

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
April 26, 2016**

Trustees Present:

Bernard L. Jones, Sr., Chair
Donald Moore
Milly B. Welsh
Michael Calkins
Catherine Cosgrove
James B. Norris, Jr.
Dan Rosen, representing Secretary David Craig, Maryland Department of Planning
Jerome Klasmeier, representing Comptroller Peter Franchot
James Eichhorst, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture

Trustees Absent:

Susanne Brogan, representing Treasurer Nancy Kopp
Jonathan Quinn

Others Present:

Theresa Bethune, Carroll County, Freedom Broadband
Michelle Cable, MALPF Administrator
Diane Chasse, MALPF Administrator
Tamekia Dent, MALPF Office Secretary
Eileen Eagle, MALPF Fiscal Specialist
Albert Ewing, Cecil County, Landowner
Willy Ewing, Cecil County, Landowner
Mitchell Ford, Howard County
Nancy Russell-Forrester, Assistant Attorney General, Department of General Services
Lori Goodman, MALPF Office Secretary
Billy Gorski, Anne Arundel County, Planner
Justin Hayes, Assistant Attorney General, Department of Agriculture
Joy Levy, Howard County Program Administrator
Scott McDaniel, Harford County, Susquehannock Wildlife Society
Steve McHenry, MARBIDCO
Jeanine Nutter, Prince George's County Program Administrator
Steve O'Connor, Cecil County Program Administrator
Charles Rice, Charles County Program Administrator
Donna Sasscer, Saint Mary's County Program Administrator
Donna Landis-Smith, Queen Anne's County Program Administrator
Scott Smith, Maryland Department of Natural Resources
Frank Swann, Charles County, Landowner
Carol West, MALPF Executive Director

Others Present By Web Conferencing:

William Amoss, Harford County Program Administrator
Debbie Herr-Cornwell, Caroline County Program Administrator
Kaylee Justice, Baltimore County
Lisa Ledman, St. Mary's County
Brian Russell, St. Mary's County Landowner

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Bernard L. Jones, Sr., Chair, called the meeting to order at 9:01 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 March 22, 2016.

Motion #1: Approve minutes from March 22, 2016 as presented.

Motion: Michael Calkins Second: Milly Welsh
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

No additions or deletions; however Item VI.A was replaced. It is item VI.A. Ms. West informed the Board that she sent this revised item out via email, with a hard copy at your seat.

III. ANNOUNCEMENTS

Ms. West informed the Board that the Governor's Appointment's Office is forthcoming on appointments to fill two Board member positions. They are: Maryland Farm Bureau representative that was vacated by John Draper and one of the two at-large members. We are not sure why the second at-large position is not yet ready for appointment. Ms. West will follow-up.

Craig Highfield, who unofficially represented the forest industry on the Board, has resigned his position effective April 14, 2016. The position is at-large, so nominations can come from any part of the State and can represent any sector of agriculture.

Foundation staff and attorneys met with Navy representatives to discuss outstanding issues and easement language where we have not been able to reach an agreement. After much hard work, we are unable to get the two programs to work together. With Secretary Bartenfelder's permission, we have decided not to pursue Navy funding at this time. Should things change we would be glad to incorporate their money into our program.

As Charles County is most affected by not pursuing the Navy funding, Mr. Rice asked to address the Board. He stated that the county chose to be the pilot program and has been working on this for a couple of years. The county has two areas that are Navy eligible. A little over \$2 million could have been leveraged from the Navy for properties in Charles County. He is hoping that the programs can find a way to work together and asked the Board to continue to work with them to try to make it happen, as long as it is not detrimental to the State wide program.

IV. EASEMENT AMENDMENTS

A. CECIL COUNTY

1) 07-94-02A Estate of Tucker Mackie ~57.12 acres

Request – Cecil County:

Request approval for a 0.2671 acre overlay Right-of-Way easement to Cecil County Government to permit access and maintenance of an existing bridge on Blake Road over Little Elk Creek.

Recommendations:

Staff recommends approval.

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the right to subdivide one of the pre-existing dwellings (pre-existing dwelling #1, up to 2.0 acres) on the property in exchange for the release of a 0.746 acre area from the easement to be joined with the adjacent residential lot.

Motion: Michael Calkins Second: Catherine Cosgrove
Status: Approved

B. HOWARD COUNTY

- 1) 13-82-06 Fleming, Shirley ~176.4 acres

Request - Howard County

Request to place a wireless broadband antenna on an existing silo located on easement property.

Recommendations:

Staff recommends approval.

Ms. Cable introduced the item. Ms. Levy and Ms. Bethune were available for questions or comments.

Ms. Levy stated that the request is consistent with Howard County zoning for commercial communications antennas attached to structures. According to the Flemings, the silo will continue to be used for their current agricultural operation, so there is really no impact at all to their current or future operation.

