

DEEP CREEK DISPATCH

Summer, 1998

Newsletter of the
Property Owners' Association
of Deep Creek Lake, Incorporated

POA President Gerald A. Polansky Dies July 1—He Will be Missed

Gerald A. Polansky, President of the Deep Creek Lake Property Owners Association since 1996, died July 1, 1998. At the time of his death, Jerry had been hospitalized for injuries following a fall from a ladder while cleaning gutters at his home in Rockville. While hospitalized with head injuries, he suffered a major heart attack and died two days later. A resident of Sandy Beach at Deep Creek Lake and of Rockville, Maryland was 63.

With his death, Garrett County has lost a powerful voice for the public good. Jerry was a good citizen in every community in which he lived. For many years, while at home in Montgomery County, Jerry assumed a variety of leadership roles at the Montgomery General Hospital in Olney, and the Lutheran Church of Saint Andrew in Silver Spring. He was nationally recognized in the field of accounting, rising to the presidency of the American Institute of Certified Public Accounts.

Jerry built a home in Garrett County on Deep Creek Lake in the early seventies and became a model citizen of this county as well. For many years Jerry was one of the major forces behind the success of the Garrett Lakes Arts Festival. At the time of his death he was president of the Property Owners Association of Deep Creek Lake, a position he had held for the past two years. During his term Jerry gave enormously of his time and talents. During the past year he spent hundreds of hours dealing with a variety of issues arising out of the pending sale of Deep Creek Lake.

When Helmuth Heise needed a helping hand at the Wisp Resort, Jerry immediately pitched in and assumed the position of chief financial officer. When the County Commissioners appointed a committee to advise them

with respect to issues relating to the sale of Deep Creek Lake, Jerry was chosen as one of its members. He worked in close cooperation with Judge Fred Thayer, chairman of that committee, and earned the respect of all with whom he worked.

Whether he was involved in the business community, the arts in Garrett County, hospital matters in Montgomery County, or the future of Deep Creek Lake, Jerry Polansky gave of himself to the fullest. He will be sorely missed.

Membership Meeting

A general membership meeting will be held 8:30 AM on Saturday August 22 at the Garrett Community College. The meeting will be in room 305 of the Continuing Education Building not the Auditorium. The change is necessary due to the rehearsal schedule for the Symphony presented by GLAF.

GPU/State Negotiations Continue

In his President's letter contained in the spring 1998 edition of *The Dispatch*, POA President Gerald A. Polansky gave a detailed description of the status of the proposed sale of Deep Creek Lake as provided by the Memorandum of Understanding signed by the State and GPU on June 2, 1998. In the Memorandum, the parties agreed to enter into a periods of "exclusive negotiations for the sale of Deep Creek Lake," and it was agreed that the memorandum would "automatically terminate if GPU and the State have not entered into a Sale Agreement by July 31, 1998, unless the parties mutually agree to extend that date."

On July 31, the State issued a press release announcing that the negotiations are "progressing" and that both

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parties have agreed to continue working on reaching a final agreement. The press release quoted Governor Glendening as stating that his "Administration has continued to work very hard during these negotiations to protect Maryland's interest and fulfill the MOU requirements." He went on to say that the "State is committed to guaranteeing perpetual public stewardship of Deep Creek Lake's natural resources and recreational opportunities for generations to come." Notably, the release repeated Governor Glendening's March 13 letter to GPU in which he indicated that Maryland was prepared to "take any action necessary to protect Deep Creek Lake." Although the headline of the press release stated that "State and GPU agree on appraisal process and other terms of sale," the text of the release says nothing about agreement being reached an appraisal process, and says only that the MOU calls for establishing a sales price before September 30.

Since the earlier June 2 announcement, State and GPU officials have held extensive private meetings and discussions, and the content of these discussions has not been made public. In the meantime, there has been little communication between the State and the Board of County Commissioners for Garrett County, whose consent to the proposed sale is legally required. The only communication from the state has indicated that Garrett County's concerns as to the governing structure for Deep Creek Lake can be addressed at a later time. However, it is not clear that the County Commissioners are prepared to give their consent to the proposed transfer without there being a definitive agreement reached on a governing structure for the lake. (See separate article with candidates' positions on this issue.)

