

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
May 24, 2016**

Trustees Present:

Bernard L. Jones, Sr., Chair
Donald Moore
Milly B. Welsh
Michael Calkins
Catherine Cosgrove
James B. Norris, Jr.
Jonathan Quinn
Tom Mason
Dan Rosen, representing Secretary David Craig, Maryland Department of Planning
Jerome Klasmeier, representing Comptroller Peter Franchot
James Wallace, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture

Trustees Absent:

Susanne Brogan, representing Treasurer Nancy Kopp

Others Present:

Dave Allred, Cecil County Land Owner
Jeff Allred, Cecil County Land Owner
Michelle Cable, MALPF Administrator
Diane Chasse, MALPF Administrator
Tamekia Dent, MALPF Office Secretary
Lori Goodman, MALPF Office Secretary
Billy Gorski, Anne Arundel County Planner
Justin Hayes, Assistant Attorney General, Department of Agriculture
Jeanine Nutter, Prince George's County Program Administrator
Steve O'Connor, Cecil County Program Administrator
Mary Beth Pinkerton, Cecil County Landowner
Carol West, MALPF Executive Director
Kim Hoxter, MALPF Monitoring, Enforcement, and Database Coordinator

Others Present By Web Conferencing:

William Amoss, Harford County Program Administrator
Debbie Herr-Cornwell, Caroline County Program Administrator
Kaylee Justice, Baltimore County Office Assistant
Wally Lippincott, Baltimore County Program Administrator
Donna Sasscer, Saint Mary's County Program Administrator
Donna Landis-Smith, Queens Anne's County Program Administrator
Martin Sokolich, Talbot County Program Administrator

Bernard L. Jones, Sr., Chair, called the meeting to order at 8:59 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from April 26, 2016.

Motion #1: Approve minutes from April 26, 2016 as presented.

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Motion: Michael Calkins Second: Milly Welsh
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

Item D, St. Mary's County, 18-97-01a, Russell Brian, was added to the agenda.

III. ANNOUNCEMENTS

Ms. West and Mr. Jones asked for Board member volunteers for two committees. At least three trustees and three program administrators are needed for each committee.

- 1) Legislative Committee. The committee reviews potential legislation prior to requesting permission from the Board and Sec. Bartenfelder to proceed with submission of legislation. For the upcoming legislative session, there is one proposed piece of legislation to correct and streamline the Foundation's easement termination process. The committee will meet in June.

Board Volunteers:
Michael Calkins - Chair
Daniel Rosen
James Wallace

- 2) Easement Overlay Committee. The committee will review the processes and criteria for allowing other program easements to overlay the MALPF easements. Ex. Forest conservation easement, wetland mitigation easement, etc. The committee will begin meeting in July and will likely hold several meetings.

Board Volunteers:
Donald Moore - Chair
Catherine Cosgrove
Milly Welsh

Program Administrator Volunteers:
Steve O'Connor, Cecil County

Ms. West will contact Program Administrators to request volunteers for both committees.

Mr. Jones introduced Mr. Tom Mason as a new MALPF Board of Trustee member. Mr. Mason is replacing John Draper who resigned from the Board as the Farm Bureau representative.

IV. EASEMENT AMENDMENTS

A. FREDERICK

- 1) 10-08-08 Wolfe, Michael and Aran ~70.144 acres

Request – Frederick County:
Request to approve up to a 2 acre lot from the easement for a child's lot for Kristen Wolfe.

Recommendations:
Staff recommends approval of the lot and a right-of-way over the existing driveway to access the lot.

Ms. Chasse introduced the item.

Motion #2: To approve the request for a 2 acre lot from the easement for a child's lot for Kristen Wolfe.

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Motion: Catherin Cosgrove Second: Jerry Klasmeier
Status: Approved

- 2) 10-82-10 Brown/Gordon family ~295 acres

Request – Frederick County:

Request approval for re-assignment of child's lots.

Recommendations:

Staff recommends approval of the following assignment of lots, from north to south: Nancy (lot 202), Kathy (lot 203), Walter (lot 204) and Joseph (lot 205).

Ms. Chasse introduced the item.

Motion #3: To approve the request for re-assignment of child's lots.

Motion: Michael Calkins Second: James B. Norris, Jr.
Status: Approved

B. CECIL COUNTY

- 1) WITHDRAWN

- 2) 07-98-03 Carpenter, Roy & Susan ~121 acres

Request – Cecil County:

Request an amendment to the easement that designates an owner's lot as a non-subdividable building envelope that was approved and released while under District Agreement but was inadvertently included in the legal description of the Deed of Easement.

Recommendations:

Staff recommends approval in accordance with COMAR 15.15.11, which permits corrective easements to correct erroneous legal descriptions and accommodate a plan to benefit the agricultural operation.

Ms. Cable introduced the item. Mr. O'Connor was available for questions.

Motion #4: To approve the request for an amendment to the easement that designates an owner's lot as a non-subdividable building envelope that was approved and released while under District Agreement but was inadvertently included in the legal description of the Deed of Easement.

