

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
August 25, 2015**

Trustees Present:

Bernard L. Jones, Sr., Acting Chair
Patricia A. Langenfelder
Michael Calkins
James (Bubby) Norris, Jr.
Donald Moore
Jonathan Quinn
Susanne Brogan, representing Treasurer Nancy Kopp
Dan Rosen, representing Secretary David Craig, Maryland Department of Planning
Mary E. Setting, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture

Trustees Absent:

Craig Highfield
Jerome W. Klasmeier, representing Comptroller Peter Franchot
Eugene Roberts

Others Present:

William Amoss, Harford County Program Administrator
J. William Boniface, Harford County Landowner
Tonya Burnside, MALPF Office Secretary
Michelle Cable, MALPF Administrator
Diane Chasse, MALPF Administrator
Chana Turner, MALPF Administrator
Tamekia Dent, MALPF Office Secretary
Jim Eichhorst, Strategic Planner, MDA
Billy Gorski, Anne Arundel County, Assistant Program Administrator
Justin Hayes, Assistant Attorney General, MDA
Kim Hoxter, MALPF Monitoring, Enforcement, and Database Coordinator
Jeanine Nutter, Prince George's County Program Administrator
Stephen O'Connor, Cecil County Program Administrator
Mason Rutley, Howard County Intern
Julie Ryder, MALPF Fiscal Specialist
Donna Sasscer, St. Mary's County Program Administrator
Carol West, MALPF Executive Director

Others Present By Web Conferencing:

Deborah Bowers, Carroll County Program Administrator
Dave Dorsey, Allegany County Program Administrator
Debbie Herr-Cornwell, Caroline County Program Administrator
Martin Sokolich, Talbot County Program Administrator
Katrina Tucker, Kent County Program Administrator

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Bernard L. Jones, Sr., Acting Chair, called the meeting to order at 9:10 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 from July 28, 2015

Discussion:

Minutes from July 28, were presented for approval.

Motion #1: Approve minutes from July 28, 2015 with corrections as presented.

Motion: Susanne Brogan Second: Patricia Langenfelder
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

A. N/A

III. ANNOUNCEMENTS

A. N/A

B. EASEMENT AMENDMENTS

A. ALLEGANY COUNTY

1. 01-09-01 Fiscus, Wilbur, Daniel and Michael ~205.78 acres

Request – Allegany County

Request re-designation of an unrestricted lot right to a one-acre, non-subdividable building envelope.

Recommendation

Staff recommends approval.

Ms. Turner introduced the item. Mr. Dorsey was available for questions and comments.

Motion #2: To approve the request to re-designate an unrestricted lot right to a one-acre, non-subdividable building envelope.

Motion: Susanne Brogan Second: Donald Moore
Status: Approved

B. CECIL COUNTY

1. 07-91-07A Williams, David & Tracey ~51 acres

Request – Cecil County:

Request a land exchange of 0.1624 acres to be added to easement property in exchange for the release of 0.1624 acres.

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Recommendation:

Staff recommends approval, subject to conditions per COMAR 15.15.11.

Ms. Cable introduced the item. Mr. O'Connor was available for questions and comments.

Motion #3: To approve the request for a land exchange of 0.1624-acres to be added to easement property in exchange for the release of 0.1624 acres.

Motion: James Norris Second: Mary Ellen Setting
Status: Approved

C. CARROLL COUNTY

1. 06-97-09e Watt, Jerry and Barbara ~174 acres

Request – Carroll County

Renewed request for a 1.1454-acre child lot for the owners' son, Justin Watt.

Recommendation

Staff recommends approval in accordance with Agriculture Article, Section 2-513(b)(2), Annotated Code of Maryland.

Ms. Turner introduced the item. Deborah Bowers was available for question and comments.

Motion #4: To approve the renewed request for a 1.154-acre child lot for the owners' son, Justin Watt.

Motion: Susanne Brogan Second: Patricia Langerfelder
Status: Approved

D. CAROLINE COUNTY

1. 05-85-09 TBGH Farms, LLC ~308 acres

Request – Caroline County:

Request authorization for TBGH Farms LLC to record corrective easements ratifying the previously approved agricultural subdivision for prior landowners on March 26, 2013 ("2013 Approval").

Recommendation:

Staff recommends approval to permit TBGH Farms LLC to record corrective easements ratifying the previously approved agricultural subdivision.

Ms. Turner introduced the item. Debbie Herr-Cornwell, Program Administrator for Caroline County, and Sandra Jordan-Humphreys, representing TBGH Farms LLC were available for questions and comments.

Motion #5: To approve the requested authorization for TBGH Farms LLC to record corrective easements ratifying the previously approved agriculture subdivision for prior landowners on March 26, 2013.

Motion: James Norris Second: Donald Moore
Status: Approved

E. HARFORD COUNTY

1. 12-86-06e Bonita Farm Corporation ~387.89 acres

Request - Harford County:

Request to rescind previous approval of 30-acre agricultural subdivision.

Recommendation:

Staff recommends approval of the request.

Background:

There was a request for a 30-acre agricultural subdivision that came to the Board in September 2013, April 2014 and November 2014. Mr. Boniface was not able to complete that subdivision due to access issues.

Ms. Chasse introduced the item. Mr. Amoss and Mr. Boniface were available for questions and comments.

Motion #6: To approve the request to rescind previous approval of 30-acre agriculture subdivision.

Motion: Patricia Langenfelder Second: Donald Moore
Status: Approved

2. 12-86-06e Bonita Farm Corporation ~387.89 acres

Request - Harford County:

Request for approval to relocate a pre-existing dwelling and subdivide it onto its own lot. The dwelling that is being relocated is one that had been demolished. It had been located in the Northwest portion of the property.