Because it is not certain that the State and GPU will reach an agreement, the POA has joined Paul C. Rizzo and Associates in submitting an alternative "noncomplying" bid that includes acquisition of Deep Creek Lake. The POA/Rizzo proposal is not intended to compete with the State's proposal, but only to be considered in the event that the State's transaction with GPU is not consummated.

Following the death of Jerry Polansky, the County Commissioners have appointed Roger W. Titus to replace him on the Lake Advisory Committee for Garrett County, which is chaired by retired Judge Fred A. Thayer.

Developments concerning the lake are evolving rapidly, and it is quite likely that there will be a substantial

amount of additional information to be disseminated to the membership at the meeting to be held on August 22, 1998 at the Garrett Community College beginning at 8:30 am. Secretary of Natural Resources, John Griffin has been invited to attend or to send a designee, as has Judge Fred A. Thayer.

Boating Safety

The evening of July 4, a Pennsylvania woman was injured when she struck her head on the windshield of the family power boat that was being operated by her husband. The boat struck a bridge piling. The Deep Creek Lake Volunteer Fire Company's Boat and Rescue Squad and NRP responded and the woman was transported to the Garrett Memorial Hospital, where she was treated and released.

While returning from a fine dinner at a local restaurant, your correspondent noted that the pillar under the new Glendale bridge was not well lighted, and could be an obstacle for someone not familiar with the lake. We assume that the red and green lights on the bridge direct boaters to go under the bridge under the green light. However, those familiar with coastal navigation might pass under the bridge between the red and green lights, leaving the green to starboard. Such an interpretation could position a boat dangerously close to the center pier of the Glendale bridge.

During the sailboat races Saturday July 17, a retired gentleman fell from his Flying Scot sail boat. Winds were moderate. How did this happen? The sailor was sitting on the windward side of his boat, the normal position. When a light puff hit the boat, the skipper leaned to leeward to release his main sheet. At just that time, a large motorboat wave hit the windward side of the sail boat, tossing the skipper head first overboard to leeward! Motor boaters, *be aware of your wake!* And remember keep 100 feet from other boats. With most power boats, there is a speed at which the boat is too slow to be on a smooth plane, but it is not flat in the water. This speed produces maximum wake. Please be aware of your wake.

The sailor was helped back into the boat by his crew. What if he had been alone? Without a life jacket? Was the other boater aware of what he had caused?

Over the last six years, the number of PWCs registered in Maryland has tripled. While they make up 7% of Maryland's registered boats, they were involved in 40%

of last year's boating accidents that resulted in personal injury. And PWCs account for one in every three citations issued by NRP police. The most frequent violation cited is the distance requirement. The law requires PWC operators to slow to six knots when within 100 feet of another boat, person, pier, or anything else in the water. PWCs can not be steered when the throttle is released.

In 1995 there were three PWC fatalities in Maryland waters. The good news is that there has not been a PWC fatality in Maryland since 1995. Maryland's PWC safety campaign has received the Boating Education Advancement Award from the National Safe Boating Council.

We quote from *Maryland State and Federal Requirements for Recreational Vessels*. "The Boating Safety Education Law requires that any person born on or after July 1, 1972 must have in their possession a certificate of boating safety education while operating a numbered vessel in Maryland waters. The regulation does not apply to persons 16 years of age or older who are residents of another state and visiting Maryland for a period of 60 days or less in a vessel numbered in another state."

