

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES**

September 28, 2021

This meeting was held via internet and telephone conference call.

Trustees Participating:

Taylor Huffman, Vice Chair
Jerome Klasmeier, representing Comptroller Peter Franchot
Joanna Kille, representing Treasurer Nancy Kopp
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland
Department of Planning
Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department
of Agriculture
Catherine Cosgrove
Cricket Goodall
Elizabeth Hill
Robin Kable
Joseph Wood
J. Bruce Yerkes

Trustees Absent:

William Allen, Chair

Others Participating:

Michelle Cable, MALPF Executive Director
Diane Chasse, MALPF Administrator
Sarel Cousins, MALPF Administrator
Amanda Massoni, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
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
Beth Ahalt, Frederick County Staff
Shannon O'Neil, Frederick County Staff
Donna Landis-Smith, Queen Anne's County Program Administrator
J.P. Smith, Jr., Carroll County Program Administrator
Will LeFort, DGS Appraiser
Julie Enger, DGS Appraiser
Darryl Andrews, DGS Appraiser
Anna Chaney, Anne Arundel County Landowner
Lee Lambert, State Highway Administration
Billy Gorski, Anne Arundel County Staff
Bill Amoss, Harford County Program Administrator
Mike Calkins, Howard County Soil Conservation District
Carla Gerber, Kent County Program Administrator
Fatimah Hasan, Prince George's County Planning, MNCPPC
Elizabeth Beales, Caroline County Program Administrator

Ms. Huffman, Vice Chair, called the meeting to order at 9:03 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.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from August 24, 2021.

Motion #1: To approve minutes from August 24, 2021. No changes were made.

Motion: Goodall Second: Klasmeier
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable thanked all the attendees for participating in the MALPF teleconference Board meeting. Ms. Cable asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. Ms. Cable also 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.

Ms. Cable informed the Board that she will be out of the office for medical leave for a few weeks in October, following a shoulder surgery. Ms. Chasse will manage things while Ms. Cable is away.

IV. EASEMENT AMENDMENTS

A. FREDERICK COUNTY

- 1. 10-82-06 The Brandenburg Family Limited Partnership ~197.5 acres

Request:

Request to approve two child's lots, each up to 2-acres in size, for son, Dwight, and daughter Teresa Shafer.

Recommendation:

Staff recommends approval, subject to Lot A being built first. Whichever child wishes to build first, that child must use Lot A.

Ms. Chasse introduced the item. Ms. O'Neil and Ms. Ahalt were available to address the Board.

Motion #2: To approve up to 2-acres for two lots from the easement for two children, Dwight Brandenburg and Teresa Shafer, incorporating staff recommendations, as presented.

Motion: Yerkes Second: Klasmeier

Status: Approved

B. ANNE ARUNDEL COUNTY

- 2. 02-02-02 Chaney, Anna (Honey's Harvest Farm) ~159+ acres

Request:

Requests approval to host agriculturally related special occasion events.

Recommendation:

Staff recommends approval pursuant to Section 2-513(d), Agriculture Article, Annotated Code of Maryland (special events statute) conditioned upon:

- 1) Approval from Natural Resource Conservation Service as the easement has

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federal funding;

- 2) The landowners' signature acknowledging the approval letter with conditions;
- 3) The landowner providing a survey as provided below;
- 4) A baseline on-site inspection of the events area report completed to MALPF's satisfaction prior to the first scheduled event; and
- 5) Entering into an unrecorded agreement with the Foundation to memorialize the location of the special occasion events area (including parking), specifying the means of access to the special events area and acknowledging that the right to host special occasion events will automatically be extinguished upon a transfer of the property.

Ms. Cable introduced the item. Mr. Gorski and Ms. Chaney were available to address the Board. Ms. Cable reviewed the impact of the federal funding that funded this easement initially. NRCS has previously advised MALPF that NRCS has no statutory authority to allow commercial, special occasion events, in its denial of a previous request MALPF submitted. MALPF staff believe that the current request has significant, material differences than the previous request, as Honey's Harvest requests approval for events that are "agriculturally related" to the agricultural operation of the farm. MALPF staff and attorneys think it is reasonable to submit the request to NRCS to ask for their review based on the merits of the current request.

Ms. Chaney provided a presentation of her ownership and management practices of her farming operation.

Motion #3: To conditionally approve the request to host agriculturally related special occasion events, incorporating Staff recommendations, as presented. Final approval dependent upon decision from NRCS.

Motion: Goodall Second: Hill
Status: Approved

C. WASHINGTON COUNTY

1. 21-90-02e Kings Farm, LLC (Koning, Robert) ~100 acres

Request:
Request retroactive approval for a tenant house.

