To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals. Motion to go into Closed Session was made by Commissioner Harrod and seconded by Commissioner Mercier with a roll call vote of 5-0 in favor.

#### 4. Announcements from Commissioners and Staff

President Breimhurst announced the Closed Session held on August 3, 2022 as stated above. President Breimhurst also thanked Chief Smith and all officers that participated in National Nite out enjoying food and festivities. Great event for all that participated. President Breimhurst asked if there was any other way to alleviate the driving congestion on the road during the highway rehab.

Administrator Straebel stated that the Capital Improvement Plan will be updated -- will bring it up to a 5 year plan. Great planning tool to anticipate the cost of some of the projects for budget season.

Mr. Straebel attended the Utility Commission meeting. It is a group of stakeholders that are looking at the costs associated with relocating some utility lines off the main street and onto the back streets. Suggested that Town might want to look at the Maryland Main Street program for grant funding for downtown revitalization in small towns. It does require the hiring of a Main Street program manager, and an establishment of a volunteer board of directors, also commitment to a sustainable budget. Main Street Maryland emphasizes the importance of working in the following areas: Enhancing Design - Organization - Promotion through marketing efforts - Economic

Restructuring - Smart growth principals and sustainability through Green Technology and Smart Growth Principals. Commissioners agreed that this is something that they would like to pursue and see happen. Mr. Straebel said he would look into getting more information and perhaps a presentation by Main Street.

Bids have been awarded for the duct cleaning and HVAC installation in the Police Department Building; duct cleaning to Maid Healthy, then HVAC installation, a dehumidifier and French Drain with C. Albert Mathews, with Total Home Performance completing any other crawl space work. interior work staying within the budget of \$53,000 approved by the Commissioners.

Request for bids have gone out for the parking lot improvement on 124 Fremont Street for a gravel parking area with 24 parking spots and some storm water management. Bids due September 2, 2022 and then to Commissioners at first meeting in September.

Fees and Charges schedule have not been reviewed in many, many years. Not charging what our actual costs are, undercharging. Commissioners would like to have this review go forward.

Meeting with MDOT on the highway improvement project for a status update, please pass your concerns onto Administrator Straebel for this highway improvement project .

Chief stated that in the last several weeks, three vehicles have been stolen in St. Michaels. Chief Smith stressed the importance of locking cars and not leaving keys in unlocked car. Great time by Community Center for National Nite Out. Homelessness and Mental Health Illness at Coffee with a Cop will talk about the challenges in dealing with giving these individuals the help they might want or need. Drug overdoses are up.

Police Officers are out and patrolling at night. Other concerns being dealt with are the following: Noise issue: Businesses are self controlling noise, doing a good job.

Speeding on side streets: Will try educational campaign to get people to slow down.

Kym Kudla, Planning Officer, Planning Commission working on tent and tree regulation. Waterways Board will have Code Amendments on boating and waterway management to present to the Commissioners. Hotel update -- no dates set yet for sketch plan review; hotel will tell us when ready for review.

Commissioner duPont to Brian Thompson, Operations Manager -- is there any opportunity to get an electric car for Public Works. Is it workable to consider? Mr. Thompson thought it is a good idea for savings in fuel charges.

#### 5. Comments from the Public

President Breimhurst opened the meeting to comments from the public.

Melissa Mahoney - 217 Dodson Ave. - here on behalf of Warriors of St. Michaels Maryland- Concerned over the annexation of Environmental Concern property. Want to have the land preserved and not developed. The annexation of Boundary Lane / Environmental Concern property is fair as town taxes, water and sewer have been paid for years even though it was not shown on mapping as being in Town. Would like for that to be corrected as it should be. Currently zoned R1. Warriors would like to consider in the zoning changes as not allowed multi housing development, condo's, franchise, and housing developments.

There were no other comments from the public.

#### 6. Boards and Commission Appointments

- Consideration to Recommend Appointment to Talbot County Local Emergency Planning Committee

Commissioners will consider a representative of the Town for one position on the Talbot

County Local Emergency Planning Committee for a three year term as representative for the Town of St. Michaels. Meetings are held on a quarterly basis on the last Thursday of the month, typically starting at 10:00 am held at the 911 emergency center on Port Street. Next meeting will be in September.