We note that PWCs are no longer allowed in National Parks, although we understand that the PWC industry will appeal this ruling. The *National Parks* magazine had an interesting article concerning Glenmar Holdings Inc. You may not have heard of this company, but if you own an Aquasport, Carver, Crestliner, Glastron, Larson, Lund, Hatteras, Ranger, Trojan, or Wellcraft, they own the company that made your boat. Glenmar Holdings Inc, is the largest independent manufacturer of power boats in the world. Their ten boat lines have resigned from the National Marine Manufacturers Association (NMMA), because NMMA offers membership to PWC companies. Glenmar no longer wants a part, even indirectly, of promoting a product they believe is making our waterways less enjoyable.

Green Glade & Turkey Neck Roads

Those of you who travel the above roads along with Steiding Church Rd. may have been wondering what is going on. It is called full depth road reclamation. The county has applied Number 2 crusher run (about 2 inches in diameter maximum) with Number 6 crusher run on the top. Number 6 is about 1 inch maximum with fines to fill in the spaces. The total depth is about 6 inches. These roads were "built" years ago with very little if any base.

That is why they broke up so badly in recent years. July 30 the County Roads Dept., starting at the MD Route 495 end, has started working west with a grinding machine. This digs down to the old road surface, something like a rototiller, and digs it all up. And yes, the big stone still stays on the bottom with the finer material on the surface, as required. They will be able to grind $\frac{3}{4}$ to 1 mile per day. Coming behind the grinder will be culvert installation and replacement as required. In cases where there is poor access to a property owner's driveway, if the property owner will pay for a new culvert, the county road workers will install same at no additional cost. After that a triple layer of tar and chip will be applied. It should be noted that the work must be done during warm weather for proper application of the tar and chip surface. They plan to start the tar and chip at one end before the other end is complete with culverts and grinding. Additionally, the county plans to apply water and/or calcium chloride to help control the dust until the tar and chips are applied. The county is working hard to do it right. So we'll have some dust and gravel for a while, but we'll have a first class road when they are done!

Primary Election September 15

To help lake property owners, who are residents of Garrett County, the following questionnaire has been sent to candidates for County Commissioner, Delegate and State Senator.

1. The State of Maryland and General Public Utilities, the owner of Deep Creek Lake, have entered into a Memorandum of Understanding which provides for an exclusive period of negotiations between the State and GPU which may lead to the State acquisition of Deep Creek Lake with the exception of the power generating facilities. Do you favor State acquisition of Deep Creek Lake, and would you be prepared to support the State's use of condemnation power to do so?
2. State law provides that the Board of County Commissioners of Garrett County must consent to large purchases of land by the State, such as the contemplated purchase of Deep Creek Lake. What conditions, if any, do you believe the County Commissioners should impose in connection with the State's proposed acquisition of Deep Creek Lake?

Please see the included table for the candidates' responses.

Name	Office Sought	Reply/Question 1	Reply/Question 2
John J. Hafer	State Senator District 1 Republican	☞ I do support the State acquisition of Deep Creek Lake and absolutely would be prepared to support the State's use of the condemnation power to do so, if necessary in the public interest, as this certainly would be.	☞ The conditions should be left to the direction and discretion of the Board of Commissioners of Garrett County and I would support any majority decision of the County Commissioners.
David W. Thomas	State Senator District 1 Republican	☞ I am a property owner and permanent resident of Deep Creek Lake. I have been an active participant as a member of the Garrett County Commissioner's Advisory Group on the Purchase of Deep Creek Lake. I realize that Deep Creek Lake is a very valuable asset to Garrett County's economic viability and have voiced my support, as a member of this advisory group, for the State of Maryland to take the lead and be an active "partner" in this process. But I must emphasize partner. The State, with its condemnation power and financial backing, is the logical partner to proceed in the negotiation process. It appears that condemnation proceedings will not be necessary in that the State is nearing an agreement with GPU on the purchase of the lake. I would support condemnation proceedings if it became necessary.	☞ If the State of Maryland purchases Deep Creek Lake there must be some assurances that the county as well as local interest like the lake property owners, business owners, and other interest groups have significant input to the management and control of the lake and the buffer area. Also, any loss in property taxes by the county should be made up to the county by the revenue generated by the lake. As State Senator I would support and be willing to sponsor any legislation that may be necessary to complete this process and protect our interest in this district.
Lawson L. Duckworth	House of Delegates District 1A Democrat	Did not respond	Did not respond
DeCorsey E. Bolden	House of Delegates District 1A Republican	☞ I support the purchase of Deep Creek Lake by the State of Maryland. There seems to be no other alternative to protect the property owners. GPU is a willing seller and condemnation would not be necessary. This procedure would emanate from the Board of Public Works and I don't believe the Lake would meet the criteria for condemnation. I would not support this action.	☞ The law that gives the County Commissioners veto over any purchase of over 100 acres by the State was a bill that I introduced previously. The Commissioners have the hammer if used to the advantage of the County. The State pays Garrett County 25% of the fees charged at the parks for all activities and the State keeps 75%. Another bill I introduced previously, it used to be 15% and 85% to the State. I would reverse that split and get the County the 75%. Another condition would give the property owners the option to buy the safety strip in front of their property to the water's edge. Limit the State Park to its present boundaries and deny any additional parks at other locations. The Lake to Garrett County is like the jewel in the navel of the belly dancer—take care of it for the next generation or dance!