Recommendation:

Staff recommends approval subject to receiving County Planning and Zoning approval for the lot.

Ms. Chasse introduced the item. Mr. Amoss and Mr. Boniface were available for questions and comments.

Motion #7: To approve the request to relocate a pre-existing dwelling and subdivide it on its own lot.

Motion: Susanne Brogan Second: Mary Ellen Setting
Status: Approved

3. 12-86-06e Bonita Farm Corporation ~387.89 acres

Request - Harford County:

Request for approval for two tenant houses. The houses proposed to be used as tenant houses are on the property but considered pre-existing dwellings by the Foundation.

Recommendation:

Foundation staff recommends approval of one tenant house. Staff has spoken to Mr. Boniface and he has agreed that one tenant house is sufficient at this time. The recommendation is based on the Foundation's current requirements found in COMAR 15.15.03.

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Ms. Chasse introduced the item. Mr. Amoss and Mr. Boniface were available for questions and comments.

Discussion:

Mr. Boniface stated that the person living in the first tenant house is Mr. Kevin Fatemi. Mr. Fatemi works 6 nights a week watching foaling mares and performing other duties to help care for the horses.

Mr. Boniface further explained that the person currently living in the second tenant house, Mr. Calvin Gibbs, is a long time employee of the farm operation. He is now elderly and not in good health. Ms. West explained to Mr. Boniface that by not designating that pre-existing dwelling as a tenant house at this time will allow him to continue to reside in the home, even if he does not do any work. Mr. Boniface stated that he understood and has willingly withdrawn his request for approval of the second tenant house at this time.

Motion #8: To approve the request to re-designate the pre-existing dwelling currently occupied by Mr. Kevin Fatemi as a tenant house. The right to the pre-existing dwelling may be relocated elsewhere on the property. Also to deny the request to designate the second pre-existing dwelling currently occupied by Mr. Calvin Gibbs as a tenant house.

Motion: Michael Calkins Second: Mary Ellen Setting
Status: Approved

- 4. 12-86-06e Bonita Farm Corporation ~387.89 acres

Request - Harford County:

Request for approval for an agricultural subdivision creating a ~52-acre parcel and a ~337-acre parcel.

Recommendation:

Staff recommends approval.

- 5. 12-86-06e Bonita Farm Corporation ~387.89 acres

Request - Harford County:

Request for approval to relocate a pre-existing dwelling right onto the 52-acre portion.

Recommendation:

If the tenant house request for the dwelling currently occupied by Kevin Fatemi and agricultural subdivision request are approved, then the pre-existing dwelling right can be relocated onto the 52 acre portion of the property with Foundation approval per COMAR 15.15.03.05. Staff recommends approval subject to future Board review of the location and size of the dwelling.

Ms. Chasse introduced items IV.E.4 and IV.E.5 together for the Board's consideration. Mr. Amoss and Mr. Boniface were available for questions and comments.

Motion #9: To approve the 52-acre agricultural subdivision as shown in the landowner's application, subject to all conditions provided in the Staff Report (to include making the pre-existing dwelling occupied by Mr. Calvin Gibbs non-subdividable), and to relocate the pre-existing dwelling right associated with the newly designated Fatemi tenant house onto the 52-acre parcel. The

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Board must approve the size and location of the new dwelling to be placed on the 52-acre parcel.

Motion: Jonathan Quinn Second: James Norris
Status: Approved

V. EASEMENT PETITIONS

A. none

VI. PROGRAM POLICY

Presentation – Governor’s Appointments Office

Ms. Setting spoke about the Governor’s Appointments Office. The Governor’s Appointments Office has been working on the designation of many boards & commission members across the state. Many requests have been approved but existing board members will no longer be automatically reappointed. When the decision is made, the appointed person(s) will be notified by mail or telephone.

VII. INFORMATION AND DISCUSSION

A. News Articles

VIII. CLOSED SESSION

Bernard L. Jones Sr. asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provisions of General Provisions Article Section 3-305 (b): (7) to consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion #10: To adjourn the regular session to move into a closed session to consult with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion: Michael Calkins Second: Patricia Langenfelder
Favor: Bernard L. Jones Sr., Dan Rosen, Mary Ellen Setting, Patricia Langenfelder, Susanne Brogan, James Norris, Jonathan Quinn, Donald Moore, Michael Calkins

The Open Board Meeting was adjourned at approximately 10:00 a.m.

The Closed Meeting of the Board was held from 10:10 a.m. to 10:35 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland, pursuant to the provisions of the **General Provisions Article Section 3-305 (b)**;, Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

(7) to consult with counsel to obtain legal advice; and

(8) to consult with staff, consultants, or other individuals about pending or potential litigation.

During the Closed Meeting, the following Board members were present: Bernard L. Jones Sr., Acting Chair; Michael Calkins; Patricia A. Langenfelder; James Norris; Jonathan Quinn; Donald Moore; Susanne

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Brogan, representing Treasurer Nancy Kopp; Dan Rosen, representing Secretary David Craig, Maryland Department of Planning; Mary Ellen Setting, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture.

The following legal representative was also present during the closed session meeting: Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture.

TOPICS DISCUSSED:

- A Approval of April 28, 2015 and July 28, 2015 Closed Session Minutes
- B Status Report of Pending Legal Issues
- C 18-94-05A Phillip and Donna Dorsey - Request for Board direction to resolve outstanding subdivision/off-conveyance violation.
- D. 10-86-08 Arnold/Riggs - Retroactive Agriculture Subdivision Request.

Respectfully Submitted:

Tonya Burnside, MALPF Secretary

Carol S. West, Executive Director