Administrator Straebel introduced Geneva Schaffle, Emergency Management Coordinator for Talbot County, a Federally mandated committee. It's role is to assess hazardous material and emergency preparedness for the counties and towns. The Committee meets quarterly on the last Thursday of the month at the 911 Emergency Center on Port Street. Looking to fill position vacated by Commissioner Bibb. Commissioner Harrod volunteered to fill the position. Commissioners were in consensus with the appointment of Commissioner Harrod.

#### 7. Consent Agenda for Department Reports

President Breimhurst said the Consent Agenda included the department reports for the month of July as follows:

Police Department Reports  
Disbursement Report  
Profit and Loss  
Actual vs Budget  
Public Works  
Planning and Zoning

President Breimhurst then called for any Commissioner comments on the Consent Agenda. There being none Commissioner duPont made a motion to accept the consent agenda as presented, which was seconded by Commissioner Harrod. The motion passed on a roll call vote of 5-0 in favor.

- Department Reports

Police Department  
Monthly Disbursements  
Actual vs Budget  
Profit and Loss  
Public Works  
Planning and Zoning

- Minutes

August 24 2022  
August 10 2022 - to be emailed and hard copy

#### 8. Old Business

- Resolution for Vote

- a. Resolution 2022-04 - 2022 Talbot County Hazard Mitigation and Community Resilience Plan

A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS ADOPTING THE  
2022 TALBOT COUNTY HAZARD MITIGATION AND COMMUNITY RESILIENCE PLAN  
AS THE TOWN'S 2022 HAZARD MITIGATION AND COMMUNITY RESILIENCE PLAN

Title to be read into the record, and if approved, can be adopted.

Administrator Straebel opened the discussion on 2022 Talbot County Hazard Mitigation and Community Resilience Plan and introduced Roy Myers and Kym Kudla, Planning and Zoning Officer, to give a brief presentation of Resolution 2022-04. Geneva Snaffle,

Talbot County Emergency Management Coordinator was present as well.

Mr. Myers stated that the plan goes into detail for mitigation for St. Michaels and Talbot County as a whole, is focused on sea level rise, harbor storm-water areas, and heavy flooding on Talbot Street. The Emergency Center for St. Michaels is the Public School which makes Rt. 33 a one way in and one way out evacuation route.

Ms. Snaffle stated that the Plan is federally mandated. All towns must have a FEMA Federally approved plan which helps lessen the impact of disaster hazards on the County and Town. Having an approved Plan also has an impact on applying for funding. Action items are projects and outreach, and different tactics to lessen the impact that disasters have on the Town. Over 400 responses to the survey offered from the community. Plan is already FEMA approved.

Mr. Myers stated that the Hazard Mitigation Plan delineates all of the County and all Town areas. The whole plan is 335 pages and only the part that focuses on St. Michaels had been disbursed.

Commissioner Harrod suggested the addition to page 12-20 of Coffee with a Cop, St. Michaels Law Enforcement and interaction partnered with the St. Michaels Community Center and local churches.

Town Clerk Suzanna Warnick read the the resolution into the record as follows: A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS ADOPTING THE 2022 TALBOT COUNTY HAZARD MITIGATION AND COMMUNITY RESILIENCE PLAN AS THE TOWN'S 2022 HAZARD MITIGATION AND COMMUNITY RESILIENCE PLAN.

Motion to adopt was made by Commissioner Harrod and seconded by Commissioner Mercier with a roll call vote of 5-0 in favor.

b. Charter Amendment Resolution No. 2022-02

A CHARTER AMENDMENT RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS, AMENDING SECTION 50, "CHECKS, DRAFTS AND WITHDRAWALS", OF THE CHARTER OF ST. MICHAELS WITH RESPECT TO THE PERSONS AUTHORIZED TO SIGN CHECKS ON BEHALF OF THE TOWN

President Breimhurst introduced Charter Amendment Resolution No. 2022-02 regarding the signing of checks.

Administrator Straebel stated that on July 13 the Commissioners directed staff to develop legislation changing the number of Commissioners and staff authorized to sign on checks. Currently all 5 Commissioners and Town Administrator can sign on checks. The change if approved would authorize a total of three individuals to sign checks, two Commissioners and the Town Administrator. Would be a change in the Charter which is a fairly involved process. If going forward, a Public Hearing would be scheduled before voting.

Commissioner duPont stated that he has been involved with this process of signing checks for his last two terms, and probably further back. He has never seen any questionable issues during that time. He doesn't think there were any problems with this approach during all that time and going further in the past.

