

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
SEPTEMBER 22, 2020**

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair
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
Cricket Goodall
Robin Kable
Joseph Wood
J. Bruce Yerkes

Trustees Absent:

Catherine Cosgrove
Elizabeth Hill

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
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 Beales, Caroline County Program Administrator
Julie Enger, DGS Appraiser
Donna Landis-Smith, Queen Anne's County Program Administrator
Megan Benjamin, Baltimore County Staff
Martin Sokolich, Talbot County Program Administrator
Charles Rice, Charles County Program Administrator
Beth Groth, Charles County Staff
Stephanie Moore, Charles County Landowner
Jeff Lagana, Charles County Landowner Consultant

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.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from August 25, 2020.

Motion #1: To approve minutes from August 25, 2020.
Motion: Kille Second: Oberg
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. One additional item for the Board to vote on, selecting the Vice Chair. Taylor Huffman volunteered to serve as Vice Chair. If there were no other volunteers, the Board has the authority to select the Vice Chair, but needs to formally adopt by voting.

Motion #2 To approve Taylor Huffman to serve as Vice Chair of the Board.
Motion: Yerkes Second: Kille
Status: Approved

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.

IV. EASEMENT AMENDMENTS

A. CHARLES COUNTY

1. File 08-13-12 MSKD, LLC ~97.4325 acres

Request:

Request approval for a land exchange to resolve a grave site violation that will add 1.53 acres of land to the easement property in exchange for release of a 1.53 acre area from the easement.

Recommendation:

Staff recommends approval subject to:

1. 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” in Section C(1) including, without limitation, approval by the Board of Public Works;

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4. Recording of a corrective easement in the land records of Charles County to memorialize the land exchange.

Ms. Cousins introduced the item. Mr. Rice, Ms. Moore, and Mr. Lagana were available to address the Board. Mr. Lagana mentioned that he had a subdivision concept meeting with Charles County Planning and Growth Management and that a corrective easement will be done in conjunction with a minor subdivision for a lot in that exclusion area.

Motion #3: To approve the land exchange of 1.53 acres being released from the easement, and 1.53 acres to be added into the easement, as requested, incorporating the staff recommendations as conditions of the approval.

Motion: Wood Second: Huffman
Status: Approved

B. BALTIMORE COUNTY

1. File 03-94-01AE Nash, Carl & Sandra ~86.63 acres

Request:
Request approval of a 5-year extension of a preliminary release of a child's lot for Larry Nash.

Recommendation:
Under COMAR 15.15.06.05.B.2., Staff recommends approval for the extension.

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

Motion #4: To approve 5-year extension request of the preliminary release of the child's lot for Larry Nash, as presented.

Motion: Herr-Cornwell Second: Wood
Status: Approved

C. HARMOND COUNTY

1. File 12-81-01e McKnight, H. Turney ~184.53 acres

Request:
Request approval to preserve a 4.6 acre unimproved parcel by amending this easement to add the 4.6 acres.

Recommendation:
Staff recommends approval.

Ms. Chasse introduced the item.

Motion #5: To approve accepting the donation of the 4.6 acres to add to the existing easement, as presented.

Motion: Goodall Second: Oberg
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. SOMERSET COUNTY

1. 19-21-01 Dumsha, Gerard & Donna ~244.05 acres
(includes unpaid acres)

Request is to approve the application designating ~5.25 acres from the easement with zero development rights associated with it as a permitted uses envelope for an existing sand and gravel mining operation. If the area is no longer used for commercial purposes, the area could be used for other non-residential commercial operations that

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are consistent with the rural landscape and permitted by the county. Approximately 18 acres of the property lies within the water and sewer district, which the Board previously approved in September 2016.

2. 19-21-02 J & J Agriculture, LLC (James Nelson) ~76.706 acres
(includes unpaid acres)

Request to approve the application including a donation of ~10.206 acre area of non-qualifying soils as part of the easement, but unpaid, so the entire property will be covered by the easement.

