

2023 Written Testimony HB 1140-Reilly.pdf

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Position: FAV

TERESA E. REILLY
Legislative District 35A
Cecil and Harford Counties

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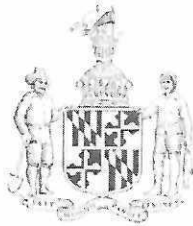
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Chair

Harford County House Delegation



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 1140 – Port of Deposit State Historical Park – Included Areas

March 8, 2023

Chair Barve, Vice Chair Stein, and Members of the House Environment and Transportation Committee:

A late amendment to SB 541 Great Maryland Outdoors Act in 2022 added a requirement for the establishment of a Port of Deposit State Historical Park (Park) and established a Stakeholder Advisory Committee to advise the Department of Natural Resources (DNR) on the scope and management of the Park in addition to the funding amount necessary to establish the Park. HB1140 is an emergency bill that seeks to address concerns identified by the Stakeholder Advisory Committee and the DNR, with the transfer of a portion of property within the Bainbridge Naval Training Center site, overseen by the Bainbridge Development Corporation (BDC), to establish a Park.

HB 1140, like its crossfile SB 517, is supported by 5 of the 6 Delegates and both Senators from the Cecil County Delegation.

The Stakeholder Advisory Committee worked with DNR to identify and review the suitability of specified property within the Bainbridge Naval Training Center site (BNTC) for inclusion in the Park, including the Historic Tome School for Boys, the Snow Hill Archeological Site and the

adjacent wooded conservation area as required by the Great Maryland Outdoors Act. The official DNR report submitted to the General Assembly identified concerns with several hazardous conditions and site contamination that present obstacles for transferring the required property by the specified date of June 1, 2023. The report also made a number of recommendations for actions needed to fully investigate the safety concerns, which require adequate time to implement.

The DNR report, which I have provided for your review, stressed that *“more due diligence is needed to adequately determine the type and level of public access that may be possible or even practicable given the physical, environmental, archaeological, historical, and legal constraints on these sites.*

The deadlines and constraints codified in statute by the General Assembly, unaccompanied by a funding source, do not allow for that type of due diligence to occur. Allowing time and flexibility to conduct a more thorough planning process that includes robust stakeholder engagement at all levels is needed.

This will present the best opportunity for developing a clear, common, shared vision for the future of the sites together with the identification of potential resources to achieve the shared vision. Such a process would yield much better results and provide the greatest chance of achieving success for the community and the State of Maryland.” (page 11, Report on the Port of Deposit State Historical Park- DNR)

Nothing in this bill will alter the continued protection of the historically and culturally important areas encompassed by the Historic Tome School for Boys and the Snow Hill Archeological Site, which are both listed on the National Register of Historic Places. The Maryland Historical Trust (MHT) currently has and will continue to have a statutorily required obligation to protect the future disposition of these significant sites including any alterations, demolition, or adaptive reuse of the property.

HB 1140, with the Senate amendments and those suggested by DNR, extends the property transfer date of suitable areas of up to 150 acres from the BDC to the DNR for the creation of the Park, to June 1, 2025, which provides the necessary time for due diligence in completing soil contamination studies, clean-up cost analysis and the identification of potential funding sources for the costly remediation work that will be required to ensure the creation of a park that meets safety standards for recreational use.

I respectfully ask for a FAVORABLE report from the Committee on this emergency local bill.

Delegate Teresa E. Reilly
District 35A
Cecil and Harford Counties

MSAR 14148 Port of Deposit State Historical Park f

Uploaded by: Teresa Reilly

Position: FAV



Report on the Port of Deposit State Historical Park

**Submitted by:
Maryland Department of Natural Resources
Annapolis, Maryland 21401**

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I. Background

Senate Bill 541 of 2022 - Natural Resources - Maryland Park Service and State Parks - Alterations (Great Maryland Outdoors Act) mandates that the Maryland Department of Natural Resources (DNR) establish a “Port of Deposit State Historical Park” as a partnership park that seeks to “educate the public about and preserve and interpret the lives and experiences of black Americans both before and after the abolition of slavery.”

The bill further mandated that the park be held by the state as a state park and consist of a portion of the Bainbridge Naval Training Center site, measuring not less than 120 acres and not more than 150 acres. The Bainbridge Development Corporation (BDC) must transfer the property to DNR by June 1, 2023 including:

- (i) the Historic Tome School;
- (ii) the Snow Hill Archaeological Site; and
- (iii) the adjacent wooded conservation area

Bainbridge Development Corporation

BDC was established by the Maryland General Assembly in 1999 as a public instrumentality of the state (Chapter 494, Acts of 1999) to develop the former Bainbridge United States Naval Training Center (Bainbridge). BDC is managed by the Executive Director, and governed by a 15-member Board of Directors, composed of nine residents of Cecil County (volunteers) and complemented by representatives from applicable state agencies.

Bainbridge served as a training center from 1942 to 1976, and in 1988, a decommissioning process began. As part of the decommissioning process, the U.S. Navy identified several areas where previous on-site activities may have caused environmental contamination. This includes the Old Base Landfill, which was an unregulated, unlined solid waste landfill that operated from 1942 until base closure in 1976, and is known to contain asbestos and pesticide contamination. It also includes the Fire Training Area, which was utilized to train recruits in fire fighting techniques from the 1940s to the late 1960s by spraying buildings with oil and igniting them.

When Bainbridge was transferred to the State of Maryland in 2000, environmental review policies and standards had changed, so the Maryland Department of the Environment (MDE) requested that the BDC perform a Phase II Environmental Site Assessment (ESA). Results from the Phase II ESA suggested that elevated levels of certain polycyclic aromatic hydrocarbons (PAHs) and certain metals existed in certain portions of the property.

Historic Tome School for Boys

The historic Tome School for Boys was founded by Jacob Tome as a nonsectarian college preparatory school for boys. It opened for boarders and received its first students in 1894. It was

part of a system of schools that began with kindergarten and extending through high school that was collectively known as the Jacob Tome Institute.

