

**MINUTES OF THE ELMS ADVISORY COMMITTEE MEETING  
ST. MARY'S COUNTY PUBLIC SCHOOLS  
DEPARTMENT OF SUPPORTING SERVICES BUILDING\* LOVEVILLE,  
MARYLAND  
Monday, December 4, 2006**

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

Mr. Canavan opened the meeting at 10:00 a.m.

**APPROVAL OF THE MINUTES**

The minutes of October 23, 2006 were approved as recorded.

**CUTOFF PONDS WITH GUEST BETH FRANKS**

Ms. Franks explained she works for Versar, Inc., a consultant to the Maryland Department of Natural Resources (DNR) on ecological issues. She plans to visit the three cut-off ponds located on the Elms property, Biscoe Pond, No Name Marsh and Frog Marsh, and correlate her observations with the 1983 study prepared by the Chesapeake Bay Institute. She explained the closing of cut-off ponds is a natural phenomenon and they often reopen on their own. Mr. Rollins explained Biscoe Pond, located near the Elms Beach recreation area, causes problems for the park when it closes and floods. Ms. Franks asked Mr. Rollins how far Biscoe Pond floods. Mr. Rollins responded around 25 feet into the recreation area. Water from the recent flooding of the pond covered the pier and a portion of the picnic area. Ms. Chapman explained the ponds are good for teaching purposes and students can canoe in both Biscoe and No Name when they are closed because the water levels of the ponds rise. She noted Frog Marsh has remained closed for years.

Mr. Gailey suggested the Committee decide the priority function of the Elms cut-off ponds. The ponds can be left in their natural state for teaching purposes or opened so that recreation purposes are not hindered. Mr. Rollins suggested Biscoe Pond can be kept open so citizens can continue to use the recreation areas and the other two ponds can be left alone for educational purposes. Mr. Canavan inquired if DNR recommends treating the three ponds differently. Ms. Patty responded DNR usually takes the policy that no harm

should be done; however, there are not enough records on the ponds to propose a management plan. She recommended the Environmental Education Center (Center) start a log to keep track of what is happening in the ponds. Mr. Rollins noted this is the first time in the past 15 years he is aware Biscoe Pond has caused problems for Elms Beach Park.

Mr. Canavan asked if opening Biscoe Pond will help deter people from walking over to the Center from Elms Beach. Ms. Rochow replied people will still find a way to walk over.

### **COMMITTEE UPDATES / SELECTION OF CITIZEN MEMBERS**

Ms. Chapman and Ms. Franks stepped out of the meeting during the discussion of this topic. Mr. Rollins asked if every member of the Committee is allowed a vote. Mr. Gailey responded each agency gets one vote, for a total of nine votes, as follows: Land Use and Growth Management (LUGM), Recreation, Parks and Community Services (RP&CS), St. Mary's County Public Schools (SMCPS), DNR Power Plant Research Program, DNR Forest Service, DNR Wildlife and Heritage Service, St. Mary's College and two public citizen votes. Mr. Canavan asked the Committee if additional citizen member seats should be added. The Committee agreed to keep the number of citizen seats at two.

Mr. Canavan explained the open citizen positions have not been advertised. Ms. Patty noted the two citizen member seats have not been vacant in a long time. She stated the positions need to be formalized and advertised to the general public and offered examples of the criteria and applications used for State committee memberships. Ms. Howe agreed all County citizens should be given the opportunity to apply for these two vacancies. Mr. Canavan noted the Annotated Code of Maryland stipulates the Committee members are to be appointed by the "local governing body," which in this case is the Board of County Commissioners (BOCC). Mr. Rollins pointed out the BOCC already has a form available that is used for selection of committee members. Mr. Canavan explained the Committee needs to forward their recommendation to the BOCC stating what they are looking for in the citizen members. He added he will forward a memo to the BOCC that will explain the function of the Committee, list the current makeup of the Committee and ask for the two citizen member vacancies to be advertised. Ms. Patty stated the positions need to be advertised as soon as possible so the five citizens who have already expressed an interest in joining the Committee are not kept waiting too long. Mr. Gailey opinioned the two members should be chosen based on their interest in how the property is used. Ms. Howe suggested selecting one member who is more focused on educational uses and one member who is more focused on recreational uses. Mr. Canavan added citizens who reside near the property may also be good candidates for membership because they directly observe what happens on the property and the traffic to the property. Ms. Patty responded the criteria can be generic but citizen members need to be dedicated to representing the entire

County and not just their personal interest group. Ms. Howe suggested including a non-voting student member. The Committee agreed a student member is a good idea.

Ms. Patty stated the Committee needs to define term limits for the positions. She explained the terms must be longer than two years, due to the nature of issues the Committee deals with, and should be staggered so both seats are not vacant at the same time. Ms. Howe suggested starting the terms at five years and six years to allow overlap, with both positions having six year terms thereafter. Ms. Rochow countered the terms should be three years and six years to start. Mr. Gailey asked how the Committee will decide which citizen member will serve which term. Mr. Canavan noted one member may decide they don't wish to serve as long as six years. The Committee did not make a definite determination regarding citizen member term limits.

