

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
October 28, 2014**

TRUSTEES PRESENT:

John Draper, Jr., Chair
Bernard L. Jones, Sr., Vice Chair
Susanne Brogan, representing Treasurer Nancy Kopp
Michael Calkins
Jerome W. Klasmeier, representing Comptroller Peter Franchot
Patricia A. Langenfelder
Donald T. Moore
James (Bubby) Norris, Jr.
Jonathan C. Quinn
Eugene Roberts, Jr.
Dan Rosen, representing Secretary Richard E. Hall, Maryland Department of Planning
Mary Ellen Setting, representing Secretary Earl F. Hance, Maryland Department of Agriculture

TRUSTEES ABSENT:

Craig Highfield

OTHERS PRESENT:

Joel Abramson, Mullinix Attorney
Bill Bodenstein, Stenographer, Conference Reporting Services
Michelle Cable, MALPF Administrator
Diane Chasse, MALPF Administrator
Tamekia Dent, MALPF Staff
Rama Dilip, MALPF Administrative Specialist
Patricia Draper, Queen Anne's County, Visitor
Howie Feage, Howard County, Farm Bureau
Thomas Filbert, Assistant Attorney General, Maryland Department of Agriculture
Nancy Forrester, Assistant Attorney General, Department of General Services
Angela Gaither, MALPF Secretary
Billy Gorski, Anne Arundel County, Assistant Program Administrator
Rob Gunter, Queen Anne's County, Program Administrator
Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture
Kim Hoxter, MALPF Monitoring, Enforcement, and Database Coordinator
Wally Lippincott, Baltimore County, Program Administrator
Mark Mullinix, Mullinix Brothers Partnership
Mike Mullinix, Mullinix Brothers Partnership
Craig Nielsen, Assistant Attorney General, Maryland Department of Agriculture
Donna Landis-Smith, Queen Anne's County Soil Conservation
Katrina Tucker, Kent County, Program Administrator
Chana Turner, MALPF Administrator
James Wallace, Assistant Secretary, Administration, MDA
Carol West, MALPF Executive Director

OTHERS PRESENT BY WEB CONFERENCING:

Bill Amoss, Harford County, Program Administrator
Chris Boggs, Washington County, Land Preservation Planner
Debbie Herr-Cornwell, Caroline County, Program Administrator
Carmela Iacovelli, Baltimore County, Assistant Program Administrator
Stephen O'Connor, Cecil County, Program Administrator
Eric Seifarth, Washington County, Program Administrator

MALPF Board Open Meeting Minutes 10-28-2014: Page 1

John W. Draper, Jr., Chair, called the meeting to order at 9:03 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

I. APPROVAL OF MINUTES

A. Approval of Open Minutes: September 23, 2014 Minutes with changes.

Motion #1: Approve minutes for September 23, 2014.

Motion: Bernard Jones, Sr. Second: Michael Calkins
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

- A. Item VI.C - Draft Regulations for Renewable Energy Generation Facilities were withdrawn and will be discussed at next month's meeting.
- B. The memo for Item VI.B was replaced by a handout.
- C. Item VI.A, Mullinix Contested Case Hearing, will be presented as the first item on the agenda.

III. ANNOUNCEMENTS

- A. Former MALPF Board member, Joe Scott, celebrated his 100th birthday.
- B. The Foundation's 2015 meeting schedule was distributed. There will be no Board meeting in Decemer, 2014.

IV. EASEMENT AMENDMENTS

None

V. EASEMENT PETITIONS

A. QUEEN ANNE'S COUNTY

- 1. 17-15-01 Appenzeller, Edward, Jr. ~102.204 acres
- 2. 17-15-02 Estates of Kennard & Mary Joanne Bostic ~274.981 acres
(Laura Bostic & Luanne Coleman Personal Representatives)

Ms. Cable presented the items. Ms. Cable and Mr. Gunter, Program Administrator, representing Queen Anne's County were available for questions and comments.

