MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES JULY 28, 2020

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, 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

Cricket Goodall

Taylor Huffman

Robin Kable

Joseph Wood

J. Bruce Yerkes

Trustees Absent:

Elizabeth Hill

Catherine Cosgrove

Others Participating:

Michelle Cable, MALPF Executive Director

Diane Chasse, MALPF Administrator

Chana Turner, MALPF Administrator

Sarel Cousins, MALPF Administrator

Amanda Massoni, MALPF Fiscal Specialist

Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator

Justin Hayes, Assistant Attorney General, Department of Agriculture

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

Michael Calkins, Howard County Soil Conservation District

Devyn King, Cecil County Program Administrator

Megan Benjamin, Baltimore County Program Staff

Martin Sokolich, Talbot County Program Administrator

Donna Sasscer, St. Mary's County Program Administrator

Adam Gibson, Somerset County Program Administrator

Bill Beach, DGS Appraiser

Dave Kelleher, DGS Appraiser

Darryl Andrews, DGS Appraiser

Julie Enger, DGS Appraiser

Will Lefort, DGS Appraiser

Fatimah Hasan, Maryland National Capital Park & Planning Commission

Brian Cramer, GreenVest

Raine Archer, Harford County landowner

Greg Pahl, Baltimore County landowner

Pamela Pahl, Baltimore County landowner

Dana Cooper

Mr. Allen, Chair, called the meeting to order at 9:02 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 June 23, 2020.

Motion #1:

To approve minutes from June 23, 2020.

Motion:

Klasmeier

Second:

Herr-Cornwell

Status:

Approved

II. ADDITION / DELETION OF AGENDA ITEMS

Ms. Cable referenced the additional item that was added to the agenda via email the previous week. No other additional items added.

III. ANNOUNCEMENTS

Ms. Cable welcomed Mr. Allen as the newly appointed Chair of the Board of Trustees, stepping up from his role as Vice Chair. This change brings the need for a new Vice Chair, preferably one whose terms is longer than Mr. Allen's as well as having a Board member that is familiar with the Board and has past experience. Ms. Cable asked Board members to email her if they are interested in serving as Vice Chair. In addition, a MALPF Board member is needed to serve on the Rural Legacy Advisory Committee going forward. Ms. Cable asked for a volunteer for that position as well.

Ms. Cable also welcomed Taylor Huffman back as a Board member. She is the new Young Farmer's representative on the Board. Unfortunately, Jim Weddle decided to step down from the Board.

MALPF accepted 194 applications as of July 1st for the FY2021 easement cycle. MALPF staff is busily reviewing the applications and submitting them to DGS to begin the appraisal process.

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.

IV. EASEMENT AMENDMENTS

A. BALTIMORE COUNTY

1. 03-86-10

Estate of Leslie Pahl, Sr. and Mary Jane

~130 acres

Request:

Request approval for a land exchange that will add 1.96 acres of land to the easement property in exchange for release of a 1.96 acre area from the easement.

Recommendation:

Staff recommends approval subject to:

- the provisions of COMAR 15.15.11.03 (b) which require a determination that the value of the easement will not be diminished as a result of the land exchange, as further explained below;
- 2. the landowner signing a letter acknowledging the conditions of approval as provided herein, and of any other conditions of approval as determined by the Foundation's Board;

- 3. Satisfaction of all applicable requirements/conditions set forth below under the header "15.15.11.03 Criteria";
- 4. Recording of a corrective easement in the land records of Baltimore County to memorialize the land exchange as well as the following provisions to which the landowner has agreed:
 - a. waiver of the request for termination clause;
 - b. the pre-existing dwelling on the property will be non-subdividable from the

Ms. Turner introduced the item, Ms. Benjamin, Ms. Pamela Pahl and her son, Gregory Pahl were available to address any questions.

Motion #2:

To approve the land exchange of a 1.96 acre lot to be added to the easement property and an equal acreage lot to be released,

as presented.