Between 1898 and 1902 the Jacob Tome School for Boys built a series of granite buildings on the bluffs above Port Deposit, overlooking the Susquehanna River. Architects William Boring and Edward Lippincott Tilton designed the structures in the Beaux-Arts style. The 12 surviving buildings include Memorial Hall, three dormitories (Jackson, Madison, and Harrison), the Tome Inn dormitory and dining hall, the Headmaster's House, the Monroe Gymnasium, and five Master's cottages. Frederick Law Olmsted, Jr., served as consulting landscape architect for siting of the buildings on the property while Charles W. Leavitt, a prominent New York landscape architect, was chosen as landscape architect for the campus. Leavitt worked with architects Boring and Tilton to design the grounds, which included formal "Italian Gardens" and a number of interior roads. The outlines of the original gardens are still visible on the landscape. The Tome School for Boys Historic District was listed on the National Register of Historic Places in 1984.

Presently, the structures lie in varying stages of decay, deterioration and blight. Recent vandalism and fires have taken an even greater toll on the structures.



*Photo: Former building on the Tome School property that has been damaged by fire and vandalism as observed by the Advisory Committee. (Sept. 2022)
Snow Hill Archeological Site*

The Snow Hill Archeological Site (18CE158) was the location of a Free Black community, which was established in the Port Deposit area by the mid-1800s. The remains of several structures, a foundation and wall or floorboard, two in situ cast iron stoves, and concentrations of refuse were identified at the site by MHT archaeologists during a 1982 cultural resource survey of the Bainbridge Naval Training Center.

This site possesses significance in the contexts of historical archeology, Black history, and Maryland history, covering a period from 1800 to 1900. The significance centers on the establishment of a Free Black Community within a thriving white trading town prior to the Civil War and that remained intact until the end of the 19th century. The archeological record of this site can begin to illuminate the way of life for Free Blacks in this region during that period. The Snow Hill Archeological Site has been determined eligible for listing on the National Register due to the important history of the Free Black community that resided there.

Wooded Conservation Area

Although there is an adjacent wooded area between the Tome School and the Snow Hill Archeological Site, it is not placed in any formal conservation program.

II. Advisory Committee

The Great Maryland Outdoors Act directed DNR to establish a stakeholder Advisory Committee to advise the department on the scope and management of the “Port of Deposit State Historical Park.” The following members were appointed and participated in the meetings:

Voting Members:

Organization	Representative
Mayor and Town Council, Port Deposit	Vicky Rinkerman
Cecil County Delegation	Delegate Kevin Hornberger
Cecil County Delegation	Senator Jason Gallion
County Executive	Danielle Hornberger
Cecil County Council	President Bob Meffley
Cecil County NAACP	<i>Did not appoint a member*</i>
Historical Society of Cecil County	Paula Newton
Cecil County Parks and Recreation	Clyde Van Dyke

**All organizations identified in the legislation received mailed and emailed requests on April 15, 2022, and April 18, 2022 to provide representation to the Advisory Committee. Another email was sent to Cecil County Branch NAACP on June 2, 2022, and phone messages were left with the Executive Board members of the organization, but a response was never received. The County Executive of Cecil County also attempted to reach them unsuccessfully.*

Non-Voting Members:

Organization	Representative
DNR	Jeannie Haddaway-Riccio (staff: Carrie Cook, Bunky Luffman, and Kamil Williams)
Maryland Historical Trust	Elizabeth Hughes
Lower Susquehanna Heritage Greenway	Brigitte Carty
Cecil County Public Schools	Dr. Jeffrey Lawson
Cecil County Public Library	Morgan Miller
Cecil College	Dr. Mary Way Bolt

Additional Members Added by the Chair:

Maryland Department of Commerce	Brigitte Peters
Maryland Department of Planning	Robert S. McCord (staff: David Dahlstrom)
Maryland Department of the Environment	Horacio Tablada (staff: Tyler Abbott and Les Knapp)
Bainbridge Development Corporation	Toni Sprenkle
Maryland House of Delegates	Delegate Teresa Reilly

III. Advisory Committee Meetings

The Great Maryland Outdoors Act specified that on or before January 1, 2023, DNR must submit a report to the General Assembly on:

- (i) property that is suitable for inclusion in Port of Deposit State Historical Park;
- (ii) the funding needed to establish and promote a Port of Deposit State Historical Park.

The Advisory Committee held an organizational meeting in July 2022. Members received an overview of the legislation and these requirements. BDC provided a presentation on the Bainbridge development site. In August 2022, the Advisory Committee focused on the mandate to examine suitable lands and costs.

MDE provided background on the memorandums of agreement (MOAs) between the U.S. Navy, BDC, and MDE. The focus was on the MOA signed in 2020 as terms of the prior MOA (2018) do not govern the parcels of the land contemplated in the legislatively-mandated land transfer. MDE explained that it would be challenging for the Department to renegotiate the MOAs with the U.S. Navy since the intent of the MOAs was to restrict the redevelopment of the property to industrial or commercial use. Most of the land, not including the Tome School site itself, is included in the agreement to be placed into restrictive covenants for industrial or commercial use only.

MDE also shared information on other development sites in Maryland that have faced similar issues, including: IKEA industrial park, Ft. Meade, Springfield Hospital Center, and Annapolis Town Center. MDE also noted that the site (absent the Tome School and landfills) is remediated to industrial standards; however, this is not the same standard needed to allow for recreational activities. There is no requirement for the U.S. Navy to remediate the land to a recreational standard. If a recreational standard were to be achieved, the State would be responsible for a further site assessment to determine costs associated with remediation. In addition, MDE would need clarification on the type of recreation intended at the site, as various levels of cleanup would be required depending on the type of recreation, the location, and the duration of the recreation. For example, remediation standards are different for walking trails than they are for playgrounds, camping sites, or residential uses.

The Tome School property itself would need assessment and remediation work to be open to the public. In its current condition, the buildings would be considered a public health risk. The Archeological Site on the south portion of the property would also need further investigation to determine the location of archaeologically significant sites.

The Maryland Historical Trust (MHT) provided an overview of the history and significance of the Tome School property, and presented the results of studies prepared for the BDC by Fred Ward and Associates in 2020 and IMARK Builders, Inc., in 2021. These studies included recommendations for demolition or deconstruction of those buildings (Master's Cottages, Harrison House, Jackson House, and Tome Inn) most impacted by fire, vandalism and deterioration over time. The 2021 study projected demolition and deconstruction costs at approximately \$1.6 million. Stabilization of the remaining structures (Monroe House, Headmaster's House, Memorial Hall, and Madison House) was estimated to cost approximately \$367,000 in 2021. Rehabilitation of these buildings, all of which are expected to require lead and asbestos abatement, would require a major investment.