17-15-01 Appenzeller, Edward, Jr.

Request is to approve the Edward, Appenzeller, Jr. petition for a preservation easement withholding 1.2 acres with 0 development rights associated with it. The landowner is reserving the right to an unrestricted lot for future development.

17-15-02 Estates of Kennard & Mary Joanne Bostic
(Laura Bostic & Luanne Coleman Personal Representatives)

Request is to approve the Estates of Kennard & Mary Joanne Bostic (Laura Bostic & Luanne Coleman Personal Representatives) petition for a preservation easement withholding 6.5 acres with 1 development right associated with it. The landowner is reserving the right to an unrestricted lot for future development.

MALPF Board Open Meeting Minutes 10-28-2014: Page 2

Motion #2 Approve Queen Anne's County Easement Petitions 1-2 as requested.

Motion: Patricia Langenfelder Second: Mary Ellen Setting
Status: Approved

B. WASHINGTON COUNTY

1. 21-15-01 Beard, Donald L. & Linda E. ~136.04 acres
2. 21-15-03 Miller, Jay Richard & Robin Ann ~177.13 acres

Ms. Cable presented the items and was available for questions and comments.

21-15-01 Donald L. & Linda E. Beard

Request is to approve the Donald L. & Linda E. Beard petition for a preservation easement withholding 3.84 acres with 0 development rights associated with it. The landowner is reserving the right to an unrestricted lot for future development.

21-15-03 Jay Richard & Robin Ann Miller

Request is to approve the Jay Richard & Robin Ann Miller petition for a preservation easement withholding 6.92 acres with 2 development rights associated with it. The landowners are reserving family lot rights for future development.

Motion #3 Approve Washington County Easement Petitions 1-2 as requested.

Motion: Bernard Jones, Sr. Second: Michael Calkins
Status: Approved

VI. PROGRAM POLICY

A. Mullinix Contested Case Hearing

Mr. Draper introduced himself as John W. Draper, Jr., Chairman, of the Board of Trustees. He stated the purpose of this hearing was to consider whether to dismiss or grant the Mullinix request to terminate the agricultural landowner's easement on the four farms in Howard County.

Mr. Draper preceded over the hearing and introduced the Board of Trustees members that were in attendance as follows: Susanne Brogan, State Treasurer representative; Jerry Klasmeier, Comptroller representative; Dan Rosen, representing the Secretary of the Department of Planning; Mary Ellen Setting, representing the Secretary of the Department of Agriculture; Bernard L. Jones, Sr. Vice Chairman; James B. Norris, Jr.; Donald T. Moore; Eugene B. Roberts, Jr.; Jonathan Quinn; Patricia A. Langenfelder; and Michael Calkins. Craig Highfield was not in attendance.

The Mullinix Contested Case Hearing was recorded by a Court Reporter and lasted about an hour, listening to argument first by Mr. Filbert and Mr. Hayes (Presenters of Evidence) on their Motion for Summary Decision and then argument in support of (Opposition) and Motion to Terminate the Easement by Mr. Abramson for Mullinix. Each side was given an opportunity to present a rebuttal argument.

B. Draft Regulations – Chapter 01 Guidelines for the Maryland Agricultural Land Preservation Program

During the 2014 legislative session, SB 71 (see Attachment B, Chapter 12, attached) was passed. The law authorizes the Maryland Agricultural Land Preservation Foundation (MALPF) to limit the purchase price of an easement so that the maximum purchase price can be no more than 75% of the appraised fair market value of the land. The law also provides that MALPF will not pay less than 25% of the appraised

MALPF Board Open Meeting Minutes 10-28-2014: Page 4

However, as suggested by Baltimore County, Mr. Roberts requested that the acronym “IRC” be spelled out as “Internal Revenue Code” and that a reference to federal law be added to clarify that the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is a federal law.

The Board agreed to incorporate changes into the MALPF Deed of Easement and to institute its use for the current cycle of applications.

Motion #5 Approve revised MALPF Model Deed of Easement.