Mr. Canavan stated the Committee should consider hosting one public meeting a year where invitations are sent to adjoining property owners in order to connect with neighboring residents. Ms. Rochow added the public meeting will need to be advertised so other County residents can attend.

### **UPDATE ON MAINTENANCE ISSUES**

Ms. Chapman noted the original plan for the Elms shoreline was to use it as a demonstration area for erosion control techniques. Ms. Patty explained she will look into the shoreline erosion issue and any studies that may have been done at the Elms site and bring the information back to the Committee in the spring. She explained the Elms site is a unique situation because DNR is looking at the educational value in using the site to study natural shoreline erosion and various techniques to deal with it. Mr. Rollins stated shoreline protection measures need to be installed soon so the Center is not lost. He asked who needs to pursue erosion control funding. Ms. Patty responded SMCPSS probably needs to pursue the funding but she will check for sure. Ms. Howe announced she can include a placeholder in the Capital Improvement Plan (CIP) budget until the Committee determines who will pursue the funding. Mr. Canavan asked how much beach front has been lost in the last 20 years. Ms. Chapman estimated approximately 10 feet to 15 feet has been lost. She added there was never very much beach in front of the Center to begin with. Ms. Moreland explained the rates of loss are different along the beach, with more erosion occurring at the cliffs north of the Center.

Jeff Sheckles, of SMCPSS, stated he will meet with Ms. Moreland regarding the possible relocation of the well. Ms. Moreland noted a bid has been secured for \$8,600 for the well. Ms. Chapman explained the property contains two septic tanks and two drain fields that are located at the back of the Center.

Mr. King explained DNR can take care of land management maintenance issues, such as tree removal and blocked trails. Ms. Moreland noted a bid was obtained for \$3,800 to remove the downed trees and re-stabilize the shoreline where the trees were removed. Mr. Canavan inquired about the \$10,000 grant from DNR. Ms. Moreland replied the grant is paid once a year. Mr. Rollins added the grant is split between SMCPs and RP&CS. Ms. Patty explained the original \$25,000 allotted by the State for the Elms property is still available.

## **DISCUSSION OF HUNTING ISSUE**

Ms. Howe explained the Board of Education is opposed to any hunting near the Center for several reasons, including the difficulty presented by new State legislation which will require all public schools to be aware of anyone present on school property who is a registered sex offender. Ms. Howe explained SMCPs has to ask all of their vendors to disclose if any of their employees who will be doing business on school grounds are registered offenders. She added this will eventually expand to include anyone who comes on school grounds for any reason. She pointed out this is not a question DNR can ask on their hunting applications; therefore, SMCPs will not be aware if any hunters entering the property are registered offenders and this may cause problems. Ms. Chapman noted the Elms Beach Park users sometimes access the Center property through the beach area, and SMCPs will not be aware if any of those people are offenders either. Ms. Howe stressed this doesn't mean hunters are any more likely to be offenders, but the biggest issue for SMCPs is that it will be unknown if any of them are. She added another reason the Board of Education is opposed to hunting near the Center is the liability that the situation presents due to safety concerns. She noted the Board of Education worked hard to expand the hunting safety zone.

Ms. Chapman questioned why the hunting boundaries should be changed now when they were clearly laid out in the 2003 Elms Management Plan. She added the safety boundary is adequate and should remain as is. Ms. Howe pointed out a "classroom" at the Center includes the outdoors. Ms. Patty opinioned it is time to move on the issue and state the boundary will not be changed so the issue can be closed and the Committee can devote time to other issues. Mr. Rollins noted the citizens may be upset if they do not have any input in the decision. Mr. Gailey explained the Elms Management Plan will need to be updated if the safety zone is changed again. Mr. Canavan noted this issue will continue to be raised and the Committee needs to reach a decision; however, they should wait until there is a full Committee before moving on the issue. Ms. Howe asked if there is any condition that has changed that will transform the opinion of the Committee. Several members agreed a full Committee voted on the Elms Management Plan and nothing has changed since 2003 to alter the opinion that the safety zones should be moved. Mr. Canavan explained the Committee has an obligation to reconsider the issue because citizens recently voiced concerns. Ms. Patty responded the decision to not move any safety

zones at this time may affect who wants to sit on the Committee. She explained the citizen members must be willing to discuss all issues and not ask to place the hunting issue on every agenda because it takes time away from other issues that need to be discussed. Ms. Howe suggested the Committee decide to revisit the issue only during review of the Elms Management Plan.

**Mr. Rollins moved that the Elms Advisory Committee recertify support for the current Elms Management Plan, adopted March 11, 2003, as it is written and forward the recommendation to the Board of County Commissioners and affirm the recommendation in the upcoming annual report; Mr. Rollins further moved that the Elms Advisory Committee review the Elms Management Plan in conjunction with the Land Preservation, Parks and Recreation Plan (LPPRP), adopted December 2005. The motion was seconded by Mr. Gailey and passed by a 9-0 vote.**

Mr. Rollins noted the Elms Management Plan will be reviewed again in 2008 and every five years thereafter.

#### **NEXT MEETING**

The next meeting is scheduled for Thursday, February 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