A US Department of Agriculture Rural Business Enterprise Grant (RBEG) study completed for BDC in 2016 estimated rehabilitation costs for the four remaining buildings totaling over \$48 million, a projection which is now out of date. MHT also referenced the 2020 report Advancing the Preservation and Reuse of Historic Government Complexes, which highlighted the Tome School as a case study and estimated that approximately \$40 million in investment would be needed to improve roads and infrastructure at the site. Lastly, MHT discussed comparable historic building rehabilitation projects that have been accomplished by private entities

leveraging state and federal rehabilitation tax credits, including the Hoen Lithograph and the Hebrew Orphan Asylum in Baltimore City, and the Phillips Packing Plant in Dorchester County. Although historic rehabilitation tax credits are not available for use by government agencies, this financial assistance tool is what is most commonly used to finance the adaptive reuse of large scale historic properties like the Tome School.



In September 2022, the Advisory Committee conducted a site visit of the property, discussed the challenges and opportunities associated with the property, and made recommendations, which are described below.

Photo: BDC Executive Director Toni Sprenkle discusses the history of the Tome School property during the Advisory Committee site visit (Sept. 2022).

Consensus Points

There was general consensus among the Advisory Committee that both the Tome School and the Snow Hill Archaeological Site held historical and cultural significance. They found that there was value in preserving and interpreting the history and the archeology at both sites, and that the public would benefit from some level of public access.

Challenges

Land Restrictions

The portions of the Brainbridge property mentioned in the new legislation are currently governed by an agreement that guarantees future use restrictions. Those restricted covenants will accompany the land in perpetuity and specify that the land may only be used for industrial or commercial activities. Any other outside use would require a deed amendment and a renegotiation of the MOA with the U.S. Navy.

Property Condition and Environmental Concerns

There are no requirements for the U.S. Navy to remediate the property to recreational or residential standards. Any efforts to remediate the property to such standards would be at the state's sole expense. Environmental studies needed to assess recreational use potential have not been completed on this portion of the property, so at this time, it is unclear how much remediation would be needed. Remediation to this extent would also require the state to

renegotiate the terms of the MOA with the U.S. Navy. It is unlikely that the U.S. Navy will be willing to take on this additional level of responsibility and liability.

Access

There are currently no access roads that lead to the property described in the legislation. An access off of Route 222 was at one time contemplated by the developer, however, the Town of Port Deposit is opposed to that because it would cause truck traffic on a very rural roadway.

There is also dense forest and steep slopes between the Tome School Site and the Snow Hill Archaeological Site, which would make it difficult to connect the two properties.

Security and Safety

Given the size of the property and the condition of the buildings on the property, many concerns were raised about security and safety. Demolition and stabilization would be needed on the Tome School Site and barriers or other safety features would need to be installed to keep visitors out of condemned buildings.

Concerns were also raised about the sensitive nature of the Snow Hill Archaeological Site and providing public access to the site before a full archaeological assessment could be conducted. Care would also need to be taken to prevent damage to and looting of the site.

Funding Needs



The last study conducted on the Tome School property indicated that major investments would be needed, ranging from \$10-100 million. This was due to deterioration in structures, interior framings, and windows. There are also hazardous materials and contamination, including lead paint and asbestos, which would need to be abated. Fires and vandalism over the years have exacerbated the situation. It was also estimated that approximately \$40 million in investment would also be needed for roads and infrastructure.

Photo: Harrison Hall building in need of stabilization. (Sept. 2022)



Photo Above: Historic photo of Harrison Hall (Courtesy BDC)

IV. Opportunities

Current Efforts Underway

BDC developed a 2-year plan for the Tome School property and has already applied for grants. The plan is consistent with the Town of Port Deposit's Comprehensive Plan.

The Town of Port Deposit also has efforts already underway for a trail on the south side of the property. The trail would span approximately two miles along the waterfront with connection to the Tome Campus. This is something the BDC has continued to support with the Town, MHT, and Lower Susquehanna Heritage Greenway.

Historic Significance

The Tome School Site was listed on the National Register of Historic Places in 1984. The Snow Hill Archeological Site has been determined eligible for listing on the National Register due to the important history of the Free Black community that resided there.

V. Recommendations

Reconsider the Deadline

Given the many challenges associated with the land restrictions and the outstanding questions regarding the environmental condition of the site, the Advisory Committee felt that more time was needed for due diligence. Therefore it is recommended that the Maryland General Assembly reconsider the mandate that was codified in the law to transfer the property by June 1, 2023. Removing or extending the deadline contingent on the discovery of more facts would give the time necessary to gather additional information. The General Assembly should also give due consideration to current efforts underway by the Town of Port Deposit to develop trails and interpret the history of the properties before requiring that it become a state park.

Reconsider the Land Description and Boundary

The exact boundaries of the Snow Hill Archeological Site are unknown and a survey is needed to determine the boundaries. The property, as defined in the legislation, is likely only partially included in the land that would be transferred to the state since the Archeological Site is only partially located within the Bainbridge footprint. It was also noted by the Advisory Committee that the original boundary of the Tome School was 76 acres, but for the purpose of development it was reduced to 50 acres. A metes-and-bounds was completed for the 50 acres when the campus was under development with Paul and Risk Associates in 2008-2010, yet the legislation requires 120-150 acres to be transferred. It is recommended that the General Assembly remove the reference to a specific acreage amount in the statute until a survey can be conducted.

Size and Scope of the Project

Given the size and scope of the project contemplated in the legislation and the differences between the two sites, the Advisory Committee recommends that the Tome School property and the Snow Hill Archaeological Site be separated into two distinct projects: a historic preservation project and an archeological study. The Advisory Committee further recommends that a stakeholder workgroup or a consultant determine how each project can be developed in phases and examine what level of public access would be safe and appropriate. This is particularly important given the need to preserve the integrity of the Archeological Site and to conduct surveys of the site before the public is allowed to access it. For example, developing an access point between the sites would require intense grading of the land; land that likely contains significant artifacts from the Freed Black community that resided there.

Funding Considerations

Maryland law governing the use of Program Open Space (POS) funds limits DNR to 10% of appraised value for demolition and stabilization of properties. Given that the Tome School Site and Snow Hill Archaeological Site will be transferred for no consideration, DNR's funding for demolition and stabilization would be capped at \$0. The Advisory Committee recommends that the Maryland General Assembly consider changing this policy to provide greater flexibility in the use of POS funds. This change would benefit a number of current and future projects.