Motion # 6: To approve the Somerset County requests as presented

Motion: Wood Second: Klasmeier
Status: Approved

B. TALBOT COUNTY

1. 20-21-05 Shortall, William & Jennifer ~99.425 acres
(excludes withheld acres)

Request to approve the application withholding ~5 acres with one dwelling. The ~5 acres will require a Declaration of Restrictions that documents one development right with the acreage.

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

Motion: Wood Second: Herr-Cornwell
Status: Approved

C. ALLEGANY COUNTY

1. 01-21-01 Ferrell, Robert S. ~69.47 acres
(includes unpaid acres)

Request to approve the application including a donation of ~4.31 acre area of non-qualifying soils as part of the easement, but unpaid, so the entire property will be covered by the easement.

2. 01-21-03 Robintette, David & Carl ~70.1 acres
(includes unpaid acres)

Original request to approve the application including a donation of ~7.6 acre area of non-qualifying soils as part of the easement, but unpaid, so the entire property will be covered by the easement. Approximately 1-acre of the unpaid area is located across Williams Road (a public road). After discussion with the landowners, at the request of MALPF Staff, the owners are willing to exclude the ~1-acre located across Williams Road from the easement application with no declaration of restrictions required. The final application configuration will therefore only include ~6.6 acre area of non-qualifying soils as part of the easement, but unpaid, so the entire property to the south side of Williams Road will be covered by the easement. The new total acreage of the easement area will be ~69.1 acres.

3. 01-21-04 Walker Land Holdings, LLC ~115.288 acres
(Doug Walker) (includes unpaid acres)

Request to approve the application including a donation of ~12.88 acre area of non-qualifying soils as part of the easement, but unpaid, so the entire property will be covered by the easement.

4. 01-21-05 Yonker, Brian & Annette ~7.43 acres
(excludes withheld acres)

Request to approve the application withholding ~1 acre with one dwelling. The 1 acre will require a Declaration of Restrictions that documents one development right with the acreage. This application is contingent upon settlement of the adjacent FY20 MALPF application property.

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Motion # 8: To approve the Allegany County requests as presented

Motion: Wood Second: Kille
Status: Approved

D. ANNE ARUNDEL COUNTY

1. 02-21-02 Estate of Eleanor R. King ~67.5 acres
(excludes withheld acres)
Request to approve the application withholding ~2 acres with one dwelling. The ~2 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion # 9: To approve the Anne Arundel County request as presented

Motion: Kille Second: Wood
Status: Approved

E. BALTIMORE COUNTY

1. 03-21-03 Bohlayer, Morris & Sharon ~80.577 acres
(excludes withheld acres and includes unpaid acres)
Request to approve the application withholding ~1 acre with no development right associated with it, to be merged with adjacent parcel, and an unpaid ~1 acre area to be designated non-subdividable building envelope around an old house foundation. The withheld acre will require a Declaration of Restrictions that documents no development rights with that acre.
2. 03-21-05 Johns, David & Beth ~46.7423 acres
(includes unpaid acres)
Request to approve the application including a donation of ~1.0948 acre area that is located across the county line, in Carroll County, as part of the easement, but unpaid, so the entire property will be covered by the easement. If an easement is acquired, it will be recorded in both Baltimore and Carroll Counties, with Baltimore County responsible for monitoring the entire easement property.
3. 03-21-08 Mistfield Farm, LLC (Brian Flowers) ~51.464 acres
(includes unpaid acres)
Request is to approve the application acknowledging a ~21.766 acres area of the property already encumbered by a Deed of Declaration and Declaration of Covenants, which includes a Forest Buffer, Wetlands, and Stream Buffer Areas provisions. The already encumbered area will be included within the MALPF easement but unpaid.
4. 03-21-10 Two Cows Farm, LLC ~97.434 acres
(Ronald Atkins & Karen Hess) (includes unpaid acres)
Request is to approve the application designating ~1 acre from the easement with zero development rights associated with it as a permitted uses envelope around an existing construction business. If the area is no longer used for commercial purposes, the area could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county.
5. 03-21-12 Blakey, Margaret; Pagan, Glenn, & Westerlund, Rachel (contract purchasers) ~116.0035 acres
(excludes withheld acres)
Request to approve the application withholding ~10.018 acres with one dwelling. The ~10.018 acres will require a Declaration of Restrictions that documents one development right with the acreage. The seller is retaining the withheld acres and will need to consent to enter into the Declaration of Restrictions. In addition, an existing Declaration and Grant of Easement for fox hunting activities encumbers the property and must be amended if a MALPF easement is offered.