President Breimhurst stated that he has spoken with the book keeper and on occasion even with 5 commissioners, on occasion has had difficulty getting someone to sign.

Commissioner Harrod stated that even she has been called upon for signing. Would like to keep the five.

Commissioner Mercier stated that perhaps we can have a primary and secondary signers, three to be primary, and three others as secondary and as needed.

President Breimhurst stated that we can make these changes informally, with Mercier, as Treasurer first, Straebel, as Administrator, second, and duPont third, and others as needed. All agreed.

9. New Business

- Comprehensive Plan Amendment Request

- a. Request for Amendments to the Comprehensive Plan Environmental Concern Property - 201 Boundary Lane

President Breimhurst stated that this is an annexation request from Environmental Concern dealing with the boundary lines of the Environmental Concern property. President Breimhurst asked for Administrator Straebel to provide an overview of the request and process.

Administrator Straebel said that this request to amend the Comprehensive Plan was sent to the Planning Commission. After their review they did recommend it to go forward to the Commission. There was an error in the procedure that was followed and an amendment to the Master Plan is in order, specifically amending the Master Plan and then to recommend back to the Commissioners to start over with the potential for future annexation. Property to be categorized from an area of mutual interest to area of potential annexation by amending the Master Plan.

Motion to go back to the Planning Commission with recommendation for amendment change to the Master Plan for this specific Environmental Concern property for potential annexation.

Present at the meeting was Gene and Suzanne Slear, Environmental Concern, and Zach Smith, Attorney for the Slear's.

President Breimhurst opened the meeting to the public for comments, pro and con, and introduced the below.

Langley Shook - 8226 Tricefield Road - Mr. Shook stated that you need to know what the plan is, what the end game is, and what uses will be spelled out in the Comprehensive Plan. Requires an Annexation Resolution by the Commissioners spelling out the uses for the property, available to the public 30 days prior to the hearing. Annexation plan containing a description of the property shall be made available to the public at least 30 days prior to Public Hearing. Transparency is the crux. Enormous amount of contradictory information which has been shared. Mr. Shook then read through an email exchange between Peter Ryus and John O'Connor attached as Exhibit A hereto. President Breimhurst questioned if Mr. Ryus gave permission to use his emails. Mr. Shook stated that he did not talk to Mr. Ryus, but did talk with Mr. O'Conner who gave permission.

Commissioner duPont had several questions for Mr. Shook. Mr. Shook said that the annexation would only pertain to the 3+/- acres that were left out of the parcel that is in the Town.

Zack Smith, Attorney for Mr. and Mrs. Gene Slear, provided some background that was discovered last year that a portion of the Environmental Concern tax parcel is not shown as being in the Town of St. Michaels and that there was a Annexation Plan and a Resolution submitted to the Town. Mr. Slear also provided an email exchange between Peter Ryus, John O'Connor and himself regarding the annexation attached as Exhibit B hereto. The Annexation Plan and Resolution were provided to the Town back in March and sent to the Planning Commission for review on two occasions. The Planning Commission sent back to the Commissioners a recommendation to proceed. Mr. Smith then stated that there was some interest in the property but no longer and there is no binding contract.

Mr. Slear stated that in doing some financing with a Bank, the appraiser noticed an error

on the tax maps, actually several errors. They presented the error to the Town, Planning and Zoning and County Planning. It was agreed that the small parcel near Tricefields was part of the larger parcel of Environmental Concern and that the County said they would correct the maps on the next go round of map updating.

Mr. Slear then read into the record an email of May 28th from Mr. O'Connor to Mr. Ryus, with a copy to Mr. Slear. Mr. Sear also stated that Mr. Ryus is an Environmental Concern Board Member. Mr. Ryus in his email stated that the property if not on the market. Mr. Slear stated that the counties reply was that interest in the property is not at this time.

Commissioner Harrod made the motion to send the Annexation Request to the St. Michaels Planning and Zoning Commission and seconded by Commissioner duPont. President Breimhurst then asked to close the comment section on this topic. He also stated that the Town will follow our Attorney's advise and then onto the Planning Commission. He also stated that it has been made clear that 40 houses are not going to pop up.

The motion passed on a roll call vote of 5-0 in favor.

