

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

November 23, 2021

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair
Jerome Klasmeier, representing Comptroller Peter Franchot
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland
Department of Planning
Catherine Cosgrove
Cricket Goodall
Elizabeth Hill
Joanna Kille, representing Treasurer Nancy Kopp
J. Bruce Yerkes
Gilbert "Buddy" Bowling
Joe Wood

Trustees Absent:

Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department
of Agriculture
Robin Kable

Others Participating:

Michelle Cable, MALPF Executive Director
Diane Chasse, MALPF Administrator
Amanda Massoni, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Patrick Martyn, 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 County Program Administrator
Beth Ahalt, Frederick County Staff
Beth Beales, Caroline County Program Administrator
Julie Enger, Appraiser, Department of General Services
J.P. Smith, Jr., Carroll County Program Administrator
Stacy Kubofcik, MARBIDCO
Bill Amoss, Harford County Program Administrator
Shannon O'Neil, Frederick County Staff

Ms. Cable called the meeting to order at 9:02 a.m. via internet and telephone conference call. She 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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Motion #3: To approve an expansion to the wine fermentation processing facility, incorporating Staff recommendations, as presented.

Motion: Cosgrove Second: Kille
Status: Approved

2. 10-19-08 Kelly, Sharon ~129.47 acres

Request:

Request for Stream Restoration Overlay Easements of 4.21 acres.

Recommendation:

Staff recommends approval subject to the condition that an Overlay Easement may not be recorded until the following are met:

1. The landowner supplies both the soil conservation plan and nutrient management plan
2. The Office of Resource Conservation evaluates the plans and also runs the Nutrient Tracking Tool
3. The Office of Resource Conservation supplies recommendation(s) for resource conservation practices on the property, if any, per below. The Office of Resource Conservation is not able to comment at this time because Ms. Kelly only recently acquired the property and has not yet established her own soil conservation plan or nutrient management plan. She will be leasing the land. Depending on the recommendations from Resource Conservation, a signed agreement (or an Amendment to the MALPF Easement) regarding future actions by the landowner may be required to be signed by the landowner in order to meet the condition of approval.

The approval is also subject to review and approval of the Overlay Easement, which shall include any required right of access for to access the easement area, by Foundation staff and the Office of the Attorney General.

Please note that Staff is only bringing this request without the resource conservation input due to the fact that the change in ownership necessitates new plans, change in ownership was unavoidable and because the Board does not have a December meeting.

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

Motion #4: To approve the request for Stream Restoration Overlay Easements of 4.21 acres, incorporating Staff recommendations and County conditions, as presented.

Motion: Bowling Second: Cosgrove
Status: Approved

B. CARROLL COUNTY

1. 06-21-11 Schueler, Ronald and Deborah ~171.96 acres

Request:

Request to use a barn to keep sick animals under vet care.

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 has determined that the proposed use is as a "farm animal veterinary practice" and recommends approval subject to the following requirements and conditions:

1. Approval by the Carroll County Agricultural Advisory Board (they have a December meeting),
2. Requirement that the majority of the animals treated shall be farm animals and
3. Compliance with all applicable federal, state, and local planning, zoning, or other statutes and regulations affecting the property and the approved uses.

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

Motion #5: To approve the use of a barn to keep sick animals under vet care, incorporating Staff recommendations, as presented.

Motion: Bowling Second: Klasmeier
Status: Approved

2. Rural Legacy Easement, Denny and Sandy Brothers ~111.74 acres

Request:

Request for approval for a hard cider processing facility and to sell bottles of the products from the farm for consumption off-site.

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. Some of the products must come from apples grown on site; remainder must come from apples grown in Maryland or regionally grown and
2. Compliance with all applicable federal, state, and local planning, zoning, or other statutes and regulations affecting the property and the approved uses.

(Note: If approved, this approval is not an approval for a tasting room and/or any consumption of the products on-site.)

Ms. Chasse introduced the item and Mr. Smith was available to address the Board. Ms. Chasse told the Board that the Rural Legacy program had been consulted and the co-holder of the easement (the County Commissioners) approved the request by review through the County Agricultural Advisory Board.

Motion #6: To approve a hard cider processing facility and to sell bottles of the products from the farm for consumption off-site incorporating Staff recommendation, as presented.

Motion: Bowling Second: Goodall
Status: Approved

C. HARFORD COUNTY

1. 12-13-05 Estate of Reino Mikkonen ~71.739 acres

Request:

Request for an unrestricted lot of up to two (2) acres.

Recommendation:

Staff recommends approval.

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

Motion #7: To approve an unrestricted lot of up to two (2) acres, as presented.

Motion: Klasmeier Second: Yerkes
Status: Approved

2. 12-13-02 Button, David ~139.9 acres

Request:

Request for a child's lot of up to 2.0 acres for a child's lot, for stepchild Bryan Bradford.

Recommendation:

Staff recommends approval.

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

Motion #8: To approve a child's lot of up to 2.0 acres for stepchild, Bryan Bradford, as presented.

Motion: Cosgrove Second: Klasmeier
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. N/A

VI. PROGRAM POLICY

A. Revised Alternative Energy Policy and Revised Violations Policy for vote.

Ms. Chasse and Ms. Cable introduced the policies.

Motion #9: Approval of the revised Alternative Energy Policy.

Motion: Goodall Second: Bowling
Status: Approved

Motion #10: Approval of the revised Violations Policy.

Motion: Bowling Second: Klasmeier
Status: Approved

VII. INFORMATION AND DISCUSSION

N/A

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): (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 #11: To adjourn the regular session at 9:54 a.m. 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: Yerkes Second: Cosgrove
Status: Approved

The Closed Meeting of the Board was held from 10:03 a.m. to 10:52 a.m. on November 23, 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):

(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:, William Allen, Chair, Jerome Klasmeier, representing Comptroller Peter Franchot, Joanna Kille, representing Treasurer Nancy Kopp, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland

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Department of Planning, Catherine Cosgrove, Joe Wood, Cricket Goodall, J. Bruce Yerkes, Beth Hill, and Gilbert "Buddy" Bowling.

The following Board members were absent: Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, and Robin Kable.

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Diane Chasse, Kim Hoxter, Amanda Massoni, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, and Patrick Martyn, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of October 26, 2021 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Baltimore County Court Decision Update.

Respectfully Submitted:



Michelle Cable, MALPF Executive Director