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Motion # 10: To approve the Baltimore County requests as presented

Motion: Klasmeier Second: Goodall
Status: Approved

F. CAROLINE COUNTY

1. 05-21-02 Clopper, Marc & Cindy ~135.9 acres
(excludes withheld acres)
Request to approve the application withholding two separate areas, the first ~3 acres with one dwelling, and the second ~ 22 acres across the road, reserving one development right. Both areas, totaling ~25 acres will require a Declaration of Restrictions that documents a total of two development rights with the acreage, one development right per each withheld area.

2. 05-21-06 Fisher, Shelly ~118.52 acres
(excludes withheld acres)
Request to approve the application withholding ~4 acres, currently unimproved. The ~4 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion # 11: To approve the Caroline County requests as presented

Motion: Wood Second: Huffman
Status: Approved

G. KENT COUNTY

1. 14-21-07 Reed-May, Robing & Reed, Jonathan ~250.794 acres
(includes unpaid acres)
Request is to approve the application designating ~3 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.

2. 14-21-09 Thieme, Wayne ~240.252 acres
(excludes withheld acres)
Request to approve the application withholding ~18.5 acres, currently unimproved. The ~18.5 acres is zoned EC (employment center), which would not be consistent with county plans to place that area under a MALPF easement.

Motion # 12: To approve the Kent County requests as presented

Motion: Wood Second: Klasmeier
Status: Approved

H. WICOMICO COUNTY

1. 22-21-04 Porter Mill Properties, LLC ~123.63 acres
(Harold Scrimgeour) (excludes withheld acres)
Request to approve the application withholding ~6 acres, currently unimproved, across a public road from the rest of the easement property.

2. 22-21-06 Simms, William, Jr. ~80.8 acres
(excludes withheld acres)
Request to approve the application withholding two separate areas, the first ~2 acres, currently unimproved, the second ~140.36 acres area that has been previously protected. The two areas total ~142.36 acres. Only the ~2 acre area will require a Declaration of Restrictions that documents one development right permitted with the acreage.

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3. 22-21-06 Todd, William & Mary ~128 acres
(includes unpaid acres)
Request to approve the application including a donation of ~40.1 acre area of non-qualifying soils as part of the easement, but unpaid, so the entire property will be covered by the easement.
4. 22-21-01 Delmarva Farms, LLC et al ~91.21 acres
(Harold Scrimgeour) (includes unpaid acres)
Request is to approve the application acknowledging a ~45 acres area of the property already encumbered by a Forest Conservation Easement. The already encumbered area will be included within the MALPF easement but unpaid.

Motion # 13: To approve the Wicomico County requests as presented

Motion: Klasmeier Second: Huffman
Status: Approved

VI. PROGRAM POLICY

Ms. Cable informed the Board that the newly established committee to review a number of regulations and policies will hold their first meeting on September 30th.

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; and (7) to consult with counsel to obtain legal advice.

Motion # 14: To adjourn the regular session at 9:51 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.

Motion: Kille Second: Yerkes
Status: Approved

The Closed Meeting of the Board was held from 10:01 a.m. to 10:30 a.m. on September 22, 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; and

(7) to consult with counsel to obtain legal advice.

During the Closed Meeting, the following Board members were present: William Allen, Chair, 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, Cricket Goodall, Robin Kable, Joe Wood, and J. Bruce Yerkes.

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The following Board members were absent: Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cathy Cosgrove, and Elizabeth Hill.

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, 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 25, 2020 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2021 Pending Application
- D. FY 2020 Pending Offer
- E. Harford County easement donation due diligence expenses

Respectfully Submitted:



Michelle Cable, MALPF Executive Director