Motion: Michael Calkins Second: Donald Moore
 Status: Approved

VII. INFORMATION AND DISCUSSION

A. Fiscal Year 2015 Quarterly Inspection Report

Please refer to the list of counties for the inspection results as of October 7, 2014. In summary, one county has started inspections, Carroll County. This minimal activity is typical for the fall; not many inspections are conducted due to tall crops and hunting seasons which begin in the fall and continue into winter, and of course, the extreme western counties wait until spring. It is during the spring months when most of the inspection activity begins.

Targets: 100% 10%

	COUNTY	FEDERAL			STATE				
		Percent	Completed	Total	Percent	Completed	Total		
01	Allegany	NA	%	NA	0	0	%	0	7
02	Anne Arundel	0	%	0	4	0	%	0	35
03	Baltimore	0	%	0	15	0	%	0	199
04	Calvert	0	%	0	3	0	%	0	32
05	Caroline	0	%	0	11	0	%	0	209
06	Carroll	0	%	0	10	1	%	5	361
07	Cecil	0	%	0	14	0	%	0	83
08	Charles	0	%	0	3	0	%	0	37
09	Dorchester	0	%	0	13	0	%	0	71
10	Frederick	0	%	0	12	0	%	0	114
11	Garrett	0	%	0	1	0	%	0	51
12	Harford	0	%	0	10	0	%	0	118
13	Howard	0	%	0	1	0	%	0	31
14	Kent	0	%	0	9	0	%	0	82
15	Montgomery	0	%	0	3	0	%	0	28
16	Prince George's	NA	%	NA	0	0	%	0	15
17	Queen Anne's	0	%	0	19	0	%	0	143
18	St. Mary's	0	%	0	13	0	%	0	92
19	Somerset	0	%	0	7	0	%	0	37
20	Talbot	0	%	0	6	0	%	0	65
21	Washington	0	%	0	11	0	%	0	67
22	Wicomico	0	%	0	8	0	%	0	47
23	Worcester	0	%	0	5	0	%	0	36

Ms. Hoxter presented the item and was present for questions and comments.

B. News Articles

VIII. CLOSED SESSION

John W. Draper, Jr. asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the provisions of State Government Article Section 10-508 (a) (3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion #20 To adjourn the regular session to move into a closed session to consult with counsel to consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion: Bernard Jones, Sr. Second: Patricia Langenfelder
Favor: John Draper, Jr., Bernard Jones, Sr., Susanne Brogan, Michael Calkins, Jerome W. Klasmeier, Patrica A. Langenfelder, Donald T. Moore, James Norris, Jr., Jonathan Quinn, Eugene Roberts, Jr., Dan Rosen, and Mary Ellen Setting.

Status: Approved

The Open Board Meeting was adjourned at approximately 12:03 p.m.

The Closed Meeting of the Board was held from 12:05 p.m. to 12:36 p.m. at the Maryland Department of Agriculture building, Annapolis, Maryland, pursuant to the provisions of State Government Article Sections 10-508(a) (3), Annotated Code of Maryland:

State Government Article Section 10-508(a):

[X] (3) To consider the acquisition of real property for a public purpose and matters directly related there thereto;

During the Closed Meeting, the following Board members were present :John Draper, Jr., Bernard Jones, Sr., Susanne Brogan, Michael Calkins, Jerome W. Klasmeier, Patrica A. Langenfelder, Donald T. Moore, James Norris, Jr., Jonathan Quinn, Eugene Roberts, Jr., Dan Rosen and Mary Ellen Setting.

TOPICS DISCUSSED:

- VIII.A Approval of August 26, 2014 Closed Session Minutes
- VIII.B Board discussion of Mullinix Contested Case Hearing
- VIII.C Status Report of Pending legal Issues
- VIII.D Worcester County, 23-01-01-08a Lambertson, Diane

Respectfully Submitted:

Angela Gaither, MALPF Secretary

Carol S. West, Executive Director