Revenue Opportunities

The Advisory Committee recommends that portions of the Tome School property be considered for commercial use, which would provide a stream of revenue for capital needs and historic preservation. This could include a bed and breakfast and an event venue. It is recommended that public-private partnerships and curatorships also be explored.

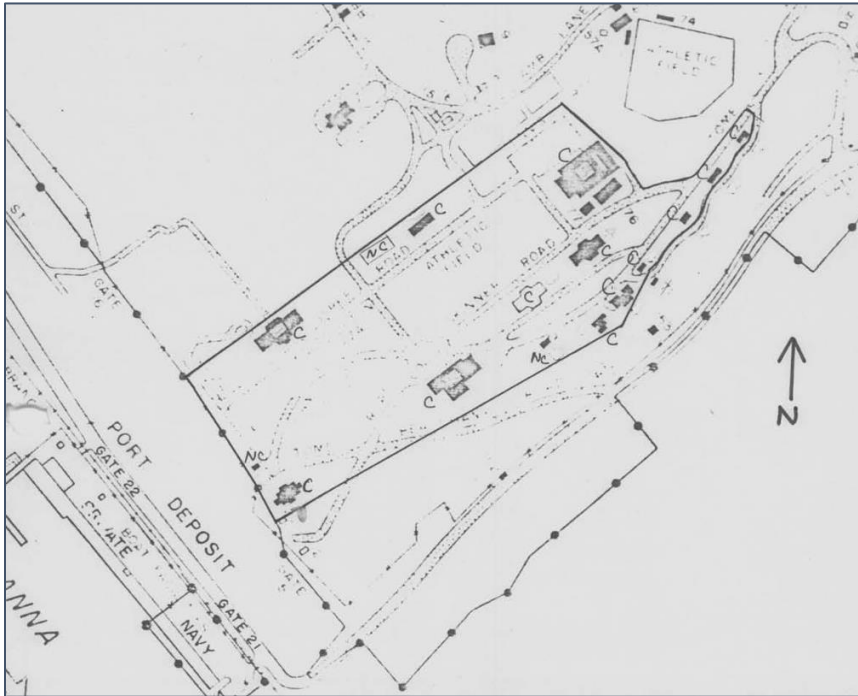
Existing Efforts

Since re-engaging negotiations with the U.S. Navy would likely be unfruitful, the Maryland General Assembly and local leaders should support existing efforts to provide access to the sites, including efforts already underway by the Town of Port Deposit to establish a trail on the south side of the property.

Conclusion

The Advisory Committee feels that there is value to having safe public access and interpretation at the Tome School and the Snow Hill Archaeological Site since both hold historical and cultural significance. However, more due diligence is needed to adequately determine the type and level of public access that *may* be possible or even practicable given the physical, environmental, archaeological, historical, and legal constraints on these sites. The deadlines and constraints codified in statute by the General Assembly, unaccompanied by a funding source, do not allow for that type of due diligence to occur. Allowing time and flexibility to conduct a more thorough planning process that includes robust stakeholder engagement at all levels is needed. This will present the best opportunity for developing a clear, common, shared vision for the future of the sites together with the identification of potential resources to achieve the shared vision. Such a process would yield much better results, and provide the greatest chance of achieving success for the community and the State of Maryland.

Appendix 1



Boundary of the National Register listed Tome School for Boys Historic District (CE-1285) showing contributing and non-contributing resources.

Image Source: Davis, Janet A. "Tome School for Boys Historic District." National Register of Historic Places Nomination Form. Maryland Historical Trust, Annapolis, June 1982.

Snow Hill Community Boundary based on 1858 Martenet Cecil County Map



The blue rectangle shows the approximate location of Snow Hill, a Free Black community established in the Port Deposit area by the mid-1800s which remained intact until the end of the nineteenth century. This archaeological site has been determined eligible for listing on the National Register of Historic Places.

Image Source: Maryland Historical Trust



Aerial view of Tome School Historic District. Structures marked with a red X indicate those properties that have suffered from arson. From left to right, those structures include: Memorial Hall (September 2014), Tome Inn (May 2020), Jackson House (condemned), and Harrison House (June 2020).

Image Source: Bainbridge Development Corporation

Appendix 2



The Masters' Cottages (CE-1269) are framed 2 ½ story structures with gable or hipped roofs located along Tome Road which were built to house teaching staff. Part of the original plan of the Tome School for Boys, the informal design of these buildings was a deliberate departure from the monumentality of the main school buildings both for the convenience of the masters' families and for the benefit of the students, who were encouraged to visit the masters' homes for a change of scene. Only 5 of the original 6 cottages survive and are in a very poor state of repair.

Image Source: Bainbridge Development Corporation



Harrison House (CE-1267) is one of the three dormitories of the Tome School for Boys which, with Monroe House gymnasium, formed the main quadrangle of the school.

Harrison House was severely damaged by fire in 2020 and is now a gutted masonry shell.

Image Source: Bainbridge Development Corporation



The Tome Inn (CE-1263) was built for use as guest housing and included individual rooms and suites as well as a dining room. It was designed in a shingled traditional style reminiscent of resort hotels of the period. The building was later renamed Van Buren House and served as the dormitory for younger boys at the school.



The structure was severely damaged by fire in 2020, resulting in a gutted masonry shell.

Image source: Bainbridge Development Corporation



Monroe House (CE-1268) was built as the dining hall for the Tome School and, with the three dormitories, formed the north end of the main quadrangle. In 1905, a new dining hall addition was added to the Tome Inn and Monroe House became the gymnasium with the addition of a swimming pool.

Monroe House is considered to be structurally sound with deterioration on the interior only.

Image source: Bainbridge Development Corporation





The Headmaster's House (CE-1264) served not only as the residence for the Director of the Tome School for Boys but also as an official social center for the school. The extensive lawn and spacious porch were used for garden parties and informal gatherings. The massive portico on the southeast facade was visible for miles and was as much a landmark of the school as Tome Memorial Hall tower.

A 2020 assessment by Fred Ward and Associates found the Headmaster's House to be structurally sound with deterioration occurring on the interior only.

Image source: Bainbridge Development Corporation





Memorial Hall (CE-1262) contained the school administrative offices, assembly hall, library, classrooms, and physics, chemistry and biology laboratories, and the manual training shops. The Hall's monumental character was intended to convey the serious purpose of the school and was the focal point of the formal entrance to the grounds from the public road (U.S. Route 222).