Recommendation:
Staff recommends retroactive approval of a tenant apartment for a beef operation.

Ms. Cousins introduced the item.

Motion #4: To approve the tenant house request, as presented.

Motion: Herr-Cornwell Second: Yerkes
Status: Approved

D. CARROLL COUNTY

1. 06-82-27A Seiler, Carl ~85.85 acres

Request:
Request retroactive approval for the Maryland Department of Transportation- State Roads Commission (SRC) of the State Highway Administration (SHA) to:

1. Take in fee-simple, through appropriate condemnation action, 4.373 acres of MALPF eased property, - subject to \$2,645.67 payback (\$605 per acre), which SHA has agreed to pay;
2. Overlay the Foundation easement with a temporary revertible slope easement of 2.296 acres and
3. Overlay the Foundation easement with perpetual drainage easements on .321 acres in connection with a road improvement project for Gorsuch Road.

Recommendation:
Staff recommendations approval of: (a) request #1 per a) Agricultural Article, Section

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2-515(a)(2)(iii),; and (b) requests #2 and 3 per COMAR 15.15.16.02.02.

Ms. Chasse introduced the item. Mr. Smith and Mr. Lambert were available to address the Board. Mr. Lambert explained the sight distance issue which is the reason for the road reconfiguration. Ms. Chasse reminded the Board that the issue will need to go to the Board of Public Works, as well.

Motion #5: To approve the retroactive request for the fee simple condemnation area, the temporary easement area, and the perpetual easement area, incorporating Staff recommendations, as presented.

Motion: Wood Second: Oberg
Abstained: Kille
Status: Approved

2. 06-21-02 Pine Ridge Farms Corporation ~26.58 acres

Request:

Request for approval for a shop on the property. The shop will be a combined butcher shop and farm market shop, which will sell processed farm and forest products, and accessory sales. The accessory sales will be no more than 600 square feet of floor area.

Recommendation:

After reviewing the requests and considering the criteria set forth in COMAR 15.15.07.03 and the MALPF Uses Policy, and considering the historical relationship of the requested activities to farming, Staff recommends approval subject to the following requirements and conditions:

- 1) The disposal of all animal remains must comply with local, state, and federal regulations,
- 2) Other than the butcher products, the majority of the products must be grown on site: the remainder must be grown in Maryland or regionally produced,
- 3) Accessory Sales are limited to 600 square feet in area and
- 4) Compliance with all applicable federal, state and local planning, zoning or other statutes and regulation affecting the property and the approved uses.

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

Motion #6: To approve a butcher shop and farm market on the farm, incorporating Staff recommendations, as presented.

Motion: Kille Second: Goodall
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. TALBOT COUNTY

1. 20-22-12 Sump, Mark and Victoria ~216.57 acres
(includes unpaid acres)

Request to approve the application designating 1-acre as a non-subdivide able building envelope from the easement with 1 development right associated, location not identified at this time. MALPF will need to approve the location and amend the easement to document it at the time the owner submits the request.

Motion #7: To approve the Talbot County application request, as presented.

Motion: Wood Second: Herr-Cornwell
Status: Approved

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B. KENT COUNTY

1. 14-22-07 Reed-May, Robin; and Reed, Jonathan ~250.794 acres
(includes unpaid acres)

Request is to approve the application designating ~4 acres from the easement with zero development rights associated with it as a permitted uses envelope for an existing gravel mining operation. After one year that the area is no longer used for a gravel mining operation, the area will be returned to agricultural use and the terms of the easement will apply to the area.

Motion #8: To approve the Kent County application request, as presented..

Motion: Goodall Second: Cosgrove
Status: Approved

VI. PROGRAM POLICY

N/A

VII. INFORMATION AND DISCUSSION

N/A

VIII. CLOSED SESSION

Mrs. Huffman 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; (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 #9: To adjourn the regular session at 10:08 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; to consult with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion: Cosgrove Second: Kille
Status: Approved

The Closed Meeting of the Board was held from 10:16 a.m. to 10:24 a.m. on September 28, 2021 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;

(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: Taylor Huffman, Vice Chair, Jerome Klasmeier, representing Comptroller Peter Franchot, Joanna Kille, representing Treasurer Nancy Kopp, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland

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Department of Agriculture, Catherine Cosgrove, Cricket Goodall, Elizabeth Hill, Robin Kable, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: William Allen, Chair

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Diane Chasse, Sarel Cousins, Kim Hoxter, Amanda Massoni, 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 August 24, 2021 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2021 Offers- Round Two

Respectfully Submitted:



Michelle Cable, MALPF Executive Director