

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
MAY 23, 2017**

Trustees Present:

Bernard L. Jones, Sr., Chair
Michael Calkins, Vice Chair
William Allen
Susanne Brogan, representing Treasurer Nancy Kopp
James Eichhorst, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture
Catherine Cosgrove
Jerome Klasmeier, representing Comptroller Peter Franchot
Donald Moore
Jason Dubow, representing Secretary Wendi Peters, Maryland Department of Planning
Joe Wood
Tom Mason
Milly Welsh

Trustees Absent:

Ralph Robertson

Others Present:

Michelle Cable, MALPF Administrator
Diane Chasse, MALPF Administrator
Chana Kikoen Turner, MALPF Administrator, representing Carol West, Executive Director, MALPF
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Amanda Wilson, MALPF Fiscal Specialist
Tamekia Dent, MALPF Office Secretary
Justin Hayes, Assistant Attorney General, Department of Agriculture
Nancy Forrester, Assistant Attorney General, Department of General Services
Steve O'Connor, Cecil County Program Administrator
Deborah Bowers, Carroll County Program Administrator
Barbara Polito, Anne Arundel County Program Administrator
Billy Gorski, Anne Arundel County Planner
Donna K. Landis-Smith, Queen Anne's County Program Administrator
John Zawitoski, Montgomery County Program Administrator
Jeanine Nutter, Prince George's County Program Administrator
Anne Bradley, Frederick County Program Administrator
Ethan Strickler, Frederick County program staff
Bill Amoss, Harford County Program Administrator
Janna Howley, Grow & Fortify
Brian Baker, Harford County Landowner
David Tracey, Baltimore & Carroll County Landowner
Michael Burden, Baltimore & Carroll County Consultant to Landowner, Robert Tracey
Rick Troutman, Baltimore & Carroll County Consultant to Landowner, Robert Tracey

Others Present By Web Conferencing:

Martin Sokolich, Talbot County Program Administrator
Fatimah Hasan, Maryland National Capital Park and Planning, Planner Coordinator
Kaylee Justice, Baltimore County staff
Keeve Brine, Baltimore County staff
Paul Granger, Jr., Cecil County Landowner

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Motion #2: To approve a 1-acre non-subdividable, unrestricted lot to be memorialized by an amendment to the deed of easement to permit the unrestricted lot as a building envelope.

Motion: Cathy Cosgrove Second: Milly Welsh
Abstain: Susanne Brogan
Status: Approved

B. ANNE ARUNDEL COUNTY

1. 02-86-02B Perry Family, LLC ~80 acres

Request –Anne Arundel County:

Request for a 5-year extension to the validity of the preliminary release for the approved child's lot for Dale Clark.

Recommendation:

Staff recommends approval for the extension pursuant to COMAR 15.15.06.05.B.2.

Ms. Cable introduced the item. Mr. Gorski was present and available for questions.

Motion #3: To approve the request pursuant to COMAR 15.15.06.05.B.2.

Motion: Cathy Cosgrove Second: Milly Welsh
Status: Approved

C. HARFORD COUNTY

1. 12-04-01 Alice Archer ~48.694 acres

Request –Harford County:

Request to approve unrestricted lot.

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item. Mr. Amoss was available for questions. The Board did not have any questions.

Motion #4: To approve the request for an unrestricted lot.

Motion: Milly Welsh Second: Cathy Cosgrove
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

A. Participation in FY 2017/2018 Matching Funds Program:

Ms. Turner referenced the list of 15 counties that have indicated their participation in the Matching Funds Program for easement acquisitions. Ms. Turner requested that the Board vote for approval of those counties' participation.

Motion #5: To approve the participation of the following counties in MALPF's Matching Funds Program: Baltimore County, Caroline County, Carroll County, Cecil County, Charles County, Frederick County, Garrett County, Harford County, Kent County, Queen Anne's

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County, St. Mary's County, Somerset County, Talbot County, Washington County, and Worcester County.

Motion: Cathy Cosgrove Second: Michael Calkins
Status: Approved

B. Permitted Uses Policy – Update

Request:

To finalize and approve the proposed Uses Policy (version 8.1)

Recommendation:

Staff recommends approval.

Ms. Cable introduced the item and summarized the history of the past six months regarding the review of the permitted uses policy. The permitted uses policy, version 8.1, reflects the discussion and decisions of the Board over the past months, as well as changes to ensure the policy complies with existing statute and regulations regarding uses on easement properties.

The following county administrators addressed the Board regarding this topic: Steve O'Connor (Cecil County) reiterated his advisory board's primary concern about what would occur if a county board recommended approval for a designated staff-level use, but MALPF staff denied. The county board would like to see any such occurrence be brought to the MALPF Board for a final decision. Otherwise, he and his board were supportive of the current version 8.1 of the policy.

Deborah Bowers (Carroll County) stated that she and her board supported version 8.1 of the policy as it specifically states that no activity/use/event would be permitted that was not agriculturally related. She stated that with this prohibition of non-agricultural uses, the policy adheres to the purpose of the original MALPF mission and legislative intent.

John Zawitoski (Montgomery County) shared how it can be challenging for landowners to understand the nuances and differences between easement programs. He stated how the agricultural industry needs all tools possible to allow agriculture and its related uses to grow and transition as the industry evolves and adapts to changing conditions. He stated the county's zoning for conditional uses is similar to the proposed version 8.1 policy, requiring that agriculture remain the primary commercial use on a farm, with the conditional use allowed when it can be tied-in to the agricultural operation. He ended with stating that he strongly supports the current version 8.1 of the policy.

In addition of the county administrators, Mr. Brian Baker, an easement owner in Harford County, also addressed the Board. He asked if there were definitions for the terms used in the policy, such as "farm or forest related". Mr. Hayes responded that there is no definition, the decision would be made by the Board on a case by case situation, based on the information an applicant presents. Mr. Baker reiterated his earlier concerns from the February meeting that it is difficult for farm owners to make a living solely on farm income, which calls for the need of other supplemental revenue sources available to the farm owners.

Mr. Wood asked whether or not it would be appropriate to table the policy until after the next legislative session to see whether or not any legislative action was taken to impact this topic. Mr. Jones, and the rest of the Board, disagreed with Mr. Wood and felt the need to make a decision on the policy now. If and when there are any legislative changes, the Board will address it at that time.

Motion #6: To approve version 8.1 of the proposed Uses Policy.

Motion: Cathy Cosgrove Second: Michael Calkins
Opposed: Joe Wood
Status: Approved

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VIII. CLOSED SESSION

Mr. Jones 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 # 6: To adjourn the regular session 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: Michael Calkins Second: Jerome Klasmeier
Status: Approved

The Closed Meeting of the Board was held from 10:30 a.m. to 10:35 a.m. on May 23, 2017 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):

(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: Bernard L. Jones, Jr., Chair, Michael Calkins, Vice-Chair, James Eichhorst, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cathy Cosgrove, William Allen, Milly Welsh, Tom Mason, Jerome Klasmeier, representing Comptroller Peter Franchot, Susanne Brogan, representing Treasurer Nancy Kopp, Donald Moore, Jason Dubow, representing Secretary Wendi Peters, Maryland Department of Planning, and Joe Wood.

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 28, 2017 Closed Session Minutes
- B. Status Report of Pending Legal Issues.

Respectfully Submitted:

Chana Kikoen Turner, MALPF Administrator