A 2020 assessment of Memorial Hall by Fred Ward and Associates found the front exterior façade of the building to be in generally good condition. The poor condition of the interior of the building is a result of the 2014 fire. The central portion of the building, including lobby and auditorium, would require extensive renovation and restoration, with a full structural rebuild

Image Source: Bainbridge Development Corporation



Madison House (CE-1265) served as a dormitory for the Tome School for Boys. A 2020 assessment by Fred Ward and Associates found the Madison House to be structurally sound with deterioration occurring on the interior only.

Image Source: Bainbridge Development Corporation



HB1140 FWA.pdf

Uploaded by: Senator Gallion

Position: FWA

JASON C. GALLION
Legislative District 35
Harford and Cecil Counties

Education, Energy, and
the Environment Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 6th, 2023

The Honorable Kumar Barve

Chair, Environment & Transportation Committee

Re: HB 1140/SB517 – Port of Deposit State Historical Park – Included Area

Position: Favorable w/ Amendments

Chair Barve,

The Cecil County Senators request a favorable report of HB1140 with amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Hershey".

Senator Steven S. Hershey Jr.

Chair, Cecil County Senators

A handwritten signature in blue ink, appearing to read "Jason Gallion".

Senator Jason Gallion

HB1140.Testimony.TownofPtDeposit.2023.03.08.pdf

Uploaded by: VICKY RINKERMAN

Position: FWA

Town of Port Deposit

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Robert Kuhs
Mayor

Vicky Rinkerman
Town Administrator

Vicky Rinkerman Testimony – House Bill 1140 House Environment and Transportation Committee March 8, 2023

Good afternoon Chair Barve, Vice Chair Stein and members of the Committee. My name is Vicky Rinkerman. I serve as the Town Administrator for the Town of Port Deposit, an incorporated historic municipality located on the Susquehanna River in Cecil County.

I am representing Mayor Bob Kuhs and the members of the Town Council to ask for your favorable report for House Bill 1140 with the amendments proposed by the Department of Natural Resources. We appreciate Delegate Reilly and the other members of our Delegation for sponsoring HB 1140, which was cross filed with SB 517, that will delay the possible transfer of a portion of the Bainbridge property until June of 2025 if adopted as amended. HB 1140 gives the town the opportunity to provide the legislature with input on the proposal to create a state park in the Port Deposit town limits.

Last year the “Port of Deposit Historical Park” was an amendment to SB 541 (Great Maryland Outdoors Act) by the House on Tuesday, March 29, 2022 and passed by both the House and Senate by the end of the day Thursday, March 31, 2022.

There was no public hearing on the amended bill and no opportunity for the members of the General Assembly to consider our input on legislation that takes up to 150 acres of land off the town’s tax rolls without any review or discussion by the Town’s Planning Commission or elected officials for inclusion in the Comprehensive Plan. Last year, the Port Deposit Town Council told the amendment sponsor (Delegate Hornberger) twice that they were unanimously opposed to the “state park” concept without our input. The elected officials advised that the town would prefer to continue working with our partners to create a master plan for the site. The plan would include a local park providing public access to our citizens, while also pursuing available options, such as public/private partnerships, that would appropriately allow for growth while maintaining and enhancing the historic integrity and culture of Snow Hill and the Tome School sites.

Our partners include the Maryland Historic Trust, the Lower Susquehanna Heritage Greenway, the Bainbridge Development Corporation (owners of the land within the town limits of Port Deposit), the Maryland Department of the Environment, Maryland Department of Planning, the Maryland Department of Commerce, Port Deposit Heritage Corporation, Port Deposit Historic Area Commission and Planning Commission, and citizens.

The town is 100 percent committed to ensuring that the historic integrity of the archeological site of Snow Hill and the remaining historic structures and grounds of the Tome School are not forgotten or destroyed. Any statements or comments that indicate anything different are false and preposterous. Not only does the Town of Port Deposit understand the historic significance of this property, it is determined to collaborate with all stakeholders to achieve a sustainable master plan that explores all potential available opportunities for the future of these sites.

The amendment in SB 541 last year created the *DNR Stakeholder Advisory Committee* to review and report on the creation of a State Park. I was privileged to serve as the Port Deposit representative along with many others including Senator Gallion, Delegate Reilly and the Executive Director, Toni Sprenkle, of the Bainbridge Development Corporation. Although a representative from the BDC was purposely not included in the Committee, a representative was added by the DNR Secretary.

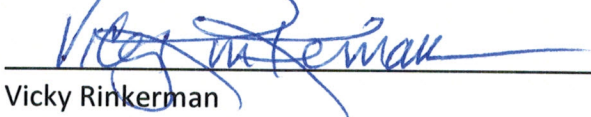
BDC Executive Director Sprenkle serves the BDC and the Town of Port Deposit with great competence. She knows the environmental challenges of the proposed acreage for the park and has worked diligently with the Maryland Historic Trust and the town to explore potential options, such as private/public partnerships, historic tax credits and grants, etc., that would preserve the history and enhance development and access opportunities for the public to both historic sites.

You have received a copy of the DNR Report. The Mayor and Town Council fully support the findings and recommendations of the Department of Natural Resources and stand ready to cooperate with them as they continue to develop an appropriate recommendation on this matter.

I and others associated with the labor of love to bring the former Bainbridge Naval Training Center back to productive use could talk for hours, but in the interest of time, again I respectfully ask that you provide HB 1140 with a favorable report and refer to the House for action.

I am pleased to respond to any questions.

Thank you.



Vicky Rinkerman
Town Administrator
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Port Deposit, MD 21904
Office: 410.378.2121
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HB1140_MDSierraClub__Unf 8March2023 .pdf

Uploaded by: Carolyn Parsa

Position: UNF

Committee: Environment and Transportation**Testimony on: HB1140 – “Port of Deposit State Historical Park - Included Areas”****Position: Oppose****Hearing Date: March 8, 2023**

The Maryland Chapter of the Sierra Club opposes HB1140 “Port of Deposit State Historical Park - Included Areas”. This bill would take the historic waterfront Tome School land out of the Port of Deposit Historical Park. The Park was established last year with the enactment of the Maryland parks bill – the Great Maryland Outdoors Act (Senate Bill 541). The Sierra Club Maryland was a strong proponent of that bill through testimony and advocacy.

The Park has energized the town and is considered beneficial to the local community through ecotourism.¹ Community meetings and plans such as an environmental mural are underway.



