

**From:** Two Rivers Manager <[Tworiversmanager@comsource.com](mailto:Tworiversmanager@comsource.com)>

**Sent:** Thursday, January 23, 2020 10:40 AM

**To:** [eprieht@aol.com](mailto:eprieht@aol.com); Mark DiMaria <[markdimaria@live.com](mailto:markdimaria@live.com)>; Richard Talbot <[dicktalbot@icloud.com](mailto:dicktalbot@icloud.com)>; Chuck Brown <[brown15002@comcast.net](mailto:brown15002@comcast.net)>; [petelbaer@gmail.com](mailto:petelbaer@gmail.com); Bill Radlinski <[bill.radlinski@gmail.com](mailto:bill.radlinski@gmail.com)>; Rick <[rcharlesb2@aol.com](mailto:rcharlesb2@aol.com)>; Neil Levy <[nalvin2016@gmail.com](mailto:nalvin2016@gmail.com)>; [jd41578@yahoo.com](mailto:jd41578@yahoo.com)

**Cc:** Dover Hankins <[dhankins@classicdev.com](mailto:dhankins@classicdev.com)>

**Subject:** Landfill - Contact list 1-22-2020 + Meeting Notes

Please find attached the landfill committee contact list with updated information provided on the sign in sheet yesterday.

The people that volunteered to act in the capacity as sub-committee chairs are highlighted in "yellow" and are the only ones on this email chain.

Please note that Pete Baer has said that he would be able to set up the "share file" for the landfill documents and is also willing to serve as the liaison to the Forks of Patuxent. The committee can get together to decide this course of action.

If the committee wants to schedule a meeting in the ballroom next week the availability is:  
Monday, Tuesday, Wednesday, Thursday – 5:00 p.m. or after. If you would like to use it earlier in the day please give me a time to check to make sure a club is not already using the room.

If you do not mind sharing (as you did yesterday while Mexican Train play was going on) the room can be partitioned and you can access the room at 3:00 on Wednesday, 1-29-2020.

Thanks so much. B.K.

**B.K. Swartwood, CMCA®, AMS®, PCAM®**

General Manager, Two Rivers Master Association, Inc.

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## TWO RIVERS LANDFILL COMMITTEE

	NAME	ADDRESS	EMAIL	PHONE NUMBER	Mtg. 11-19-19	Mtg. 1-22-2020	Mtg.	Mtg.
1.	Ed Riehl	1534 Yellow Sand Lane	<a href="mailto:epriehl@aol.com">epriehl@aol.com</a>	309-88-6650	X	X		
2.	Derek Brown	3013 Sunny Ridge Drive	<a href="mailto:boomrpup@gmail.com">boomrpup@gmail.com</a>	215-630-8430	X	X		
3.	Salma Chilton	2629 Orchard Oriole Way	<a href="mailto:Salma-CR@gmail.com">Salma-CR@gmail.com</a>		X			
4.	Dees Stallings	1418 Bed Stone	<a href="mailto:dstallings@deerpathonline.net">dstallings@deerpathonline.net</a>	410-867-6172	X	X		
5.	Larry Whitley, Sr.	2443 Heath Aster Ct.	<a href="mailto:Larry.whitley@wcepr.com">Larry.whitley@wcepr.com</a>		X			
6.	Catherine Kruder	2619 Orchard Oriole Way	<a href="mailto:Catherine.kruder@gmail.com">Catherine.kruder@gmail.com</a>		X			
7.	Megan McKibben	1320 Bramble Circle	<a href="mailto:Megan.c.mckibben@gmail.com">Megan.c.mckibben@gmail.com</a>		X			
8.	Mark DiMaria	1316 Bramble Circle	<a href="mailto:markdimaria@live.com">markdimaria@live.com</a>	703-424-4696	X	X		
9.	Richard Talbot	2984 Levee Drive	<a href="mailto:dicktalbot@icloud.com">dicktalbot@icloud.com</a>		X	X		
10.	John Kunkel	1242 Beaver Tree Drive	<a href="mailto:jxkunkel@aol.com">jxkunkel@aol.com</a>		X			
11.	Chuck Brown	2635 Dragon Fly Way	<a href="mailto:Brown15002@comcast.net">Brown15002@comcast.net</a>		X	X		
12.	Roy Lewis	3083 Spring Peeper Court	<a href="mailto:Roylewis51@comcast.net">Roylewis51@comcast.net</a>	443-812-0633	X	X		
13.	John Whitehurst	3071 Spring Peeper Court	<a href="mailto:johnwhitehurst@gmail.com">johnwhitehurst@gmail.com</a>		X			
14.	Bob Shean	2745 Dragon Fly Way	<a href="mailto:Rshean86@gmail.com">Rshean86@gmail.com</a>	301-801-0513	X	X		
15.	Jan Randall	4024 Curled Dock Lane	<a href="mailto:jan@swcp.com">jan@swcp.com</a>	301-858-9470	X	X		
16.	Bernard Moughty	2808 Dragon Fly Way	<a href="mailto:Brianmoughty127@gmail.com">Brianmoughty127@gmail.com</a>		X			
17.	Larry Morris	3125 Sunny Ridge Drive	<a href="mailto:lfmorris30@gmail.com">lfmorris30@gmail.com</a>		X			
18.	Arnie Capstick	1502 Catbriar Way	<a href="mailto:general@capshouse.com">general@capshouse.com</a>		X	X		
19.	Jennifer R. Roeper	2824 Dragon Fly Way	<a href="mailto:jroeper999@aol.com">jroeper999@aol.com</a>		X			
20.	Robert Nester	2995 Levee Drive	<a href="mailto:Nester.robert12@gmail.com">Nester.robert12@gmail.com</a>		X			
21.	Pete Baer	3113 Sweet Flag Court	<a href="mailto:petelbaer@gmail.com">petelbaer@gmail.com</a>	**Share file Creation/Forks Liaison**	X	X		
22.	Orhan Suleiman	1510 Yellow Sand Lane	<a href="mailto:orhansuleiman@yahoo.com">orhansuleiman@yahoo.com</a>		X			
23.	Amos Feggins	2707 Orchard Oriole Way	<a href="mailto:afeggins@gmail.com">afeggins@gmail.com</a>		X			

