

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
May 28, 2019**

Trustees Present:

Michael Calkins, Chair
William Allen, Vice-Chair
Nancy Kopp, Treasurer
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland
Department of Planning
Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department
of Agriculture
Jerome Klasmeier, representing Comptroller Peter Franchot (via conference call)
Catherine Cosgrove
Taylor Huffman
Bernard L. Jones, Sr.
Joe Wood
J. Bruce Yerkes (via conference call)

Trustees Absent:

Others Present:

Michelle Cable, MALPF Executive Director
Diane Chasse, MALPF Administrator
Chana Turner, MALPF Administrator
Sarel Cousins, MALPF Administrator
Amanda Wilson, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Justin Hayes, Assistant Attorney General, Department of Agriculture
Nancy Forrester, Assistant Attorney General, Department of General Services
Wally Lippincott, Baltimore County Program Administrator
Billy Gorski, Anne Arundel County Planner
Joanna Kille, staff to Treasurer Nancy Kopp

Others Present By Phone Conferencing:

Siera Wigfield, Allegany County Program Administrator
Larry Crossland, Allegany County Agriculture Land Preservation Board Member
Eric Seifarth, Washington County Program Administrator
Chris Boggs, Washington County Land Preservation Planner
Dale and Donna Ford, Washington County Landowners
Beth Beales, Caroline County Program Administrator
Joseph Wiley, Baltimore County Land Preservation Planner
Martin Sokolich, Talbot County Program Administrator
Donna Landis-Smith, Queen Anne's County Program Administrator
Bill Amoss, Harford County Program Administrator
Beth Groth, Charles County Land Preservation Planner
Anne Bradley, Frederick County Program Administrator
Ron Marney, Calvert County Program Administrator

Mr. Calkins, Chair, called the meeting to order at 9:07 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from April 23, 2019.

Motion #1: To approve minutes from April 23, 2019.
Motion: Wood Second: Jones
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

Ms. Cable informed the Board that items IV.B.1, IV.G.1, IV.G.2, and VI.B. are being withdrawn at this time.

III. ANNOUNCEMENTS

Ms. Cable informed the Board about a recent development in the previously approved FY 2020 budget regarding the MALPF "payback funds" that stemmed from the 2016 BRFA. At this time, it is uncertain whether or not the \$5,456,292 that was approved as the "payback funds" will be released to MALPF. These funds were in addition to fully funding MALPF's share of the Program Open Space funds out of the real estate transfer taxes collected. If these funds are not released to MALPF, this will change the original estimated amount that each county will receive in the Round One General Allotment share of the funds in the 2020 Cycle. The new estimated amount decreased from \$912,441 to \$793,826. Ms. Cable will keep the Board updated when new budget information is available.

Ms. Cable asked for Board and County volunteers to participate in the Legislative Review Committee this summer. Bill Allen volunteered, and after the meeting Debbie Herr Cornwell also volunteered. Ms. Cable will send out a request to the County Administrators for participation.

Ms. Cable informed the Board that MALPF will be closing the FY 2019 Round One offers and beginning Round Two offers at the July 23rd meeting this summer. Knowing that summer is a busy time for travel and vacations, Ms. Cable stressed the importance to the Board of the need to have enough members attend the July meeting, in person or by phone, to ensure we have a quorum for the July meeting.

IV. EASEMENT AMENDMENTS

A. ALLEGANY COUNTY

1. 01-08-01 Shipley, Ronald and Sylvia ~177 acres

Request approval of 1.0 acre for a child lot for Ira Owen Shipley.

Ms. Turner introduced the item. Ms. Wigfield was available via phone conference to answer questions.

Motion #2: To approve the request for a child lot for Ira Owen Shipley, not to exceed 1.0 acre and subject to conditions recommended by Staff.
Motion: Jones Second: Cosgrove
Status: Approved

B. CALVERT COUNTY

1. WITHDRAWN

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C. CARROLL COUNTY

1. WITHDRAWN
2. 06-96-01 Stambaugh, Rodney and Melanie ~86.77 acres

Request re-approval of a child lot for the original landowner's son, Rodney, who now owns the farm.

Ms. Turner introduced the item.

Motion #3: To approve the request for re-approval of a child lot for Rodney Stambaugh.

Motion: Cosgrove Second: Jones
 Status: Approved

D. WITHDRAWN

E. WASHINGTON COUNTY

1. 21-80-02 Ford, Donna and Dale ~174 acres
 Ford, Robyn and Estate of James

Request approval to (a) amend prior agricultural subdivision approval, and (b) approve five family lots.

Ms. Turner introduced the item. Mr. Seifarth, Mr. Ford, and Ms. Ford were available via phone conference to address the Board. Staff recommended that the Board consider and approve the landowners' requests in two parts: Part A and Part B.

PART A

Ms. Turner explained that the agricultural subdivision approved by the Board in 2016 was not consummated. James Ford, one of the siblings involved in the subdivision transaction (now deceased) refused to sign the corrective easements after the plat of the subdivision was recorded. Since that time the family had been working on a resolution to compel their brother's signature on the corrective easements. At the time of the 2016 subdivision approval, stepchildren were not eligible to receive child lots; however, a 2018 law now affords stepchildren this right.