Ms. Bethune represents a small internet provider that focuses in rural areas. Her company's focus is to provide broadband internet access to people that live outside more suburban or urban areas. They use radio frequencies to do so and their antennas are much smaller than cell phone carriers. This project is part of an initiative by Howard County to bring more broadband internet to the people of western Howard County.

When asked if there will be a small enclosure that would house small electrical connections as well as maybe a router. Ms. Bethune responded that a box can be located close to the silo.

Motion #5: To approve the request to place a wireless broadband antenna on an existing silo located on easement property.

Motion: Jerry Klasmeier Second: James Norris
Status: Approved

C. CHARLES COUNTY

- 1) 08-13-16 Swann, Samuel & Mary ~93.69 acres

Request – Charles County

Request approval of an agricultural subdivision of the Easement property creating a ~50-acre parcel and a ~43 acre, which are divided by a public road.

Recommendations:

Staff recommends approval.

Ms. Cable introduced the item. Mr. Rice and Mr. Swann were available for questions or comments.

Motion #6: To approve the request of an agricultural subdivision of the Easement property creating a ~50-acre parcel and a ~43 acre, which are divided by a public road, subject to conditions provided in the Staff Report.

Motion: Michael Calkins Second: Milly Welsh
Status: Approved

D. HARFORD COUNTY

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- 1) 12-91-10Ae SUB#1 Department of Natural Resources ~20.86 acres

Request – Harford County

Request to designate a one-acre building envelope surrounding a pre-existing dwelling.

Recommendations:

Staff recommends approval.

Ms. Chasse introduced the item. Mr. Smith and Mr. McDaniel were available for questions or comments.

Mr. Smith explained that the property will be used for hiking through the meadows, among other wildlife activities and preservation.

Mr. Calkins pointed out that at a recent meeting the Board voted to deny a use that he considers to be very similar to this request. Other members stated that they see this as quite different because of the agriculturally related teaching that will happen on the subject property.

Motion #7: To approve a request to designate a one-acre building envelope surrounding a pre-existing dwelling and barn to be non-subdividable from the easement.

Motion: Michael Calkins Second: James Norris
Status: Approved

E. ST. MARY'S COUNTY

- 1) 18-97-01a Russell, Brian ~121.2 acres

Request – St. Mary's County

Request for a meat shop, and to hold up to 10 major farm-related events per year (auctions for farm equipment and food) to support the meat/farm operation.

Recommendations:

Staff recommends approval of a 1) meat shop and 2) five major farm-related events per year to support the meat/farm operation. Staff requests the Board's consideration of whether the sale of farm equipment should be permitted at these events as "farm equipment" is not specifically listed in the Foundation Uses policy.

Ms. Chasse introduced the item. Ms. Sasscer and Mr. Russell were available for questions or comments.

The Board's conversation centered around the use of the property and the difficulty that a landowner would have in limiting his 'accessory' use to a 600 square foot area. The Board's consensus is that since the accessory sales would occur in conjunction with the food and farm equipment auctions, the accessory sales could be confined within one of the greenhouses. Mr. Russell agreed that he would limit any accessory sales to the interior of one greenhouse per event.

Motion #8: To approve a request for a meat shop, and to hold up to 10 major farm-related events per year (auctions for farm equipment and food) to support the meat/farm operation with a limit to one greenhouse used for accessory sales during events.

Motion: James Norris Second: Milly Welsh
Status: Approved

V. EASEMENT PETITIONS

- A. none

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VI. PROGRAM POLICY

A. FY 2017 Easement Acquisition Cycle: (combine cycles / # applications accepted)

Ms. West introduced the item.

Motion #9: To approve the Foundation to operate a combined cycle of funding from FY 2017 and FY 2018, to accept applications by July 1, 2016, and to limit the number of applications to a total of 8 per county, unless the county is willing to pay for additional appraisals.

Motion: Michael Calkins Second: James B. Norris, Jr.
Status: Approved

B. 2016 Legislative Update

VII. INFORMATION AND DISCUSSION

A. Fiscal Year 2016 Quarterly Inspection Report

B. 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): (3) to consider the acquisition of real property for a public purpose; (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 consider the acquisition of real property for a public purpose, 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: James Norris
Status: Approved

The Open Board Meeting was adjourned at approximately 10:58 a.m.

The Closed Meeting of the Board was held from 11:07 a.m. to 12:20 p.m. on April 26, 2016 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):

(3) to consider the acquisition of real property for a public purpose;

(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., Chair; Michael Calkins; James B. Norris, Jr.; Catherine Cosgrove; Milly B. Welsh; Donald Moore; Jerome Klasmeier, representing Comptroller Peter Franchot; Dan Rosen, representing Secretary David Craig, Maryland Department of Planning; James Eichhorst, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture.

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The following legal representatives were also present during the closed session meeting: Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture and Nancy Russell-Forrester Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of March 22, 2016 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Cecil County – Revisiting Tier Map Related to MALPF upcoming application
- D. Round 2 Offers

Respectfully Submitted:

Lori Goodman, MALPF Secretary

Carol S. West, Executive Director