MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES JUNE 28, 2022

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair

Cricket Goodall, Vice Chair

Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture

Joanna Kille, representing Treasurer Dereck E. Davis

Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland

Department of Planning

Gilbert "Buddy" Bowling

Elizabeth Hill

Joseph Wood

J. Bruce Yerkes

Trustees Absent:

Alex Butler, representing Comptroller Peter Franchot

Catherine Cosgrove

Gary Dell

Others Participating:

Michelle Cable, MALPF Executive Director

Diane Chasse, MALPF Administrator

Chana Turner, MALPF Administrator

Sarel Cousins, MALPF Administrator

Patrick Martyn, Assistant Attorney General, Department of General Services

Renee Dyson, Assistant Attorney General, Department of General Services

Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture

Megan Benjamin, Baltimore County Program Administrator

Donna Landis-Smith, Queen Anne's County Program Administrator

Kathleen Seay, Charles County Staff

Billy Gorski, Anne Arundel County Staff

Donna Sasscer, St. Mary's County Program Administrator

Bill Amoss, Harford County Program Administrator

Carla Gerber, Kent County Program Administrator

Beth Burgess, Howard County, Chief, Resource Conservation Division

Lauren McDonald, Howard County Planning Specialist

Jim Morris, JMT (Howard County project), Senior Associate

R. Scott Woodall, JMT (Howard County project), Associate

Michael Galvin, JMT (Howard County project), Associate VP, Env. Markets Group

Darryl Andrews, DGS Appraiser

Julie Enger, DGS Appraiser

William Goldman, Cecil County Staff

Mr. Allen, Chair, called the meeting to order at 9:05 a.m. via internet and telephone conference call. Ms. Cable stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from May 24, 2022.

Motion #1:

To approve minutes from May 24, 2022.

Motion:

Yerkes

Second:

Hill

Status:

Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable shared sad news that Jerry Klasmeier, longtime Board member representing Comptroller Franchot, recently passed away.

Ms. Cable also shared the news that Diane Chasse is leaving MALPF, moving to a new position within MDA. The day of the Board meeting was her last day as a MALPF Administrator. MALPF already posted for another Administrator.

The Board conducted their first field trip earlier in June to Rock Hill Orchard in Montgomery County. It was a successful trip. Additional field trips will be scheduled for later in the summer/fall.

Ms. Cable also asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

IV. EASEMENT AMENDMENTS

A. HOWARD COUNTY

1. File #13-13-01 Barrow Family, LLC

~70.658 acres

Request - Howard County:

- 1. Request approval for a Stream Restoration Overlay Easement totaling ~19.33 acres of floodplain and ~3.36 acres of temporary staging areas.
- If the overlay easement is approved, request exception on a case by case analysis
 for the mitigation credits to be used outside of Priority Funding Areas (PFAs) for
 future development projects.

Recommendation:

- 1. It is the opinion of MALPF Staff that the request addresses the required criteria under the Water Resources Overlay Easement Policy and, accordingly, Staff recommends approval conditioned upon the completion of all requirements stated in the Policy.
- 2. Staff recommends approval for the Board to allow exceptions on a case by case analysis for the mitigation credits to be used outside of PFAs.
- 3. The Office of Resource Conservation supplies recommendation(s) for resource conservation practices on the property.

Ms. Cousins introduced the item. Ms. Burgess and Ms. McDonald with Howard County were available to address the Board. Messrs. Morris, Galvin, and Woodall with JMT were available to address the Board as well. Mr. Morris stated that this is a beautiful old farm and a really gorgeous place and that the intent is to do a very carefully executed stream and wetland restoration as well as updating existing BMPs. Mr. Morris also mentioned the project will be managed with a perpetual endowment fund for invasive species control. Ms. Cable commented that the overlay regulation is very detailed to ensure that agricultural land is protected and that the project is collaborative in nature to benefit both the farming

operation and to enhance the natural stream habitat.

Motion #2:

To approve the stream overlay easement, as presented, incorporating staff recommendations as conditions of approval.

Motion:

Kille

Second:

Hill

Status:

Approved.

Approved.

Motion #3:

To approve the exception request allowing for mitigation credits to be used outside of PFAs on a case by case basis, as presented, incorporating staff recommendations as conditions of approval.

Motion:

Hill

Second:

Herr-Cornwell

Status:

2. File #13-81-03 Oakland Farms Associates II, LP

~115 acres

Request - Howard County:

 Request approval for a Stream Restoration Overlay Easement, totaling ~29.33 acres of floodplain and ~5.00 acres of temporary staging areas.

 If the overlay easement is approved, request exception on a case by case analysis for the mitigation credits to be used outside of Priority Funding Areas (PFAs) for future development projects.

Recommendation:

 It is the opinion of MALPF Staff that the request addresses the required criteria under the Water Resources Overlay Easement Policy and, accordingly, Staff recommends approval conditioned upon the completion of all requirements stated in the Policy.

2. Staff recommends approval for the Board to allow exceptions on a case by case analysis for the mitigation credits to be used outside of PFAs.

3. The Office of Resource Conservation supplies recommendation(s) for resource conservation practices on the property.

Ms. Cousins introduced the item. Ms. Burgess and Ms. McDonald with Howard County were available to address the Board. Messrs. Morris, Galvin, and Woodall with JMT were available to address the Board as well. Mr. Bowling wanted to ensure that JMT is working with the county Soil Conservation District and Mr. Morris replied that they are working with Mike Caulkins. Mr. Gorski asked what exceptions would be allowed on a case by case basis which Ms. Cable explained.

Motion #4:

To approve the stream overlay easement, as presented, incorporating staff recommendations as conditions of approval.