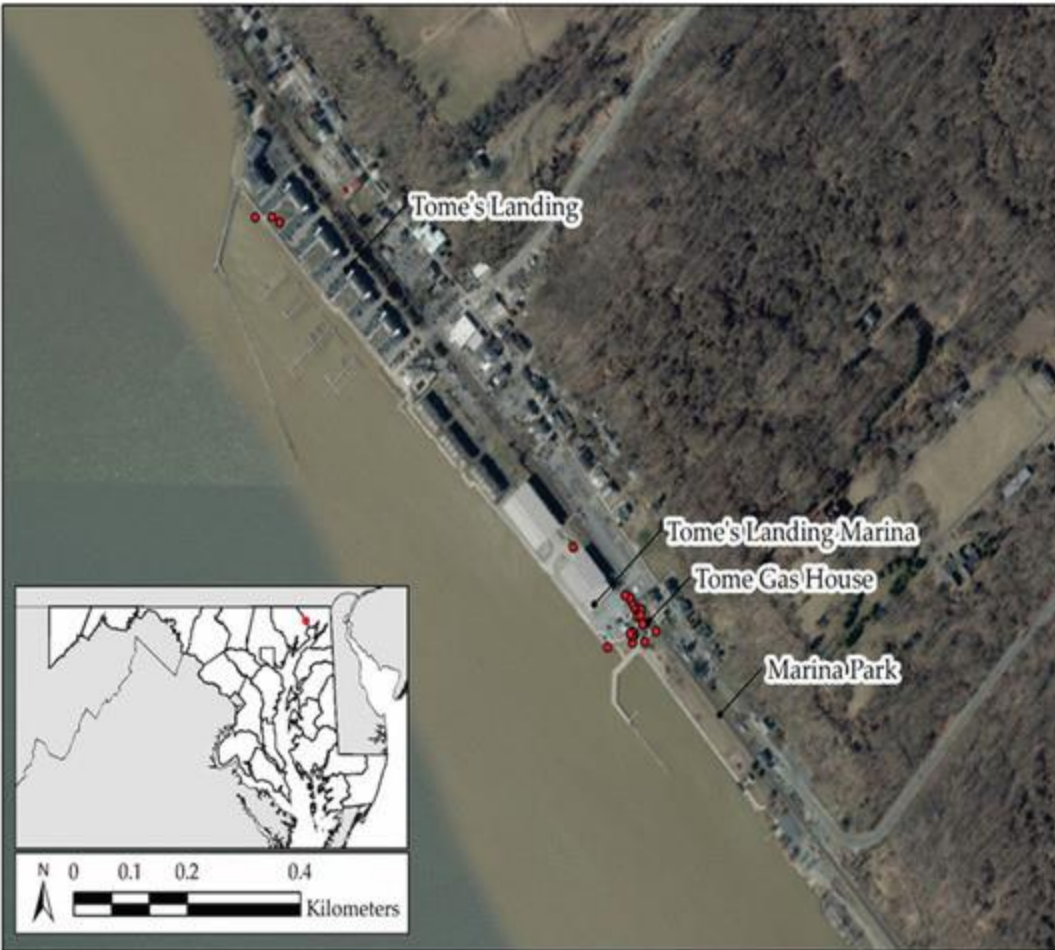
[Historic Tome Gas House on Susquehanna River](#)

In addition, Northern Map Turtles are listed as endangered in Maryland², and population estimates in a biology journal suggest a maximum of about 250–300 adults between the Pennsylvania state line and the mouth of the Susquehanna River.³ With such a small total

¹ https://www.cecildaily.com/news/del-hornberger-explains-port-of-deposit-state-park/article_1f13a0be-7174-5d1f-864c-8c08ed6147db.html

² Maryland State Highway Administration (2016). [Research Report: Effectiveness of Nest Site Restoration for the Northern Map Turtle.](#)

³ Durkin, B.P.; Richards-Dimitrie, T.M.; Anderson, K.P.; Howell, H.J.; Seigel, R.A. [High Conservation Value of an Urban Population of a State-Endangered Turtle.](#) *Diversity* 2022, 14, 354. <https://doi.org/10.3390/d14050354>



[Aerial view of Port Deposit, MD. Red dots show active nesting areas.](#)

population, successful reproduction of the turtles is critical, and Port of Deposit is a nesting site. It would be a huge loss to the state if this endangered species were harmed.

Due to the economic, historical, and environmental importance of the site, we urge maintaining the intent of the Parks bill in preserving the waterfront site. Given the human and wildlife benefits, Tome School is more valuable to the state as part of the Port of Deposit Park as originally visualized. We urge an unfavorable report on HB1140.

Lily Fountain
Chair, Natural Places Committee
Lily.Fountain@MDSierra.org

Josh Tulkin
Chapter Director
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HB 1140 - Written Testimony.pdf

Uploaded by: Danielle Hornberger

Position: UNF

Danielle Hornberger
County Executive

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CECIL COUNTY, MARYLAND

Office of the County Executive
200 Chesapeake Boulevard, Suite 2100, Elkton, MD 21921

March 8, 2023

The Honorable Kumar P. Barve
Chair, House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen Street
Annapolis, MD 21401

Re: House Bill 1140 – Port of Deposit State Historical Park – Included Areas

Chair Barve, Vice Chair Stein, and Members of the House Environment and Transportation Committee:

I am writing to request an unfavorable report for HB 1140. As Cecil County Executive, I am strongly opposed to this legislation which would undermine the prudent actions of this General Assembly during the 2022 session.

Last year, the legislature passed (and my administration supported) the Great Outdoors Act, which created a state and county partnership to provide for a new Maryland State Park in Port Deposit. In furtherance of this initiative, the General Assembly established an advisory committee to advise the Maryland Department of Natural Resources on the scope and management of the State Park project. Stakeholders include one member designated by the Mayor and Town Council of Port Deposit, two members designated by the Cecil County Delegation of the General Assembly, the Cecil County Executive, the President of the Cecil County Council, President of the Cecil County Branch of the NAACP, President of the Historical Society of Cecil County, Director of the Cecil County Department of Parks and Recreation, Secretary of the Department of Natural Resources, Representatives from the state departments of Commerce, Environment, and Planning, Director of the Maryland Historical Trust, President of the Lower Susquehanna Heritage Gateway, Superintendent of Cecil County Public Schools, Executive Director of Cecil County Public Library, and the President of Cecil College.

Now, the efforts of these stakeholders are in jeopardy.

