

**MINUTES OF THE ELMS ADVISORY COMMITTEE MEETING  
ST. MARY'S COUNTY PUBLIC SCHOOLS  
DEPARTMENT OF SUPPORTING SERVICES BUILDING\* LOVEVILLE,  
MARYLAND  
Thursday, February 15, 2007**

Members and guests present were Denis Canavan, Chair, Cindy Koestner, Recording Secretary (St. Mary's County Department of Land Use and Growth Management); Bradley Clements, Chief Operating Officer, Margarita Rochow (St. Mary's County Public Schools); Phil Rollins (St. Mary's County Department of Recreation, Parks & Community Services); Jim Bennett, Gayle Moreland, (Maryland Department of Natural Resources); Marianne Chapman, and Captain Steve Riley. Dr. Peter Dunbar, David Gailey, Bryan King, Mark Muir, Sandra Patty and Dr. Robert Paul were excused.

Mr. Canavan opened the meeting at 10:10 a.m.

**APPROVAL OF THE MINUTES**

The minutes of December 4, 2006 were approved as recorded.

**WELCOME NEW MEMBERS**

Mr. Canavan welcomed new members Marianne Chapman and Captain Steve Riley to the Elms Advisory Committee.

**UPDATE ON MAINTENANCE ISSUES**

Mr. Clements provided a brief background on some maintenance issues at the Elms property for the new members. He explained the maintenance of the property is a shared effort between the County and the Maryland Department of Natural Resources (DNR), but the County has performed the road work in the past. In addition, the shoreline has eroded and encroached upon the area where the Elms Education Center (Center) well is located. The well will be relocated and the old well will be capped. Ms. Moreland explained she obtained an interagency agreement between DNR and SMCPs to provide \$8,800 for relocation of the well. She noted SMCPs is responsible for contracting the work and providing an invoice back to DNR. Mr. Clements responded SMCPs is proceeding with a requisition to obtain a contractor. Mr. Canavan inquired about the proposed location for the new well. Mr. Clements responded the septic is on the far side of the Center, so the well will be located somewhere to the south of the Center. Capt. Riley asked if there are other wells already located on the property that can be used. Ms. Rochow replied there are no open wells within the County-leased area of the property. Ms. Chapman noted there were four additional houses in close proximity in the past, but the State razed them and capped their wells when SMCPs first located on the property. The Committee

still needs to discuss possible solutions to the shoreline erosion problem. Mr. Canavan noted Ms. Patty is working on a study of both the cutoff ponds and the shoreline erosion issue and both can be discussed at a future meeting when she is present.

Mr. Canavan inquired about the downed trees. Ms. Rochow responded the fallen trees were removed. She explained the ramp accessing the bridge that spans one of the cutoff ponds has been torn away and needs to be rejoined. Capt. Riley asked if the Committee discussed leaving Biscoe Pond closed to keep people from accessing the Center from the Elms Beach Park. Mr. Canavan clarified there were people coming across from the park to the Center during classes; however, the issues surrounding Biscoe Pond were environmental. Mr. Rollins added Recreation, Parks and Community Services (RP&CS) examined opening Biscoe Pond after it was closed due to storm activity, versus allowing it to open back up naturally. Recreation and Parks did open up Biscoe Pond to allow water to drain from it.

Capt. Riley asked if there are still signs located at Elms Beach Park recommending people not cross over to the Center property during classes. Ms. Chapman replied the signs were originally put up to notify people they were entering a drug-free zone when they crossed over to the Center property, since SMCPs classes are held there. She explained the zone was hard to enforce and the signs were mainly to inform people they were entering a school site. Mr. Rollins noted the State owns the water up to the mean high water line, which presents a challenge when people desire to walk along the beach in front of the Center. Mr. Canavan asked if the signs can be put back up. Ms. Chapman replied the County can replace the signs now that the property is under a long-term lease. Mr. Canavan asked if there are ready-made signs available. Mr. Clements replied the drug-free zone signs are available and SMCPs will be responsible for installing them. Mr. Bennett inquired about the location of the signs. Mr. Clements replied they can be placed on the property line. Mr. Riley pointed out the "No lifeguard on duty – swim at your own risk" sign that was located in the park area between the rock jetties has been removed and needs to be replaced. Mr. Rollins replied RP&CS will look into it. Ms. Rochow noted there needs to be a sign on St. James Church Road to direct people who are looking for the park area access. Mr. Rollins replied RP&CS can look into that as well.

Ms. Chapman asked if the park gate is locked during the day. Mr. Rollins replied the gate is locked during the off-season; people must walk in to access the park area during that time. Ms. Rochow inquired about the parking area for hunters. Capt. Riley replied there are two gates on Bay Forest Road and hunters can park between the gates, but they can't drive past the second gate.