## **Landfill Informational Meeting**

**January 22, 2020**

*Two Rivers Village Clubhouse  
1425 Two Rivers Blvd.  
Odenton, MD 21113*

### **Meeting Notes**

Dover Hankins began meeting at 3:00

Mr. Hankins introduced himself noting that he is with Classic Developers and serves on the Board of Directors for the Two Rivers Association.

Mr. Hankins introduced Peter Hershey. Mr. Hershey is an attorney retained by Mr. Hankins to provide informational input regarding the landfill process, procedures, status and general information.

The purpose of the meeting is to:

1. Organize sub-committees
2. Put organization structure in place
3. Discuss the multiple committees that may be needed
4. Discuss what type of "steering" committee may be needed
5. Obtain volunteers to Chair committees

Mr. Hershey provided two handouts. One gave a synopsis of the potential landfill committees, subcommittees and respective roles that may be needed. The other handout covered a synopsis of the litigation status and governmental approval process for today's meeting.

Mr. Hankins was asked, what role if any the Developer will be taking with regards to opposing the landfill?

Mr. Hankins noted that the developer will not take an active role with regards to the landfill.

Mr. Hankins went on to note that the Landfill Committee does not fall under the "HOA" as this is not an HOA function. Mr. Hankins noted that the developer is providing Mr. Hershey's services to help disseminate information and clarity to the community regarding this issue. Mr. Hershey has "no conflict" regarding this matter.

Mr. Hankins went on to explain that the co-developer, KOCH, purchased the property that contained the potential access to the landfill, which has now been designated as a potential site for an elementary school. It is important to note that IF the elementary school is not built this property can only be used for civic purposes or will revert to KOCH. Mr. Hankins went on to note that his thought is to look at the technical issues regarding the landfill.

Mr. Hershey noted the following:

- o Handouts give a run down on the process involved for the landfill

- Handout gives a “birds eye” view
- Handout serves as a starting point for discussions for governmental processes and procedures

Mr. Hershey went on to note that the 1993 Special Exception explains the hearing that went to the Court of Appeals noting that there were several conditions noted one of which was “access”.

There were extensive litigation deadlines which included several temporal variances. See notes in the handout titled “Litigation Status and Governmental Approval Process Outline for January 22, 2020 Meeting”.

Mr. Hershey went over the MDE process as explained on the Handout titled “The Phases of the MDE Refuse Disposal System Permit (Landfill Permit); Process and Public Participation and Common Opportunities”, noting that MDE comments can be obtained online.