I would like to first share with you some important background information for context. In 1999, the Maryland General Assembly created the Bainbridge Development Corporation to oversee the clean-up and development of the then polluted 1200-acre Bainbridge Navy Base in Port Deposit. The clean-up and redevelopment was conceived in two phases. In 2022, Cecil County signed a contract for Phase 1, currently our largest economic development project totaling \$250 million and encompassing nearly four million square feet of commercial activity. Later this year, we look forward to signing the contract for Phase 2, which will nearly double the square footage and capital investment.

There is no Phase 3 development planned for this parcel. The remaining land either contains steep slopes or is associated with the historic Tome School, forest conservation, a riparian buffer, or a national landmark, namely, the site of the Snow Hill Antebellum Free Slave community, which predates the Civil War. Additionally, this land is situated in the Chesapeake Bay critical zone. For these reasons, the General Assembly directed that this acreage be used as the basis for the Port of Deposit State Park. Passage of HB 1140 will grant the Bainbridge Development Corporation members the ability to sell off these sacred sites to developers at the expense of the State Park and our local cultural heritage.

I categorically oppose selling State Park land to developers and oppose allowing an organization that has failed to do anything positive or constructive with these historic landmarks for over 20 years. Sites like the Snow Hill Antebellum Archaeological Site have been ignored for too long. As a result of this prolonged inactivity, these sites have either decayed or fallen victim to arson, like the historic Tome building and gardens designed by Frederick Olmstead, who also designed Central Park in New York City.

Land associated with Phases 1 and 2 were indeed harmed by environmental contaminants, rendering them unfit for residential development. Thus, industrial use was determined to be most appropriate after remediation. The Bainbridge Development Corporation has made sound decisions regarding the development of Phases 1 and 2. However, this has not been the case with the remaining parcel.

Port Deposit will doubtless receive a financial windfall from Phases 1 and 2 – and it will benefit this municipality for years to come. Therefore, any suggestion that Port Deposit needs the State to sell a State Park to developers for its economic survival is simply untrue.

The bottom line is this: There *is* a State Park provided for in current law. There *is* funding in the Governor's budget for continued soil testing for this site. And there *is* an active group of stakeholders organized and ready to work toward our stated goal.

Open Space is important. We have invested millions of dollars in Open Space for our residents to enjoy and to support economic growth in our county by attracting high-paying jobs and quality businesses. We look forward to continuing this effort with this new State Park.

As Mark Twain said, "Buy land, they're not making it anymore." Last year, the legislature listened, and I urge lawmakers to continue listening.

We are on a path to do what is right and that includes honoring the freed slave archaeological site on the land in question. This bill would undermine this profound step.

For all these reasons I oppose HB 1140 and urge an unfavorable report for this misguided legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Hornberger', with a long horizontal flourish extending to the right.

Danielle Hornberger
County Executive

HB1140_DNR_E&T_LOI_3-8-23.pdf

Uploaded by: Philip Hager

Position: INFO



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
Allan Fisher, Deputy Secretary

March 8, 2023

BILL NUMBER: HOUSE BILL 1140 – First Reader

SHORT TITLE: Port of Deposit State Historical Park – Included Areas

DEPARTMENT’S POSITION: LETTER OF INFORMATION WITH AMENDMENTS

EXPLANATION OF DEPARTMENT’S POSITION

DNR must establish the Port of Deposit State Historical Park that the Bainbridge Development Corporation transfers to DNR consisting of portions of the Bainbridge Naval Training Center site.

The Department is offering an amendment to the bill that modifies a Port of Deposit State Historical Park creation requirement to an authorization, consistent with another provision in the bill. The amendment would delete the specificity of portions of the Bainbridge Naval Training Center site and keep the acreage amount to no more than 150 acres. The amendment also extends the timeframe for any transfer until June of 2025 to provide more time for research and addressing of any problematic site conditions and property restrictions, and associated follow up.

BACKGROUND INFORMATION

In accordance with the Great Maryland Outdoors Act of 2022 (Senate Bill 541/Chapter 39), a report with recommendations was submitted to the General Assembly in January 2023 on the creation of Port of Deposit State Historical Park by using a portion of the Bainbridge Naval Training Center site that the Bainbridge Development Corporation currently manages.

BILL EXPLANATION

This emergency bill deletes (1) the minimal number of acres that must become Port of Deposit State Historical Park, and (2) mandatory transfer of the historic Tome School to the park. The bill authorizes, rather than requires, the transfer of specified property at the Bainbridge Naval Training Center site to the park by June 2024, rather than June 2023. The bill still requires the establishment of a Port of Deposit State Historical Park.

Contact: Emily Wilson, Director, Legislative and Constituent Services (Acting)
emilyh.wilson@maryland.gov ♦ 410-260-8426 (office) ♦ 443-223-1176 (cell)

BY:

(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 1140
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 1, strike “(i) The Department shall” and substitute, “**IF THE BAINBRIDGE DEVELOPMENT CORPORATION TRANSFERS PROPERTY TO THE DEPARTMENT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL: (I)**”; in line 4, strike “slavery.” and substitute “**SLAVERY; AND**”; in line 5, after “(ii)” insert “**HOLD THE**”; in the same line, strike “shall be held by the State”; strike beginning with the second comma in line 9 down through “area” in line 13; and strike beginning with the comma in line 18 down through “area” in line 21.

AMENDMENT NO. 2

On page 2, in line 16, strike “**2024**” and substitute “**2025**”.

HB1140_Letter of Information.pdf

Uploaded by: Rebecca Flora

Position: INFO



Maryland
DEPARTMENT OF PLANNING
MARYLAND HISTORICAL TRUST

HEARING DATE: March 8 at 1:00 PM

BILL NO: HB1140

COMMITTEE: Environment and Transportation

POSITION: Letter of Information

FOR INFORMATION CONTACT: Elizabeth Hughes (410) 697-9556

TITLE: Port of Deposit State Historical Park – Included Areas

BILL ANALYSIS:

This bill, like its companion SB517, would make changes to legislation passed last session which mandated that the Bainbridge Development Corporation (BDC) transfer parts of the Bainbridge Naval Training Center including the historic Tome School property and the Snow Hill Archaeological Site to the Department of Natural Resources for use as "Port Deposit Historical Park."

BACKGROUND INFORMATION:

The parcel owned and administered by BDC contains two historic properties that are listed in the National Register of Historic Places, the Tome School for Boys Historic District (CE-1285) and the Snow Hill Archeological Site (18CE158). The Navy, who owned the property at that time as the former U.S. Bainbridge Naval Training Center, listed these historic properties in the National Register of Historic Places in 1984.