Name	Office Sought	Reply/Question 1	Reply/Question 2
George C. Edwards	House of Delegates District 1A Republican	<p>☞ I support the State acquisition of Deep Creek Lake as I believe that is in the best interest of all parties.</p> <p>I believe all avenues should be exhausted before condemnation is even considered. The negotiations are on schedule and I feel an agreement will be reached so the issue of condemnation will not even have to be considered.</p> <p>The State authorized condemnation so the Lake could be built and that would be the reason I would lean to support it if all other avenues failed.</p>	<p>☞ It must be remembered that the County Commissioners agreed that the State would take the lead on this issue. Because of that, it would be difficult for the County to say no to the State once a purchase agreement is reached. The County has to work with the State on many issues, so you need to keep a good working relationship.</p> <p>There are two things we need to insist on locally:</p> <p>(1) A local management board that has meaningful (<u>not</u> advisory) input on how the lake is managed, and (2) The County recoups at a minimum the taxes it loses by the State taking over ownership.</p>
David C. Beard	Garrett County Commissioner District 1 Republican	<p>☞ I agree with the State of Maryland and the General Public Utilities memorandum of understanding. I favor state acquisition of Deep Creek Lake, and I favor using eminent domain authority to achieve the acquisition. As a lake resident for thirty-four (34) years and a member of the Property Owners Association for many of those years, I believe that state acquisition is absolutely necessary. As a property owner and resident, I have a vested interest in this matter, and I am therefore giving it <i>more than</i> just political lip service in an election year. My wife Beverly is also on the Deep Creek Lake Advisory Committee.</p>	<p>☞ As a county commissioner, I shall vote in favor of the state purchase of Deep Creek Lake. I believe that we must maintain our present policy of opposing the state taking more Garrett County land, but <i>this</i> must be <i>an exception</i>. Local control of regulations is essential so that the status quo is maintained. The Property Owners Association must be a part of the mix in the decision-making process concerning regulations and administration. Deep Creek Lake is a Garrett County asset, and we must insist that Garrett County government will play a vital role in any decisions affecting its future.</p>
Ernest J. Gregg	Garrett County Commissioner District 1 Republican	<p>☞ As a matter of principle, I generally favor less government. In this circumstance, I do support State acquisition of Deep Creek Lake. Reasonable people should negotiate mutually acceptable terms for this transition. At this juncture, power of condemnation is not appropriate, but remains an option.</p>	<p>☞ During my previous terms as a County Commissioner, I served on the Deep Creek Lake Management Committee. Using this management frame work, Garrett County Government is in an excellent position to take an active part in managing the lake for the benefit of our citizens while protecting the rights of property owners. One condition of State acquisition should be the county retention of the 25% revenue share.</p>
David C. Insley	Garrett County Commissioner District 1 Republican	Did not respond	Did not respond
John Thayer	Garrett County Commissioner District 1 Republican	<p>☞ I strongly support the State acquisition of Deep Creek Lake. The State of Maryland should use all means available to them to place Deep Creek Lake under its ownership, control and management.</p>	<p>☞ Garrett County should insist that a portion of the fees collected for use of the lake shore are returned to the county. Twenty-five percent is probably a reasonable amount to offset the loss of tax revenue as the land returns to the State.</p>