Motion:

Klasmeier

Second:

Kille

Status:

Approved

~304 acres

2. 03-15-14 White, Dorothy

Request:

Request waiver of requirement for a long-term stewardship and management endowment for a previously approved stream restoration easement.

Recommendation:

Staff recommends approval pursuant to the Foundation's Water Resources Easement Overlay Policy, as amended in April, 2020.

Ms. Turner introduced the item. Ms. Benjamin and Brian Cramer from GreenVest were available to address any questions.

Motion #3:

To approve the waiver of the previously required long-term stewardship endowment, as presented.

Motion:

Wood

Second:

Klasmeier

Status:

Approved

B. HARFORD COUNTY

1. 12-98-08A Archer, Raine and Steven

~ 48.347 acres

Request approval for a summer-long agritourism operation for children to educate them about farming (day camp).

Recommendation:

After reviewing the request and considering the criteria set forth in COMAR 15.15.07.03 and the MALPF Permitted Uses Policy and considering the historical relationship of the requested activities to farming, Staff recommends approval subject to 1) approval by the Health Department and 2) notice to the landowners that any approvals by the Foundation for the requested activities shall not be construed as to override any local planning, zoning, or other statutes and regulations affecting the property.

Ms. Chasse introduced the item. Ms. Archer provided the Board additional information about the day camp and was available to address any questions the Board had.

Motion #4:

To approve the request for a summer-long agritourism operation for children to educate them about farming (day camp), as presented, incorporating Staff recommended conditions.

Motion:

Yerkes

Second:

Goodall

Status:

Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

A. Request to Close FY2020 Easement Acquisition Cycle Round One

Ms. Cable introduced the item, stating that no additional Round One offers may be extended, beyond what the Board had previously approved.

Motion #5:

To approve closing FY2020 Easement Acquisition Cycle, Round

One, as presented.

Motion: Status: Wood

Approved

Second:

Klasmeier

B. Extend of recertification term to full 5-years under COMAR 34.03.03

Request:

MALPF and MDP Staff are requesting an extension of the recertification terms for an additional two years for the below listed counties, as they are now eligible under the newly effective regulations (COMAR 34.03.03, effective May 2020).

County	Certification Period
Anne Arundel	July 1, 2018 – June 30,2021
Baltimore	July 1, 2018 – June 30, 2021
Carroll	July 1, 2018 – June 30, 2021
Cecil	July 1, 2018 – June 30, 2021
Frederick	July 1, 2018 – June 30, 2021
Harford	July 1, 2020 – June 30,2023
Kent	July 1, 2018 – June 30, 2021
Montgomery	July 1, 2018 – June 30, 2021
Prince George's	July 1, 2020 - June 30, 2023
Queen Anne's	July 1, 2018 – June 30, 2021
St. Mary's	July 1, 2018 – June 30, 2021
Talbot	July 1, 2020 – June 30, 2023
Worcester	July 1, 2018 – June 30, 2021

Motion #6:

To approve the extension of the recertification period for the above

listed counties, as presented.

Motion: Status: Wood Approved Second:

Oberg

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): (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 #7:

To adjourn the regular session at 9:42 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:

Kille

Second: Herr-Cornwell

Status:

Approved

The Closed Meeting of the Board was held from 9:53 a.m. to 10:51 a.m. on July 28, 2020, 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: William Allen, 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, Cricket Goodall, Taylor Huffman, Robin Kable, Joe Wood, Elizabeth Hill and J. Bruce Yerkes.

The following Board members were absent: Cathy Cosgrove

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Diane Chasse, Chana Turner, Sarel Cousins, Kim Hoxter, Amanda Massoni, Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture, 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 July 7, 2020, and July 28, 2020, Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Pending FY2020 offer
- D. Round Two FY 2020 Offers

Respectfully Submitted:

Michelle Cable, MALPF Executive Director