The Tome School for Boys Historic District is eligible for National Register listing under Criteria A and C as summarized in the following statement of significance from the nomination:

The Tome School for Boys possesses significance in national architectural, educational, and military history covering the period 1900 to 1974. The architectural significance of the school centers on the site plan and Beaux-Arts-influenced Georgian Revival style of the buildings designed by the firm of Boring and Tilton in 1900. This firm had just

received international recognition, winning the Gold Medal of the Paris Exposition of 1900 for its design of the U.S. Immigration Station, Ellis Island, New York. The architecture of Tome School embodies the distinctive characteristics of the Beaux-Arts movement which flourished from about 1890 to 1930. The monumental scale of the buildings, their symmetrical facades, the elaborate ornamentation derived from English Renaissance and American Colonial Revival sources, and the axial site plan are the main elements of the movement present in the Tome School. The School is significant in national educational history for its association with James Cameron Mackenzie, the planner of both the Tome School and the Lawrenceville School in New Jersey. The Lawrenceville School of 1882, upon which the Tome School plan was based, was the prototype of the non-sectarian college preparatory boarding school which proliferated in America during the late 19th and early 20th centuries. Finally, the Tome School is significant in military history as the location of the Naval Academy Preparatory School (NAPS) from 1943 to 1974, excepting the years 1949 to 1951.

The Snow Hill Archeological Site encompasses the remains of a free black community which was established in this area by the mid-1800s. The site is eligible for National Register listing under Criterion D, for its demonstrated potential to yield important information as summarized in the nomination's statement of significance:

This site possesses significance in the contexts of historical archeology, Black history, and Maryland history, covering a period from 1800 to 1900. The archeological significance of this site centers on the establishment of a Free Black Community spatially within a thriving white trading town prior to the Civil War and that remained intact until the end of the 19th century. Representative samples of Emancipated Black settlements or communities have not been identified and studied in this part of Maryland, or the eastern United States in general. The archeological record of this site can begin to illuminate much of the former lifeways of the Free Blacks in this community during the mid to late 19th century. The nature and distribution of artifactual material recorded in the archeological record in this site can provide invaluable information concerning economic, social, and settlement patterns and changes within and between this Free Black Community and the larger white population comprising Port Deposit during the 19th century. The historical significance of this site to Black History and Maryland History centers on the paucity of information known about Free Black settlement and lifeways in the eastern United States, and Maryland in particular.

MHT is unaware of any research suggesting that the Tome School was built on top of the Snow Hill Archeological Site. Both Martenet's Map of 1858 and the 1877 Atlas of Cecil show the community as located on either side of present day Route 222 (Bainbridge Road).

REQUIRED CONSULTATION WITH MHT:

Listing on the National Register alone does not place restrictions on the property owner, nor does it necessarily preserve a property in the future. When the Navy transferred the property out of federal ownership to the state/BDC in 2000 for future reuse and redevelopment, the transfer included the provision that a perpetual historic preservation easement held by MHT would be

placed on the National Register listed historic district and archeological site once they were conveyed out of state ownership. The easement would ensure the appropriate treatment and long-term preservation of these important historic resources for the benefit of the public. Since state acquisition, BDC and the Trust have handled the property as if it had an easement, though no successful redevelopment options or partners have emerged for the historic property.

Should this property transfer out of state ownership, then MHT would require conveyance of an historic preservation easement on the Snow Hill Archaeological Site. If the Snow Hill Archaeological Site were to transfer to the Department of Natural Resources and be developed as a state park, then MHT would consult with DNR, in the same way as it has consulted with BDC, regarding the treatment of this property as MHT cannot hold an easement on state owned property. In either scenario, the Snow Hill Archaeological Site would continue to be protected.

Due to the deterioration of the Tome School Historic District, conveyance of an historic preservation easement on this component of the property may not be desirable. MHT acknowledges the concerted efforts BDC has made over the last 20 years to stabilize and protect the historic resources, including varying levels of stabilization, fencing, and onsite security - with limited success. Many factors have contributed to the declining state of the district: the property's remote and isolated location, economic challenges in finding a partner for redevelopment of the historic complex, limited presence on the property to oversee security, lack of routine maintenance, and no active historic preservation plan for the district with clearly defined needs, priorities, and budget. The property has experienced numerous acts of vandalism and fire which resulted in substantive destruction of the district's contributing resources.

Transfer of the Tome School property outside of state ownership would require that MHT and BDC consult and develop practicable measures to avoid, satisfactorily reduce, or mitigate the adverse effect of losing state control of the property. These measures would be negotiated between MHT and the BDC, with input from identified stakeholders, called consulting parties, and formalized in a Memorandum of Agreement (MOA). Possible consulting parties may include the Town of Port Deposit, Cecil County, the Lower Susquehanna Heritage Greenway Heritage Area, alumni groups, and other organizations with a defined interest in this historic property. Based on the consultation outcome, BDC and MHT would develop a MOA that stipulates the agreed-upon reasonable and achievable mitigation measures that BDC would commit to fund and implement, with a timeline for implementation. It would also allow for demolition of specified resources as funding becomes available, along with concerted efforts to market certain resources for adaptive reuse within a defined time frame. A range of possible mitigation measures for the property may include but are not limited to the following items:

- Preparation of thorough documentation on the Tome School for Boys Historic District - to include development of a detailed history and context for the Tome School, architectural recordation of the buildings and landscape elements, and updating the Trust's Maryland Inventory of Historic Properties records for the district – produced by a qualified cultural resource professional.
- Allowable demolition of certain buildings that have deteriorated past the point of economic reuse, after the documentation has been completed.

- Salvage of architectural elements and historic building materials from those buildings slated for demolition for reuse on site or resale through a non-profit salvage company.
- Development and implementation of an active stabilization and marketing plan for those remaining buildings that are still reusable - with a defined timeline and commitment to fund.
- Retention and enhancement of the cultural landscape and features within the historic district for public recreation and interpretation.
- Other defensible mitigation measures developed during the consultation process among BDC, MHT and pertinent consulting parties.

Should the Tome School Historic District transfer to the Department of Natural Resources and be developed as a state park, then MHT would consult with DNR, in the same way as it has consulted with BDC, regarding the treatment of this property as MHT cannot hold an easement on state owned property. In either scenario there is a process required by statute which will ensure that historic resources are considered and preserved to the fullest extent possible even if the property is transferred to a non-state entity.