

DRAFT RESOLUTION
REGARDING WSSC MAINTINING AVENEL EQUESTRIAN CENTER
for Submission
to
Montgomery County Council
by
Council Member
Andrew Friedson

Resolution No. _____
Adopted: _____ 2023

MONTGOMERY COUNTY COUNCIL

Subject of Resolution: A Resolution for the purposes of requesting Montgomery County, a signatory to the Avenel Master Agreement to require co-signatory, the Washington Suburban Sanitary Commission, to comply with the terms of said agreement and that of its Resolution No. 91-1319 by preserving and maintaining in operable condition the Avenel Equestrian Center.

WHEREAS, in 1980, in the planning stages of the Avenel development, pursuant to a Bi-County Sewage Capacity Agreement, the site was designated by County Executive Charles W. Gilchrist as a waste water treatment facility (AWT).

WHEREAS, given strong community opposition, County Executive Gilchrist appointed the “Rock Run AWT Facilities Project Citizens Advisory Committee (CAC), a broad-based 27-person cohort, that on March 1, 1982, among its findings to the County Executive and the County Council pertaining to the required buffer area of the AWT facility stated that:

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...

WHEREAS, in the 1984 Avenel Farm Development Plan Master Agreement adopted by the parties to such agreement: WSSC, Montgomery County, the developer Rock Run Limited Partnership, and the PGA Tour, stipulated as follows:

H. Equestrian Activities I. Policy

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.

WHEREAS, in 1984, pursuant to the Master Agreement, the Avenel Equestrian Center Council (AECC) was organized, representing western Montgomery County equestrian and civic organizations, the developer and the PGA, a board was established, and bylaws were adopted. The parties to the Master Agreement recognized the AECC and discussion ensued 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.

WHEREAS, once pending litigation over the site plan was resolved, on May 15, 1991, the WSSC Commissioners unanimously adopted resolution No. 91-1319 recognizing the AECC as the appropriate organization to undertake the preservation and maintenance of this “significant community asset.” The WSSC resolution 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, it fulfilling its contractual obligations that 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 recognized the AECC as “its official community advisory board,” agreeing 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.

WHEREAS, there ensued months of discussions and the interchange of correspondence between the AECC and WSSC pertaining to the AECC entering into a lease agreement with WSSC where it would be responsible for the maintenance and operation of the equestrian facility culminating in a July 1992 meeting between the AECC Chairperson Neal P. Gillen, WSSC General Manager Cortez A. White and his legal counsel Durke G. Thompson. At said meeting, Cortez White took the position that it would be appropriate, as the property owner, for WSSC to take direct responsibility for all maintenance and repairs, 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, adopted May 15, 1991.

WHEREAS, 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 agreement 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 and had no reason to interface with WSSC. 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.

WHEREAS, 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 effected citizens in abrogating its duty as expressed in its Resolution No. 91-1390 in “conducting the public’s business in an open and fair manner.”

THEREFORE, BE IT RESOLVED: That the Montgomery County Council calls on the Washington Suburban Sanitary Commission to adhere to its contractual obligations and to maintain the continued operation of the Avenel Equestrian Center, to make all necessary repairs to barn and other elements of the property, and to continue to maintain the facility pursuant to its agreement for the foreseeable future.