- Arsenic Filter Media replacement in Water Treatment Plant

- a. Consideration to Approve a Bid for Arsenic Media Replacement

President Breimhurst introduced Brian Thompson, Operations Manager for Public Works, to explain the project and the bid results. Well house No. 3 on Gloria Ave. has two media vessels that have filters and media that filter the arsenic and other contaminates from the water. Filter One is nearing the end of its life cycle of approx. 7 years. Bid from Peninsula Water Conditioning to change media and gravel in Filter One came in at \$98,845. That is for everything inside that filter and inspection of all laterals to make sure everything is working as it should.

Commissioner duPont stated that the money is in the water department to pay this from the resources generated this year.

Commissioner Mecier thinks it makes sense, but need to be cautious and diligent of costs associated with growth of the Town with more water usage. Might need to look at 4 or 5 years instead of 7 for replacement of filters.

Commissioner Harrod asked if it means an increase to individual water costs.

Mr. Thompson stated that he would like it taken care of before a water tower or well goes down.

Commissioner duPont would like for all to be diligent about water usage. We will need a new well.

President Breimhurst made the motion to accept the bid from Peninsula Water to change media and gravel in Filter One for \$98,845.

Consensus followed from all.

## 10. Commissioners Calendar

Commissioners discussed agenda items for upcoming meetings:

Special tax abatement zones (Fremont Street)

Opening in Ethics Commission

Main Street Presentation

11. Comments from the Commissioners

None

12. Announcement of Future Meetings

August 24 2022 - COSM Legislative Session  
September 5 2022 - Town Office closed for Labor Day  
September 14 2022 - COSM Working Session  
September 28 2022 - COSM Legislative Session

President Breimhurst announced future meetings and holiday closures.

13. Adjournment

Motion to close at 8:09 pm was a consensus

Public Participation: All comments from the public will be taken during the period set aside for "Comments from the Public". The "Comments from the Public" portion of the Commission agenda shall have a limited time period as determined by the Commissioners, and shall be at the beginning and at the end of each agenda. To be recognized, a member of the public should raise his or her hand and wait to be recognized by the President. Comments and questions should be kept brief and to the point, and be directed to the President.

EXHIBIT 'A'

----- Forwarded message -----

From: **Peter Ryus** <[peter.ryus1@gmail.com](mailto:peter.ryus1@gmail.com)>

Date: Sat, May 28, 2022 at 9:09 AM

Subject: Re: Environmental Concern Annexation  
and Future Plans

To: <[ballintober1@gmail.com](mailto:ballintober1@gmail.com)>

CC: Suzanne Slear <[sslear@wetland.org](mailto:sslear@wetland.org)>

Dear John,

Thank you for reaching out. I apologize for my delay in responding. There really isn't much that I can tell you that you are not already aware of. For EC to continue its mission in a fiscally prudent manner, they have made the decision to relocate.



Both the county and the town of St Michaels were approached regarding the opportunity to acquire the property. To my knowledge neither expressed interest. EC has therefore proceeded to offer the property to other interested parties. While my personal preference would have been to see the town acquire the property, I also recognize the urgency for EC to rationalize their operation. EC has a credible offer from a developer as you indicated and is proceeding accordingly. I understand and share your concern but in the absence of an offer from either the town or the county, this appears to be the best course of action for EC.

With best regards to you and Michelle.

Sincerely,

Peter

On May 20, 2022, at 1:25 PM, John O'Connor  
<[ballintober1@gmail.com](mailto:ballintober1@gmail.com)> wrote:

Dear Peter,

Michelle and I hope you are enjoying life on the Western Shore. We were pleased that you successfully sold your house on West Chew and have enjoyed meeting our new neighbors.

I am writing at this time to you in your continuing role as a member of the Board of Environmental Concern.

Michelle and I were interested to learn of EC's plans to have its property annexed by the Town of St. Michaels, and after attending a recent meeting of the Town Planning Commission, are completely confused.

We have heard from some of a developer's plan to build 40 homes on the EC site. The EC rep speaking at the meeting said that there were absolutely no plans to do anything with the land. Meanwhile, at a recent public meeting, Outgoing Commissioner Michael Bibb has spoken of building low income housing in conjunction with

## Environmental Concern.

From our conversation of years past, I am well aware that EC has been on a downward financial trend with its executives loaning the enterprise funds. So, it is of no surprise to me that EC has been looking at other property and may try to make better use of its land assets.

However, as a neighbor, I am concerned that annexation may be a zoning work-around and that there's a bit of disingenuous activity beginning to take place.