Name	Office Sought	Reply/Question 1	Reply/Question 2
S. Larry Tichnell	Garrett County Commissioner District 1 Republican	<p>⇒ I will support the State buying the lake at Deep Creek. If they need to use their condemnation power to purchase this property I would support this as a last resort. I also feel our county would need to have the power to make the final decision as to what would be done with the lake. I do not like the idea of people 200 miles from us telling Garrett County what should or should not be done with our lake and its surrounding property.</p>	<p>⇒ Our county should maintain control over the lake. A board should be set up of people from the lake area and the surrounding communities and at least one member from the county commissioners office to make the decisions concerning the lake use.</p> <p>If the State would want a member on this board that would also be acceptable to me. The lake means a lot to our county and its future use should be controlled mainly by our county residents.</p>
Wayne Wilt	Garrett County Commissioner District 1 Republican	<p>⇒ I am in favor of the State's acquisition of Deep Creek Lake. The Board of County Commissioners' position is that the State of Maryland should take the lead in the negotiations with GPU. The Board of County Commissioners needs to assure that there is a strong presence on an authority that controls all regulatory and financial management requirements of the Lake. I will strongly support the creation of this authority that keeps the status quo of the Lake. The County must have comprehensive input in the management decisions of this recreational area.</p>	<p>⇒ It is clear in Maryland law that the County must consent to all purchases of land over 100 acres by the State. The County will negotiate with the State to assure that the 25% of the lake management fees stay local as stated in Maryland Law. If the State ends up as the owner of the Lake (as it appears will be the case), the County must assure that 25% of all fees stays with the County. The issue of consent is tool to assure that this happens. There is a loss of real property revenue with the sale by GPU and the County must assure that there is a return of these funds to the general fund.</p>
Gary E. Fratz	Garrett County Commissioner District 2 Democrat	<p>⇒ Yes, I do favor State acquisition of Deep Creek Lake, and I would be prepared to support the State's use of the condemnation power to do so.</p>	<p>⇒ I believe that the County should receive fees from the state if they buy it, similar to what is being done now with the state parks and the sale of timber from the state owned land.</p> <p>We should also work with the state to get some local controls that would benefit the Deep Creek Lake Community and Garrett County.</p>
Clyde E. Hetrick	Garrett County Commissioner District 2 Republican	Did not respond	Did not respond
Frederick A. Holliday	Garrett County Commissioner District 2 Republican	<p>⇒ I don't think the County can afford to buy Deep Creek Lake, nor does it have the manpower, at this time, to manage it. The State now manages the Lake and seems to do a good job of it. With this in mind, I would support the State in purchasing the Lake. I would need to know more about the Lake and what alternatives would be available before I could support condemnation.</p>	<p>⇒ There would need to be an agreement that would protect owners' access to the Lake. There would also need to be an understanding about how much water could be drained. The County now receives real estate taxes on the Lake from GPU, so I feel there would need to be a policy that the State would continue to provide that revenue to the County.</p> <p>Deep Creek Lake is a great treasure and asset to Garrett County. When elected and have access to the information that is needed to make a decision on an issue of this magnitude, I will then be able to base my decisions on what will be favorable to all Garrett County citizens.</p>