## **TRAIL SYSTEM**

Ms. Chapman pointed out the Elms property should include a permanent trail system within the lease area as part of a master plan between SMCPs and RP&CS. Mr. Canavan noted a trail system cannot be created without first determining who will maintain the pathways and what materials the trails will be constructed with. Mr. Rollins explained SMCPs and RP&CS can work together or form a subcommittee to create a trail plan for the Committee's review. He noted one option to create and maintain the trail system is to utilize community volunteers. Capt. Riley agreed asking for volunteers, such as Boy Scouts and Girl Scouts, is a good idea. Ms. Rochow noted Eagle Scouts have assisted with several projects on the Elms property in the past. Mr. Bennett explained a trail system may need to go through project review with DNR. Ms. Chapman explained the trails that existed on the property in the past also served as a means to access inner areas of the property. Mr. Rollins pointed out there may be security issues for SMCPs if the trails are used by the public for recreation purposes. Mr. Canavan replied the Committee needs to discuss the trail system at a future meeting, including: who is responsible for maintenance, where the trails will be located, and who will be allowed access.

### **DISCUSSION ON CITIZEN LETTER – VANDALISM ISSUES**

Mr. Canavan explained he attended a public forum held by the St. Mary's County Board of County Commissioners (BOCC) on January 23, 2007 where he heard concerns expressed by Cindi Thomas, local citizen and neighbor to the Elms property. Ms. Thomas also wrote a letter to the BOCC regarding these concerns. One of the concerns is the issue of trespassing and vandalism on the Elms property, which Ms. Thomas feels must be stopped right away. Mr. Canavan noted there will be trespassing on the property until the vacant buildings are demolished. Ms. Moreland explained there is a special committee with DNR that must review all demolition requests and order them based on importance. She stated that she stressed to this committee the importance of demolishing the vacant buildings on the Elms property, including the apartment buildings. She noted she is not sure when the actual demolitions will take place. Mr. Rollins suggested the Committee send a recommendation to the BOCC to have them ask the DNR committee to move the demolitions up on the list. Ms. Chapman and Ms. Rochow noted SMCPs has looked into the possibility of using one of the vacant buildings on the property for someone to live in, possibly an SMCPs employee, to deter trespassing and vandalism. Mr. Canavan replied any building will need to be brought up to livability standards, which is too costly given their condition. Ms. Moreland pointed out the buildings may contain asbestos and lead paint. Capt. Riley commented the people at the Elms property should not be responsible for policing the area and the Committee may want to send a communication to the County police asking them to drive through to help deter the illegal activities.

## **DISCUSSION ON CITIZEN LETTER – HUNTING AREAS**

Mr. Canavan explained Ms. Thomas also expressed concern regarding the school safety zones. He asked if the general public is ever allowed to access the lease area. Ms. Rochow replied the public can access the Elms Beach Park area. Ms. Chapman replied the gate to the Center is locked when SMCPS is not on the property. She explained SMCPS cannot give permission for anyone to access the school area of the property without an appointment for a school program due to a long-standing agreement with the State. Capt. Riley expressed concern the safety zone around the Center has steadily increased over the years without public input. He stressed hunting, camping and fishing are part of the County's heritage and these activities must be protected. Ms. Chapman explained the Board of Education has determined no hunting can be allowed near the Center due to safety issues and the concern hunters may be observed by school children. She noted over half of the Elms property is still available for hunting. Capt. Riley responded the property was originally over 1,000 acres in size and only 40 acres were set aside for the Center. Ms. Chapman explained the safety zone cannot be moved back again because it is now set in the Elms Management Plan and DNR does not have staff available to temporarily change the boundary during hunting season. She stressed environmental education is a primary use of the property and has been for 30 years. Mr. Rollins explained there was public discussion on the safety zone with the BOCC, the Planning Commission, the Recreation and Parks Board, and the Board of Education. He noted a conflict exists between DNR – Wildlife, which manages hunting on State property, and DNR – Power Plant Research Program, which stipulates that environmental education should be a priority. Capt. Riley asked if classes are held at the Center on Saturdays. Ms. Rochow responded it depends, because overnight and multi-day trips are hosted at the Center.

The Committee took a recess at 11:15 a.m. The meeting was called back to order at 11:20 a.m.

Mr. Canavan noted public access of the property in general was another concern expressed by Ms. Thomas. He explained student safety is paramount and is an issue that has received heightened awareness over the years. Mr. Clements added new State laws dictate that access to students is restricted and the Board of Education must think of the safety of the students first. Mr. Rollins inquired about public access to other school properties. Mr. Clements replied people are not allowed to access school property during certain hours; however, some after hours access is allowed, such as to the playground. Mr. Canavan explained the Elms property is different because its nature makes it attractive to people for recreational purposes. Ms. Chapman noted the hours for the Center cannot be posted because they vary. She stressed the Board of Education has decided a school cannot be located on the property if hunting is allowed, no

matter how it is managed. She added DNR does not have staff available to manage hunting in the leased area to ensure a safe coexistence with the Center. Ms. Moreland explained the DNR – Power Plant Research Program has taken the stand that nothing will be done to endanger the Center. She noted hunters are still allowed to hunt over 50 percent of the Elms property.