Motion:

Hill

Second:

Kille

Status:

Approved

Motion #5:

To approve the exception request allowing for mitigation credits to be used outside of PFAs on a case by case basis, as presented, incorporating staff recommendations as conditions of approval.

Motion:

Hill

Second:

Herr-Cornwell

Status:

Approved.

B. SAINT MARY'S COUNTY

1. File #18-85-03

Magnani, Donald and Delores

~123 acres

Request - St. Mary's County:

Request approval to exclude up to 2.0 acres for a child's lot for Johnathan Paul Magnani.

Recommendation:

Staff recommends approval.

Ms. Cousins introduced the item. Ms. Sasscer was available to address the Board.

Motion #6:

To approve a child's lot for Jonathan Paul Magnani, up to 2-acres,

as presented.

Motion: Status: Wood Approved Second:

Connelly

C. CECIL COUNTY

1. File #07-93-02 Haney, Matthew and Amie

~111 acres

Request - Cecil County:

Request approval for a tenant house.

Recommendation

Staff recommends approval of a tenant house for a thoroughbred breeding and boarding operation. (Both the landowners and son will need to sign an acknowledgement that the son cannot live in the tenant house if he ever obtains an ownership interest in the farm).

Ms. Cousins introduced the item. Ms. Herr-Cornwell asked if the tenant was the assistant farm manager or manager and Mr. Goldman replied that the tenant is the assistant farm manager.

Motion #7:

To approve the tenant house request, as presented, incorporating

staff recommendations into approval conditions.

Motion: Status:

Yerkes Approved Second:

Goodall

D. BALTIMORE COUNTY

File #03-13-06 H. Gilmore, LLC

~59 acres

(Merryman, Louis; Merryman, E. III; and Gilmore, Holly)

Request - Baltimore County:

Request to exclude up to 2.0 acres from the easement for an unrestricted lot.

Recommendation:

Staff recommends approval. Though not a condition of this request, staff recommends confirmation of or creation of a right-of-way for access to an existing dwelling located on an adjacent parcel owned by the landowner, but not part of the easement.

Ms. Turner introduced the item. Ms. Benjamin was available to address the Board.

Motion #8:

To approve the unrestricted lot to be released, as presented, incorporating staff recommendations.

Motion: Status: Goodall Approved

Second:

Connelly

E. KENT COUNTY

File # 14-87-04 Price, Marilyn, and Mills, Yvonne

~251 acres

Request - Kent County:

Request approval for a child lot of up to 2.0 acres for Yvonne Mills.

Recommendation:

Staff recommends approval.

Ms. Turner introduced the item. Ms. Gerber was available to address the Board.

Motion #9:

To approve a child's lot for Yvonne Mills, up to 2-acres, as

presented.

Motion:

Wood

Second:

Goodall

Status:

Approved

F. QUEEN ANNE'S COUNTY

1. File # 17-95-06 Bramble, Thomas and Evelyn

~ 208 acres

Request - Queen Anne's County:

Request for approval of a right-of-way easement to go to the withheld area

Recommendation:

Staff recommends approval of the request subject to review and approval of the Right-of-Way document.

Ms. Chasse introduced the item. Ms. Landis-Smith was available to address the Board.

Motion #10:

To approve the right-of-way easement as an overlay to access the approved withheld area, as presented, incorporating staff

recommendations as conditions of approval.

Wood

Second:

Herr-Cornwell

Motion: Status:

Approved

G. HARFORD COUNTY

1. File # 12-13-08 Green, Andrew and Jennifer ~81.355 acres

Request - Harford County:

Request for approval to relocate a non-subdividable building envelope.

Recommendation:

Staff recommends approval. Approval is conditioned upon the completion of an Amendment that will document the new location of the relocated non-subdividable building envelope.

Ms. Chasse introduced the item. Mr. Amoss was available to address the Board.

Motion #11:

To approve a relocation of a non-subdividable building envelope, as presented, incorporating staff recommendations as conditions

of approval.

Approved

Motion: Status: Hill

Second:

Herr-Cornwell

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

N/A

VII. INFORMATION AND DISCUSSION

A. FY 2022 Inspection Deadline Extension Request

Garrett County requests an extension to the June 30, 2022 deadline for completion of inspections through November 1st.

Cecil County requests an extension to the June 30, 2022 deadline for completion of inspections through August 31st for FRPP easements, through October 1st for state funded easements.

Ms. Cable presented the item to the Board.

Motion #12:

To approve the Garrett and Cecil County inspection deadline

extension requests, as presented.

Motion:

Goodall

Second:

Wood

Status:

Approved

VIII. CLOSED SESSION

Mr. Allen 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 and matters directly related to the acquisition; and (7) to consult with counsel to obtain legal advice.

Motion #13:

To adjourn the regular session at 10:01 a.m. to move into a closed session to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and to consult with counsel to obtain legal advice.

Motion:

Kille

Second: Connelly

Status:

Approved

The Closed Meeting of the Board was held from 10:12 a.m. to 10:15 a.m. on June 28, 2022, via internet and telephone conference call, 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 and matters directly related to the acquisition; and
- (7) to consult with counsel to obtain legal advice.

During the Closed Meeting, the following Board members were present: William Allen, Chair, Cricket Goodall, Vice Chair, and Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, and Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cricket Goodall, Elizabeth Hill, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent:

Alex Butler, representing Comptroller Peter Franchot, Gilbert "Buddy" Bowling, Cathy Cosgrove, Gary Dell

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Diane Chasse, Chana Turner, Sarel Cousins, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services and Renee Dyson, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

A. Approval of May 24, 2022 Closed Session Minutes

B. FY 2022 Offers

Respectfully Submitted:

Michelle Cable, MALPF Executive Director