Once the landfill reaches Phases 4 and Phase 5 there is opportunity for public comment, challenges and this would be the time to formally raise challenges on appeal so that the appeal is recorded. It is quite helpful when citizens take an active role in the Temporal Variance process. There is no date assigned yet for Phases 4 and 5 for MDE review and comments, could be up to a year, however, need to be vigilant and watch for notifications for this process to begin.

At this time, it is important to note that the filing showing Conway Road as an access point cannot be obtained as the property has been sold, therefore the access point cannot be satisfied.

The most affected property owners within Two Rivers would be the adjacent property owners in the Woodlands as the landfill property is behind this parcel.

The committee would need to make sure that Two Rivers property owners and Two Rivers is on the list for notifications regarding the landfill, hearings, comment period etc. These meetings/hearings are posted on the MDE website as assigned.

The question was raised regarding if the traffic patterns study would need to be updated as the 1993 study is not outdated. The answer was “no”, this study would not need to be updated.

Question was asked “Can the land use decision issued in 1993 be changed? Challenged?” The answer was that this issue went to the Court of Appeals in 2017. The Court does not go back and re-litigate decisions. This decision stands and is still in effect. Decisions from 1993 are “grandfathered” in for the landfill.

Each time litigation takes place the landfill timeline is “put on hold” which is why this has taken years to decide.

The landfill approvals do not appear consistent with the special exceptions and the landfill needs to show “due diligence” which can affect challenges.

Challenges can be made by individuals as well as by the community.

There does appear to be a disconnect between MDE and A.A. County. Two Rivers should review the technical items including obtaining IF an access at the church was put in writing on the plans. Right now, the access shows as Conway Road.

Phase 1 showed access would not be on Conway road. Need to gather information and point out in public comments the access for the landfill.

Phase 2 allows requests for additional items or clarifications.

Show MDE all inconsistencies and bundle these together with any other items for a total of petitioned items.

Committees would "lead" the charge on information gathering and bundling items for submission. Access is the biggest item that needs to be brought forward.

Committees should collection all information including asking MDE for completed documents through Freedom of Information act. Specificity is imperative when preparing documents to show inconsistencies, not general statements or information.

Committee needs to meet with County. Start with County Executive, Steuart Pittman. Request a meeting directly with the County Executive to garner support to "oppose" the landfill at the County level.

Although in 2014 the County changed the law prohibiting landfills this landfill was approved in 1993 and as such as grandfathered.

Another point that committee should look at is the landfill "diligent pursuit of access". What, if anything, has been done with diligent pursuit for conditions that were to be met by landfill developer?

Not that there are no funds available through the HOA for litigation. The community will need to decide if they want to fund litigation. The Forks of Patuxent have had on-going litigation regarding the landfill for may years. They currently have counsel engaged for this purpose. The committee may want to reach out to the Forks of Patuxent and work together on this issue with sharing information between entities.

The thought for the committees is to:

- Collect and create information sharing
- Meet collectively with the County representatives
- Put the "weight" of the community behind comments
- Stay informed and do not miss opportunities for comment
- Stay on top of MDE
- Document presentation for comments
- Sub-committee can provide meaningful comments on issues
- Show inconsistencies



- Point out access point at Conway Road, noting inconsistent with ownership; this would be presented at the County level. It is up to the County to enforce this, not MDE.
- Find original plans that show access; may need to ask Forks of Patuxent if they have original plans showing access; also check County archives thru Freedom of Information Act.

Mr. Hankins noted that he has the entire zoning file.

Committee should create a "share file" where all documents can be shared. Should have an administrator.

MDE reviews are taxpayer funded.

The County would provide MDE that there are access and inconsistencies.

Formulate arguments to the County so there is a record and follow up thru County Council.

Question for Mr. Hershey should go thru Mr. Hankins.

Time is of the essence for MDE review.

The following volunteers signed up to act in the capacity of sub-committee chairs. Sub-Committee information will be sent, via email by HOA management, to all sub-committee members noted below:

1. Rick Bock
2. Dick Talbot
3. Neil Levy
4. Pete Baer – noting Mr. Baer can also set up the share file and is a liaison to Forks of Patuxent
5. Ed Riehl
6. Chuck Brown
7. Bill Radlinski
8. Mark Dimaria
9. Jack Jacobs

Meeting adjourned at 5:38 p.m.

*Meeting notes submitted by:*

*B.K. Swartwood*