Capt. Riley explained this is an issue that has concerned many citizens. He proposed moving the safety zone back, and inserting a separate archery-only zone between the safety zone and gun hunting areas. He pointed out many of the areas where hunting is already allowed are inaccessible. Because of this, hunters are being forced into a smaller area, which poses a safety issue. He expressed concern the BOCC signed the new lease agreement before resolving the citizen concerns over the Center's safety zone. Mr. Rollins asked Capt. Riley if his proposal includes hunting on the park side of the lease area. Capt. Riley responded no hunting in the park is proposed. Mr. Bennett reiterated DNR will not manage any hunting inside the lease area. Mr. Rollins asked how the hunting inside the lease area will be managed. Capt. Riley replied there are hunters available who are willing to develop and change signs as needed. Ms. Chapman asked the Committee to consider who might be liable if there is a hunting accident. Capt. Riley explained a trail system on the Elms property will help move game outside of the inaccessible areas towards hunting areas. He stressed that alone will not solve the debate over the location of the safety zone.

Ms. Chapman suggested the Committee meet with the BOCC and address the concerns brought forth in Ms. Thomas's letter so the Committee can move on to other issues surrounding the property. She noted the Elms Management Plan was approved in 2003 and the Committee already agreed to review the safety zones every five years in conjunction with the Land Preservation, Parks and Recreation Plan. Mr. Canavan explained the Committee must present all of the facts to the BOCC make a recommendation; however, the BOCC holds the lease to the Elms property and also holds the authority to amend any County plan.

The Committee took a recess at 12:15 p.m. for lunch. The meeting was called back to order at 12:45 p.m.

Mr. Canavan clarified the Committee's next steps on the hunting and safety zone issue are to present clear facts to the BOCC using aerial photographs of the property with buildings, trails, ponds, the Center, park area, safety zones and Capt. Riley's proposed safety zones marked. Ms. Chapman asked that the BOCC be notified this issue has been discussed extensively in the past.

## **NEXT MEETING**

The next meeting is scheduled for Monday, March 15, 2007 at 10:00 a.m. at the Board of Education site in Loveville, Maryland.

**ADJOURNMENT**

The meeting adjourned at 1:00 p.m.

**Addendum**

Steve Riley --- Comments

The major points of my comments are not captured in the minutes. The minutes were well done however the spirit and intent of my comments were not posted with the rigor with which they were made. My point is that access for all residents that are not participating in the Environmental program are being denied. Horseback riding, hiking, bird watching, and etc. were being restricted. This restricted access is not just a problem for hunters. Ms Chapman and others made the comment that the environmental education program was the primary purpose of the property.

I have done my homework and researched the Elms property from its first leases to the present. I, in fact, had a very prominent display at the March 15 meeting that showed exactly how the property has been coveted and converted to advance a single agenda. I would point out that the display was summarily blown off as "mere history"; my intent exactly. It showed how stealthily the safety zones were moved. I pointed out that The Environmental Education center, in fact, was only one of the original intended purposes of the property. It was mentioned by name but it was not prioritized as the number one above all others entity. By placing a word here and a word there in Committee Minutes, Recreation and Parks Master Plans, and follow on leases to include the present one that combined 2 previous leases, the property has been incrementally and systematically recreation property has been taken from the tax payers without their informed knowledge. The current lease agreement does not square with the Recreation and Parks Master Plan that specifically states that there is a shortage of recreational hunting property and will continue to be in the immediate future without corrective action. This new lease actually removes more than 400 acres from the county citizens. The BOCC is being informed of this and at the last Open Session was informed of citizen concerns. Trails in the EEC area were discussed. The existing trails are in a sad state of disrepair.

There has been entirely too much misinformation being fed to the County School Board and the BOCC by this committee. Research reveals that there have been no reports to police or DNR regarding hunter safety violations on the Elms Property. (I have copies of the DNR Safety Reports compiled for the last 20+ years for the entire state). A comment was made that the hunters and other nature enthusiast have access to 50% of the property. True, but they only need it for a maximum of 4 months out of the year. Most of the power plant side of the property is almost impassable due to storm damage/downed trees. 50% for four months means that the Environmental folks have access to their "half" for 12 months and the other recreational users half for 8 months. I also made the comment that school board fear that a student might see a hunter and that the board didn't want to answer parents calls on the subject was absolutely silly. You can't go to any store, gas station or restaurant without seeing citizens dressed in camouflage. Again, a fact, at my children's High School graduation ceremonies there were more camouflage shirts and hats in the audience than there were parents in suits!

Hunting can coexist with other forms of outdoor recreation. Hunting can be broken down into two basic categories: Archery and guns. In the history of recorded accident statistics in the state of Maryland there has never been an accident where an archer ever mistakenly shot another human being...never. These statistics belie the hysteria about student safety. Archery season runs from mid September off and on until the end of January. Gun season needs only 3 months at most. Gun accidents happen. Gun accidents are on the decline though in the state and have been for awhile now nationally. There have been no gun accidents reported on the Elms property. Archery only areas should be considered to open up more recreational opportunities for hunters. The actual area needed for the EEC should be noted and fenced as any other school property is with the rest being released to the citizens for their recreational use, not just for hunters.