Name	Office Sought	Reply/Question 1	Reply/Question 2
H. Lester Hunter	Garrett County Commissioner District 2 Republican	Did not respond	Did not respond
George Falter, Jr.	Garrett County Commissioner District 3 Democrat	☞ Yes, I do favor State acquisition of Deep Creek Lake; and yes, I do support the State's use of the condemnation power to do so. There is one caveat, however, and that is that said acquisition must include an agreement that fully protects the individual Deep Creek Lake property owners' rights as they currently exist.	☞ In addition to protecting the rights of the individual Deep Creek Lake property owners, some kind of financial arrangement should be made for the protection of all of the taxpayers in Garrett County. Income generated from Deep Creek Lake should stay in Garrett County. I believe that the Board of County Commissioners of Garrett County should hold a meeting (at a time and place convenient for working people to attend) to solicit input from the people on this issue.
Wendell R. Beitzel	Garrett County Commissioner District 3 Republican	☞ I personally favor purchase of the Lake by Garrett County. It is quite apparent at this point that the state of Maryland is going to acquire the Lake. I favor State ownership over a consortium of private and public interests. I do not favor condemnation and will only support its use if necessary to protect the economic wellbeing of Deep Creek Lake and Garrett County.	☞ I think it is imperative that the Deep Creek Lake regulations be reestablished and fixed in DNR regulations and the Annotated Code of Maryland to include fixation of dock fees. This is essential to protect the rights and privileges of the property owners and to prevent any change in the regulations or fees without legislative action, which gives interested parties the opportunity to oppose or comment on the proposed changes. Because the POA and Deep Creek Business Assn. opposed the increase in fees when GPU acquired ownership, DNR withdrew legislation to place in law the Deep Creek regulations. The DNR is currently only using the old regulations as a guideline, with the lease with GPU being used as authority to control recreational use of buffer strip.
Wayne R. Johnson	Garrett County Commissioner District 3 Republican	☞ I do support the State's acquisition of Deep Creek Lake. The issue of condemnation power by the State should be used to assure that the control of the Lake is kept local and the Governor has stated publicly that he will use this authority if necessary.	☞ I feel that the County should have a strong voice in the form of a Board with authority to manage regulatory and financial administration of the Lake. We should continue efforts to make it a recreation area to ensure that 25% of all State revenue comes to the County. The current Deep Creek Lake Advisory Board should have its authority expanded to include more responsible areas of management such as regulatory and fiscal. The Board should be renamed as the <i>Deep Creek Lake Management Board</i> and should include representatives from County Government, property owners, the State DNR, the Chamber of Commerce, and others to be determined.
Douglas R. Railey	Garrett County Commissioner District 3 Republican	Questionnaire returned by Post Office: "No mail receptacle"	Questionnaire returned by Post Office: "No mail receptacle"

Name	Office Sought	Reply/Question 1	Reply/Question 2
Charlotte A. Sebold	Garrett County Commissioner District 3 Republican	<p>☞ I am very disappointed that the County Commissioners did not take a more aggressive position on the lake issue. I feel that the 80,000 + acres that the state already owns of the county puts an unfair tax burden on the taxpayers of Garrett County. Maybe the county couldn't afford to own the lake but what about a partnership with the state? Unless the Commissioners can recoup the property taxes paid by GPU then we, the property owners and taxpayers, are going to have to pick up the lost tax revenue again. If the state can run the lake then why can't the county? The lake is a very important resource to the county and if we continue to give these resources away nobody is going to be able to afford property here.</p> <p>Yes, because either the county or state need to own and control the lake to protect our resource.</p>	<p>☞ The county must set conditions that are going to protect the rights of the property owners and the county. This seems to be the only opportunity the Commissioners have left to be sure that the property owners and the county do not suffer from this state acquisition. The county must maintain as much control as possible. There must be an advisory board with balanced representation. The Commissioners must have the right to either agree or disagree with all proposed changes brought by the state or the property owners. Every attempt possible must be made, by the Commissioners, with the state to restore all money that the county is losing through this acquisition. Deep Creek Lake is an important public recreational resource in Garrett County and the Commissioners must recognize the lake's importance to the county's economy.</p>
Russell T. Sines	Garrett County Commissioner District 3 Republican	Did not respond	Did not respond

Property Owners' Association of
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