You would no longer be impacted by what EC's actions could mean for West Chew, but there are lots of us still here who would be and who are

becoming actively interested and involved.

Any information you could appropriately share or ask the EC leadership to pass along would be most appreciated. Environmental Concern has earned an international reputation for its work and it has an opportunity to work with the Town and its neighbors to move forward in a way that could be a win-win situation. Such efforts could meet Environmental Concern's needs while preserving the environmental value of its land and the Nature Trail. It is alltoo easy to head down a path of suspicion, negativity and adversarial confrontation for which the seeds were planted at the Planning Commission Meeting.

Michelle and I will appreciate your thoughts.

With best regards,

John

John J. O'Connor  
208 West Chew Avenue  
St. Michaels, MD 21663

Suzanna Warnick

EXHIBIT 'B'

**From:** Gene Slear <gslear@wetland.org>  
**Sent:** Thursday, August 11, 2022 1:16 PM  
**To:** Rob Straebel; Suzanna Warnick  
**Subject:** FW: Peter Ryus e-mail  
**Attachments:** John O'Connor-Peter Ryus e-mail thread.pdf

**Importance:** High

Hello, Suzanna:  
First e-mail came back as undeliverable.  
Second try.  
Gene

Gene Slear, Sr. Vice President  
Environmental Concern Inc.  
201 Boundary Lane, P.O. Box P  
St. Michaels, MD 21663  
ph: (410)745-9620  
e-mail: [construction@wetland.org](mailto:construction@wetland.org)



[www.wetland.org](http://www.wetland.org)

*restoring the Bay-one wetland at a time*

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**From:** Gene Slear  
**Sent:** Thursday, August 11, 2022 10:57 AM  
**To:** 'rstraebel@stmichaelsmd.gov' <rstraebel@stmichaelsmd.gov>; 'swarnick@stmichaelsmd.gov' <swarnick@stmichaelsmd.gov>  
**Cc:** 'Zach Smith' <zachsmith@alrwlaw.com>; Suzanne Slear <sslear@wetland.org>  
**Subject:** FW: Peter Ryus e-mail

Good morning, Rob and Suzanna:

Attached, please find a PDF of the e-mail thread of May 28, 2022 between, John O'Connor, our neighbor at 208 West Chew and Peter Ryus, EC board member.

As noted last evening, Langley Shook neglected to include the follow-up e-mail from Peter Ryus. I note that Peter copied our President, Suzanne Pittenger-Slear on his 9:09 AM e-mail to John O'Connor. After Suzanne updated Peter, he e-mailed John O'Connor at 12:52 PM that same day and provided the information that John O'Connor requested.

We are disappointed in Langley Shook's continued misrepresentations regarding our annexation request.

Thank you for your continued assistance.

Gene

Gene Slear, Sr. Vice President  
Environmental Concern Inc.  
201 Boundary Lane, P.O. Box P  
St. Michaels, MD 21663  
ph: (410)745-9620  
e-mail: [construction@wetland.org](mailto:construction@wetland.org)



[www.wetland.org](http://www.wetland.org)

*restoring the Bay-one wetland at a time*



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**Sent:** Saturday, May 28, 2022 12:52 PM  
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**Cc:** Suzanne Slear <[sslear@wetland.org](mailto:sslear@wetland.org)>  
**Subject:** Re: Environmental Concern Annexation and Future Plans

Dear John,

Tania and I have been traveling for the last month in Brazil and it appears that I may have been a bit behind the curve on latest developments at EC. I regret that I may have misinformed you regarding the current status of the EC property. Let me correct the record with the most up to date information that I now have:

Environmental Concern has received several credible offers over the years for the property. We did consider those offers, and rejected them. EC must relocate to a larger facility in order to expand the nursery operation. This expansion has been in their strategic plan for more than five years. EC is not in a downward spiral. Like many small companies, EC suffered through the pandemic. The officers committed to not laying anyone off, and to maintaining the nursery operation. The restoration division remains profitable. The property is not on the market. The developer that I referred to in my email did make an offer, which EC has rejected. I wanted to make sure that this is clear to you, and that the facts are presented to others accurately. EC is operating at the St. Michaels location, and will continue to do so for the foreseeable future.

The Town of St. Michaels has initiated an action to correct a zoning map mistake.

Hopefully this helps.

With best regards,

Peter

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