

WSSC
Fulfill Your Contractual Obligations
Preserve & Maintain
The Avenel Equestrian Center

WMCCA's dedicated leadership has long been the vanguard to preserve the environmental and scenic integrity of Montgomery County's western region. In my service on its board, executive committee, roads committee, and as President, WMCCA was successful in developing and maintaining a regional Master Plan to accomplish that worthy end, allowing our residents to live in a vibrant community with considerable green space to treasure and enjoy.

The Avenel community is a prime example to that end, in which WMCCA played a key role in preserving the green space of what once was a show-case farm. For some years, it engaged, and, yes, sometimes disagreed with the developer and county officials until an acceptable compromise was reached allowing for cluster development and open spaces to be shared with the public on soccer fields, tennis and basketball courts, a golf course, and in preserving the long existing equestrian center.

Now, the Washington Suburban Sanitary Commission (WSSC) an integral party to the Avenel Farm Development Plan Master Agreement (Master Agreement) has reneged and is in breach of its contractual agreement to maintain and preserve the operation of the equestrian center. In brief, this is the background story.

In 1978, in the final year of his service, Montgomery County Executive James Gleason designated Avenel Farm as the future site of a waste disposal facility (dump) to supplant the then existing site in Laytonsville. Following strong citizen opposition and hearings before the County Council, the proposal was withdrawn. Thereafter, the property was purchased by the developer, Rock Run Limited Partnership. In 1980, in the planning stages of the property's development, the property was designated as a waste water treatment facility leading to a Bi-County Sewage Capacity Agreement. Here again, there was strong community opposition. Then County Executive Charles W. Gilchrist appointed the "Rock Run AWT Facilities Project Citizens Advisory Committee (CAC), a broad-based 27-person cohort, that on March 1, 1982, made the following recommendation to the County Executive and County Council pertaining to the required buffer area of the AWT facility:

The CAC also recommends that certain recreational facilities be included as part of the buffer area. The Barn and its existing horse boarding operation should be allowed to continue throughout the entire construction phase of the plant...

In the 1984 Master Agreement the parties, WSSC, Montgomery County, the Rock Run Limited Partnership, and the PGA Tour, stipulated as follows:

It is the intent of Montgomery County, WSSC, and Rock Run to maintain the availability of equestrian activities in the Avenel Farm area to the extent that such activities are consistent with the operation of the AWT plant. Such

activities are in the public interest and serve the specific needs of the Potomac community. The Parties to this Master Agreement agree to work with representatives of appropriate groups to develop a long-term policy regarding the equestrian facilities and activities in the Avenel area and coordinate the use of the facilities with the other uses of the surrounding property.

Keyed by that agreement, in 1984, the Avenel Equestrian Center Council was organized, representing Potomac area equestrian organizations, WMCCA and other civic groups, the developer and the PGA, a board was appointed, and bylaws were adopted. The parties to the Master Agreement recognized the AECC and discussion ensured on the ways and means to preserve and operate the Equestrian Center. In 1985, AECC was incorporated in the State of Maryland and in 1988, the IRS granted it 501(c)(3) status.

At that time, it was determined by the parties involved, including the signatories to the Master Agreement, that the AECC would operate as a long-term lessee of WSSC and enter into a separate contract for the management of the facility. All funds generated by the operation were to be utilized for the maintenance and repair of the barn, fencing, riding ring, trails, and roads.

Pending litigation brought by WMCCA, pertaining to the site plan, delayed the development as the dispute rose through the trial court and eventually to the Maryland Court of Appeals (now the Maryland Supreme Court). Upon the resolution of the dispute in which WMCCA was reimbursed for its attorney fees, the County Council approved the development site plan, including the PGA golf course, the soccer fields and sports courts, and the equestrian center. At that time, WSSC completed its purchase of the site upon which the equestrian center is situated, and officially recognized the AECC as the community organization to interface with on all matters pertaining to the preservation and operation of the Equestrian Center, doing so on May 15, 1991, in WSSC Resolution No. 91-1319.

In recognizing the AECC as the appropriate organization to undertake the preservation and maintenance of this “*significant community asset*,” it referred to the Master Agreement, noting its obligation as a signatory for “*the continuation of equestrian activities at Avenel; and, that “at the time the WSSC acquired the property, it expressed its commitment to retain the equestrian facility and related uses on the property.”*

Further, that in fulfilling its contractual obligations as the facility owner, it desired “*to reaffirm its commitment with regard to equestrian uses,*” and as the owner “*enter into one or more agreements ... for the management, maintenance and operation of the equestrian facilities,*” and “*to receive the advice, input and recommendations of a citizens advisory board with respect to the WSSC’s management, improvement, maintenance and operation of the equestrian facility.”*

The resolution in recognizing the AECC as “*its official community advisory board,*” agreed to “*consult with and solicit from the AECC input, recommendations and advice with respect to all matters relating to the management, improvement, maintenance and operation of the equestrian facility,*” further noting that the AECC would provide operational advice.

Following months of discussions and the exchange of correspondence, in July 1992, WSSC's General Manager Cortez White in negotiations with me, in my role as AECC Chairman, took the position that it would be appropriate, as the property owner, for WSSC to take direct responsibility for all maintenance and repairs and to contract directly with the facility operator, and that the AECC serve in the role of community advisor, noting that WSSC would fully comply with Commission Resolution No. 91-1319.

Subsequent thereto, WSSC and the developer signatory to the Master Agreement expended some \$500,000 on improvements to the barn, fields, fencing, including employee housing, and entered into a series of long-term agreements with the current facility manager.

Since the operation of the facility was functioning as envisioned and the community was satisfied with the facility's operations, the AECC had no reason to interface with WSSC and became inactive. However, in recent years, WSSC has consciously neglected its contractual obligations to maintain and repair the facility and rather than do so has abrogated the agreement and ordered the facility to close by December 1st.

More importantly, in abandoning its expressed commitment to this "*significant community asset*," WSSC did so in the dark without notice to its own commissioners, and more importantly to the affected citizens abrogating its duty as expressed in its Resolution No. 91-1390 in "*conducting the public's business in an open and fair manner*."

The community's elected officials have been contacted and urged to take appropriate action to have WSSC preserve and maintain the equestrian center. A County Council resolution was prepared for Counselman Andrew Friedson, but he has yet to take action on behalf of the community.

It's imperative that the citizens of the Potomac region urge our elected officials to act on our behalf to preserve, in WSSC's words, this "*significant community asset*," that until recent months has functioned as a viable public facility. I urge all who read this statement to contact their elected officials and urge them to act on your behalf.

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