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October 2, 2023

Chestertown Historic District Commission  
118 N. Cross Street  
Chestertown, MD 21620

Mayor & Council

OCT 04 2023

Per LT

RE: Response to Proposed Demolition of SFC John H. Newnam Armory

Dear Commissioners,

Unfortunately, I cannot be there in person to present my testimony in person as I am on vacation in Jamaica, but please accept and read into the record my below written testimony. Like many area residents, I have been disheartened to learn of Washington College's plans to demolish the circa 1931 John H. Newnam National Guard Armory in Chestertown. I joined that armory while still a senior in high school in March of 2003, and served there until its closure in the summer of 2005. What's more, my grandfather served eight years at the armory along with a half dozen of my uncles and cousins (including two uncles who commanded the battalion in the last century). Most importantly, the detachment of medics out of that armory landed on the 2nd wave of Omaha Beach, June 6th 1944 with the 2nd battalion/115th Infantry Regiment (formally 1st Maryland), 29th Infantry Division - the real men portrayed in the opening scenes of 'Saving Private Ryan.' I had the honor and privilege decades later of knowing many of these local D-Day veterans - our community and nation owes these brave men an inordinate amount of gratitude for the literal hell they went through.

President Sosulski argued in his previous testimony to HDC and Town Council (and in their most recent demolition application) that the armory has been in physical decline for more than 40 years, that the State of Maryland failed to remediate the flood damage from Hurricane Isabel in September 2003, that the existing sump pumps 'never operated properly,' and that the armory was essentially uninhabitable at the time of its closure. He is wrong on all counts. In 1993-94, the State of Maryland spent approximately \$1.4 million renovating the armory, including substantial asbestos remediation. It is true that there was two to three feet of water in the lower level of the armory during Hurricane Isabel. However, the State of Maryland subsequently hired a third-party contractor at great expense to remediate the mold damage caused by said flooding. I've confirmed with the active-duty (full-time) National Guard personnel serving at the armory during this period (Sergeant First Class John Andreson and Staff Sergeant Rick King) that more than a dozen contractors spent approximately 30 continuous days completing said mold remediation at the armory. I was there at the armory when the battalion was disbanded in the summer of 2005 and can confirm that there was nothing wrong with the armory at the time (certainly compared to the mold-infested photos shown in the July 2022 environmental report). What is more, the State of Maryland retained a full-time caretaker after the armory was closed in late 2005 who was responsible for basic maintenance (this caretaker has since passed away). SFC Andreson and SSG King can also attest that the sump pump worked correctly and to the condition of the armory at its closure. I can provide their contact information upon request if you wish to verify these statements (outside of my own testimony).

Following the retirement of the caretaker in early 2008, the armory laid vacant for a period of four years prior to its acquisition in May 2012 by Washington College. Allegedly, the State of Maryland at some time during this period turned off electric power to the armory, including to the two sump pumps in the lower level of the armory and the accompanying ventilation/HVAC system, which together caused a resurgence of mold in the armory. The State of Maryland can and should have done more to have better maintained the armory during this interim period.

However, the recent environmental report from Sussex Environmental Consultants (dated July 12, 2022) confirms that Washington College has done nothing to correct this underlying issue. The SEC report outlined that the mold contamination was due to both grossly elevated interior humidity and moisture levels (55-78% at time of inspection), and the presence of standing water in portions of the building. Essentially, during the eleven and half years of ownership by Washington College, the two large sump pumps and interior ventilation/HVAC system have remained off allowing a mold problem to exponentially grow and fester to the point of making remediation near impossible and overly cost prohibitive. Washington College has completed no corrective remediation nor even bothered to get this underlying humidity and moisture problem under control (as proved by their own report). In more than ten years as a local government planner at both the county and municipal level, I have staffed two historic preservation commissions, and serve as an appointed member of both the Kent County Historic Preservation Commission and the Delaware State Historic Review Board (along with being President of the Delaware Preservation Fund). This is a near textbook example of 'demolition by neglect.' Whether intentional or not (and I pray it is not), this represents, at a minimum, gross negligence on the part of the leadership of Washington College. At a modest cost, Washington College could (and should) have turned both the sump pumps and HVAC system back on, installed dehumidifiers in the basement area, sealed and weatherized the building, and repaired the leaking roof immediately after acquisition as an interim measure before undergoing a more through and costly rehabilitation and repurpose of the armory. Washington College cannot on one hand claim that the armory is to far gone because of elevated moisture levels and the presence of mold and standing water when they are responsible for this deterioration.