The Landowners' request to revise the 2016 agricultural subdivision was made so that the landowners could exercise their right to two additional child lots, one for each of Dale Ford's two stepchildren. Staff recommended approval for the landowners to revise the subdivision approval subject to the Board approving the child lots as requested in Part B below, as well as to the following conditions:

1. The transaction shall occur according the following time table:
 - a. The current subdivision plat is to be voided of record by August 1, 2019.
 - b. Family lots to be preliminarily released by October 31, 2019.
 - c. Corrective easements and new subdivision plat to be recorded within 3 years of Board's current approval (May 28, 2022).
2. Pursuant to COMAR 15.15.12.04 C. corrective easements must be recorded in the land records of Washington County.
3. Pursuant to COMAR 15.15.12.04 D. all landowners of all resulting divided parcels waive the right to request termination of a MALPF easement, and shall so specify the waiver in the corrective easements.
4. The landowners are responsible to pay all costs and fees involved in the revised agricultural subdivision, including additional title fees and survey costs.

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5. The landowners are to provide all funds and documentation required to satisfy each step in the above time table in enough time so that the deadlines established therein are met.
6. The subdivision will result in a reconfiguration of the existing tax parcels, resulting in each easement property to consist of a single tax map, parcel, and account.

Part B

Request approval of five family lots as shown on the map attached to Staff's recommendation for the persons and in the acreages assigned to each person as follows:

Lot 1*- Donna's owner's lot-	1.768 ac.
Lot 2- Heather – Dale's stepchild-	1.571 ac.
Lot 3- Bradley – Dale's stepchild-	1.922 ac.
Lot 4- Brittany – Donna's child-	1.457 ac.
Lot 5- Blaine – Donna's child-	1.759 ac.

*Donna's owner's lot location is shown on the map as Lot 1, Option A. No lot will be created for Lot 1, Option B.

Staff recommends approval subject to the following conditions.

- a) The five preliminary lot releases occurring pursuant to the time table provided in the conditions listed under Part A above; and
- b) Receipt of reimbursement for the combined acreage of the five lots at the rate of \$800 per acre.

Motion #4: To approve the landowners' request to amend the prior agricultural subdivision.

Motion:	Jones	Second:	Kopp
Status:	Approved		

Motion #5: To approve the landowners' request to approve five family lots as presented, specifying that the location of Lot 1, Donna Ford's owner's lot, be located as shown on the map attached to Staff's recommendation as Lot 1 option A.

Motion:	Allen	Second:	Cosgrove
Status:	Approved		

2. 21-90-01csR Misty Meadows Farms Inc. (Herbst family) ~183.8 acres

Request for creamery building expansion. Additionally, please consider allowing staff approval of future square footage increases if necessary for health department regulations and other regulatory requirements.

Ms. Cousins introduced the item. Mr. Seifarth was available via phone conference to address the Board.

Motion #6: To approve the request of a 1,300 square foot expansion of the creamery building (new total size of 4,450 square feet).

Motion:	Cosgrove	Second:	Allen
Status:	Approved		

The Board discussed the second part of staff request, asking how often requests have been submitted to increase the size of value-added buildings. MALPF staff informed the Board that while this happens very infrequently, it would be beneficial for staff to be able to approve requests that are the result of changes in health department or

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other regulatory requirements. The Board was supportive, but wanted staff to update the Board when these actions occurred.

Motion #7: To allow MALPF staff to approve increase in the size of buildings in a situation where the expansion is necessitated due to a change in health department or other regulatory requirements. MALPF staff will inform the Board when any such structure expansions are approved.

Motion: Cosgrove Second: Oberg
Status: Approved

F. HARFORD COUNTY

1. 12-84-05 Baker, Brian ~138 acres

Request approval of correction to the conditions associated with a previously approved land exchange request.

Ms. Chasse introduced the item and was available for any questions.

Motion #8: To approve the request of correction to land exchange.

Motion: Cosgrove Second: Jones
Status: Approved

G. TALBOT COUNTY

1. WITHDRAWN
2. WITHDRAWN

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

- A. Baltimore County Ranking

Baltimore County requests approval of its Ranking System.

Ms. Turner introduced the item. Mr. Lippincott was available for any questions from the Board. Mr. Lippincott explained to the Board why the proposed revisions are being requested. Treasurer Kopp asked Mr. Lippincott to provide a letter that summarized his verbal explanation to be included with the minutes for the record. The letter from Mr. Lippincott is dated June 5, 2019, and attached to the minutes.

Motion #9: To approve Baltimore County's Ranking System.

Motion: Huffman Second: Jones
Status: Approved

- B. WITHDRAWN

VII. INFORMATION AND DISCUSSION

- A. News Articles (via e-mail only)

VIII. CLOSED SESSION

Mr. Calkins 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

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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 #10: To adjourn the regular session at 10:15 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: Jones Second: Wood
Status: Approved

The Closed Meeting of the Board was held from 10:24 a.m. to 10:48 a.m. on May 28, 2019 at the Maryland Department of Agriculture building, Annapolis, Maryland, 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: Michael Calkins, Chair, Jerome Klasmeier, representing Comptroller Peter Franchot (via phone conference), Nancy Kopp, Treasurer, Deborah Herr Cornwell, representing Acting Secretary Robert McCord, Maryland Department of Planning, Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, William Allen, Cathy Cosgrove, Taylor Huffman, Bernard Jones, Joe Wood, and J. Bruce Yerkes (via phone conference).

The following legal representatives were also present during the closed session meeting: Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture and Nancy Forrester, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of March 26, 2019 Closed Session Minutes
- B. Approval of April 23, 2019 Closed Session Minutes
- C. Status Report of Pending Legal Issues
- D. FY 2019 Offers (To be distributed at meeting)
- E. & F. Pending Easement Offer Amendments in Somerset and Worcester Counties

Respectfully Submitted:

Michelle Cable, MALPF Executive Director