Motion: Michaels Calkins Second: Jonathan Quinn
Status: Approved

- 3) 07-01-05 Allred, David & Jeffery ~116.7 acres

Request – Cecil County:

Request approval of an agricultural subdivision of the Easement property creating an approximately 59 acre parcel and an approximately 53 acre parcel.

Recommendations:

Staff recommends approval.

Ms. Cable introduced the item. Mr. O'Connor and Dave and Jeff Allred were available for questions.

Motion #5: To approve an agricultural subdivision of the easement property creating an approximately 59 acre parcel and an approximately 53 acre parcel.

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Motion: Catherine Cosgrove Second: Donald Moore
Status: Approved

- 4) 07-91-16 Great House Holdings, LLC ~99 acres
- 07-91-17 Great House Holdings, LLC ~99 acres
- 07-91-18 Great House Holdings, LLC ~125 acres
- 07-87-11a Virginia DuPont Suarez ~50 acres
- 07-87-11b Allaire DuPont Hummel ~50 acres

Request – Cecil County:

Request to memorialize an access easement by a formal right of way agreement and expand it to 30-feet wide for the benefit of MALPF easement properties and MALPF approved lots.

Recommendations:

Staff recommends approval to record a 30' wide right of way agreement to memorialize a condition existing at the time the Foundation purchased its preservation easements..

Ms. Cable introduced the item. Mr. O'Connor was available for questions.

Motion #6: To approve a request to memorialize an access easement by a formal right of way agreement and expand it to 30-feet wide for the benefit of MALPF easement properties and MALPF approved lots.

Motion: Jonathan Quinn Second: Michael Calkins
Status: Approved

C. BALTIMORE COUNTY

- 1) 03-06-14 Chambers, Ernestine ~21.3 acres
- 03-06-15 Cutter, Brenda ~35.2 acres
- 03-06-16 Cutter, Brenda & Roger ~20.17 acres
- 03-06-17 Chambers, Elizabeth ~23.3 acres

Request – Cecil County:

Request a reconfiguration for four easements into two easements, resulting in an approximately 21.51 acre easement and an approximately 78.49 acre easement.

Recommendations:

Staff recommends approval in accordance with COMAR 15.15.11, which permits corrective easements to resolve a violation and document boundary line adjustments that accommodates a plan to benefit the agricultural operation.

Ms. Cable introduced the item. Mr. Lippincott was available for questions.

Motion #7: To approve the request for a reconfiguration for four easements into two easements, resulting in an approximately 21.51 acre easement and an approximately 78.49 acre easement.

Motion: Jonathan Quinn Second: Michael Calkins
Status: Approved

D. ST. MARY'S COUNTY

- 1) 18-97-01a Russell, Brian ~121.2 acres

Request – St. Mary's County

Request for a meat shop, and to hold up to 10 major farm-related events per year (auctions for farm equipment and food) to support the meat/farm operation.

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Recommendations:

Staff recommends approval of a 1) meat shop and 2) five major farm-related events per year to support the meat/farm operation. Staff requests the Board’s consideration of whether the sale of farm equipment should be permitted at these events as “farm equipment” is not specifically listed in the Foundation Uses policy.

Ms. Chasse introduced the item. Ms. Sasscer was available for questions.

At the April 26, 2016 meeting, the Board made a motion to: “approve a request for a meat shop, and to hold up to 10 major farm-related events per year (auctions for farm equipment and food) to support the meat/farm operation with a limit to one greenhouse used for accessory sales during events.” Following the meeting, Ms. Chasse provided the landowner with an approval letter that included the Amish crafts as accessory sales and, thereby limiting the Amish craft sales area to the interior of the greenhouse. On behalf of the landowner, Mr. Norris requested clarification of the letter so that the Amish craft sales would not be considered accessory sales and their sales area would not be limited.

Motion #8: For staff to change the landowner’s approval letter to eliminate the words “Amish crafts” and re-send the letter to the land owner.

Motion: James B. Norris, Jr. Second: Catherine Cosgrove
Status: Approved

V. EASEMENT PETITIONS

A. n/a

VI. PROGRAM POLICY

A. n/a

VII. INFORMATION AND DISCUSSION

A. News Articles

VIII. CLOSED SESSION

Bernard L. Jones Sr. 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 #9: 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: James B. Norris, Jr. Second: Michael Calkins
Status: Approved

The Open Board Meeting was adjourned at approximately 9:46 a.m.

The Closed Meeting of the Board was held from 9:53 a.m. to 9:56 a.m. on May 24, 2016 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

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(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 Sr., Chair; Michael Calkins; James B. Norris, Jr.; Catherine Cosgrove; Milly B. Welsh; Donald Moore; Jonathan Quinn, Tom Mason; Jerome Klasmeier, representing Comptroller Peter Franchot; Dan Rosen, representing Secretary David Craig, Maryland Department of Planning; James Wallace, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture.

The following legal representative was also present during the closed session meeting: Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture.

TOPICS DISCUSSED:

- A. Approval of April 26, 2016 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Request to Close FY 2015 Easement Acquisition Cycle

Respectfully Submitted:

Lori Goodman, MALPF Secretary

Carol S. West, Executive Director