Following Washington College's last demolition application in October 2022, I contacted Fred Stachura to discuss the particulars of said demolition application. Fred Stachura is not only the President of the Maryland Association of Historic District Commissions, but he also serves as a preservation attorney with the National Capital Park & Planning Commission and teaches courses in preservation law at the University of Maryland (and for MAHDC). In discussing the facts of the demolition case over the phone with Fred Stachura, he emphasized that Washington College failed to provide any corrective action to the water and mold intrusion to keep the building from further deteriorating, and that it was fairly clear case of demolition by neglect. As such, he confirmed and told me over the phone that the demolition application, from a legal perspective, should be denied. As a member of MAHDC, why can't the Chestertown Historic District Commission request that Fred Stachura provide specialized training and guidance on the review of demolition applications to ensure that you are correctly following your ordinance. Alternatively, I would suggest and recommend that you seek out and retain a third-party legal counsel from an attorney with experience and specialization in preservation law. Regardless as to whether the Chestertown Historic District Commission votes to approve or deny this demolition application, the Town may likely be sued and taken to Circuit Court. Having witnessed and/or been party to land-use decisions being appealed in court in both Maryland and Delaware, I can attest that the legal fees encumbered by the local government were in each case greater than \$100,000. In my own career as a local

government planner, I have in the past proactively hired outside expert legal counsel for complex and controversial development applications to minimize the risk to future litigation against the local government.

What is all the more puzzling (and infuriating) is that the leadership of Washington College made a public commitment **prior** to the acquisition of the armory to provide a substantial investment to rehabilitate the building and remediate any underlying environmental issues. As per the Town Council meeting minutes of July 18, 2011 (and subsequent Town Council meetings), President Mitchell Reiss committed the college to investing **\$3 million** towards the restoration of the building, and for the college 'to assume liability for any environmental issues that may arise on the armory property.' All the evidence points to Washington College having invested **nothing** towards the rehabilitation and restoration of the armory as was pledged and promised to the Town Council and community at large. This represents an absolute breach of trust to the community.

Furthermore, the Town had commissioned and completed an environmental assessment of the armory and property by Earth Data, Inc. (another very reputable firm) **prior** to the acquisition of said armory by Washington College. If the armory was then in 2011/2012 in such poor material condition (as is now claimed by President Sosulski), why did Washington College take ownership in the first place, and why did they make a public commitment to allocate millions towards the rehabilitation and restoration of the armory? Was the college that negligent in its duties that it failed to properly survey any environmental contamination within the building prior to its purchase and acquisition in 2012, or alternatively is the college lying and trying to cover up for allowing the armory to deteriorate to its present deplorable condition. Once the college obtained ownership of the property, they became (rightly or wrongly, but in this case voluntarily) stewards and custodians of this historic public resource.

Washington College, in its written application, states that any Federal grants would not cover the full cost of rehabilitating the armory. **The purpose of said grants (and tax credits) is not to cover the full cost of rehabilitating the historic structure, but rather to make up the difference and thus make it less expensive to renovate and repurpose than to demolish and rebuild.** As a local government planner (and Downtown Development District Administrator) for two Delaware municipalities, this is a conversation that I have with owners of historic buildings and properties on a weekly basis. In almost every case, it costs less to rehabilitate the historic building (taking advantage of the available grants and tax credits) than to demolish and rebuild. Washington College has provided no documentary evidence and quotes/estimates from contractors outlining and comparing the cost of rehabilitating the historic armory versus demolishing and constructing a new building but only vague generalities. A (partial) list of available grants and tax credits that could potentially be used to rehabilitate and repurpose the historic armory is as follows:

- 1.) **Federal Historic Preservation Tax Credit Program** – Income producing properties (a private hotel would qualify) will earn a credit on their Federal income/corporate taxes equal to 20% of the costs of their qualified rehabilitation expenses. Please see: <https://www.nps.gov/subjects/taxincentives/about.htm>
- 2.) **Maryland Commercial Tax Credit Program** – Income producing properties (a private hotel would qualify) will earn a credit on their Maryland income/corporate taxes equal to 20% of the costs of their qualified rehabilitation expenses. Please see: <https://mht.maryland.gov/taxcredits.shtml>

- 3.) MHT Historic Preservation Capital Grant Program – Owners of commercial and income producing properties may receive grants up to \$100,000 for the rehabilitation of historic structures. Please see: [https://mht.maryland.gov/grants\\_capital.shtml](https://mht.maryland.gov/grants_capital.shtml).
- 4.) MHT Historic Preservation Non-Capital Grant Program – Non-profits and local governments can apply for and obtain up to \$75,000 in grant funding to complete preservation plans and engineering/structural assessments for the rehabilitation of qualified historic structures. Non-profits are not required to provide a match, and Washington College could apply for grant funding under this program to formulate a plan for the rehabilitation of this historic armory. Please see: [https://mht.maryland.gov/grants\\_noncap.shtml](https://mht.maryland.gov/grants_noncap.shtml).
- 5.) National Trust for Historic Preservation Bartus Trew Grant Program – Owners of historic properties on the Eastern Shore of Maryland may apply for and obtain up to \$25,000 in grant funding for capital or non-capital related projects. This could be used as a first step (with the MHT Non-Capital Grant Program) to pay a third-party consultant to formulate a preservation plan and/or feasibility study for the rehabilitation of the historic armory. Please see: <https://savingplaces.org/bartus-trew>.
- 6.) National Park Service Paul Bruhn Revitalization Grant Program – This subgrant program awards up to \$750,000 towards the capital rehabilitation of historic buildings in rural communities. While Washington College (or their private equity group) could not apply directly, Kent County or a regional non-profit like Stories of the Chesapeake could apply, and if awarded grant funding, WAC could apply to be a subgrant recipient. Other grant awardees around the country typically provide subgrants of around \$100,000 for the rehabilitation of said rural historic structures.
- 7.) Maryland General Assembly Bond Application – This program allows individual legislators and delegations to apply for capital grant funding for projects that allow public access or are for a public purpose. Having previously served as a legislative assistant in the Maryland House of Delegates, I remember the former National Guard armory in downtown Easton obtained bond bill funding for one of their previous rehabilitation projects.
- 8.) Congressional Earmark – This program allows individual Congresspersons and Senators to apply for capital grant funding for projects that allow public access or are for a public purpose. In FY22, Kent County (Delaware) obtained an \$800,000 earmark from Senator Carper for the rehabilitation of the historic Brecknock mansion at Brecknock County Park in Camden, Delaware while the historic Milton Theater obtained a \$100,000 earmark for a capital rehabilitation project the same year.

I have no issue with Washington College profiting from the purchase and subsequent sale of real estate, but I take great offence to the college profiting off the destruction of an historic community resource. For the record, I do believe that a boutique hotel and conference center (a la Tidewater Inn) would be a welcome addition to Chestertown but tearing down this historic armory is not the way to do that. I would expect this sort of behavior from sleazy big-city developers, but I would like to expect more out of my alma mater, Washington College. I'm only grateful that our local D-Day veterans did not live to see this. In closing, I respectfully request that the Chestertown Historic District Commission table (or deny) the demolition application.

If you have any questions regarding any of the above items and arguments outlined in this written testimony, please do not hesitate to contact me by email or phone.

With kind regards,

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