

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
JULY 25, 2017**

**Trustees Present:**

Bernard L. Jones, Sr., Chair  
Michael Calkins, Vice Chair  
Catherine Cosgrove  
Jerome Klasmeier, representing Comptroller Peter Franchot  
Donald Moore  
Deborah Herr Cornwell, representing Secretary Wendi Peters, Maryland Department of  
Planning  
Joe Wood  
Tom Mason  
Milly Welsh

**Trustees Absent:**

Susanne Brogan, representing Treasurer Nancy Kopp  
James Eichhorst, representing Secretary Joseph Bartenfelder, Maryland Department  
of Agriculture  
William Allen  
Ralph Robertson

**Others Present:**

Carol S. West, MALPF Executive Director  
Michelle Cable, MALPF Administrator  
Diane Chasse, MALPF Administrator  
Chana Kikoen Turner, MALPF Administrator  
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  
Billy Gorski, Anne Arundel County Planner  
Jamie McIntosh, Howard County Landowner  
Darrell Fleming, Howard County Landowner  
Nancy Emory, Howard County Landowner  
Alice Fleming, Howard County Landowner  
Stephen Fleming, Howard County Landowner  
Joy Levy, Howard County Program Administrator  
Matt Tefteau, MDA Legislative Liaison

**Others Present By Web Conferencing:**

Martin Sokolich, Talbot County Program Administrator  
Kaylee Justice, Baltimore County staff  
Katrina Tucker, Kent County Program Administrator

Bernard L. Jones, Sr., Chair, called the meeting to order at 9:00 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 June 27, 2017.

MALPF Board Open Meeting Minutes July 25, 2017

Motion #1: To approve minutes from June 27, 2017 with one minor change.

Motion: Cathy Cosgrove Second: Michael Calkins  
Abstain: Deborah Herr Cornwell  
Status: Approved

**II. ADDITION / DELETION OF AGENDA ITEMS**

n/a

**III. ANNOUNCEMENTS**

There will be a Closed Session meeting that will include requesting approval of several Round One offers.

Don Moore has been replaced by Mr. J. Bruce Yerkes. Mr. Yerkes is expected to attend the August 22 Board meeting.

Ms. West stated that two additional (and final) checks have been received from the estate of Beverly Seeley. The two checks bring the total funds received to \$110,397.66. This money will be used for the Program's Operational Budget.

**IV. EASEMENT AMENDMENTS**

**A. WICOMICO COUNTY:**

1. 22-00-04A – Cam Tu Pham et al. ~97.5 acres

Request –Wicomico County:

Request to relocate a pre-existing dwelling as a non-subdividable building envelope.

Recommendation:

Staff recommends approval in accordance with COMAR 15.15.04.01 et seq.

Ms. Turner introduced the item.

Motion #2: To approve the request to relocate the pre-existing dwelling as a non-subdividable building envelope.

Motion: Cathy Cosgrove Second: Mike Calkins  
Status: Approved

**B. FREDERICK COUNTY**

1. 10-84-05e Sowers, Randy and Karen ~310 acres

Request –Frederick County:

Request retroactive approval for a tenant house.

Recommendation

Staff recommends approval.

Ms. Chasse introduced the item.

Motion #3: To approve the request for retroactive approval for a tenant house.

Motion: Cathy Cosgrove Second: Joe Wood  
Status: Approved

2. 10-87-05 Lenhart, Harold, Jr. and Kathleen ~101 acres

MALPF Board Open Meeting Minutes July 25, 2017

Nowell, Daniel and Brenda

Request – Frederick County:

Re-request for a child’s lot for Brenda Nowell.

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item.

Motion #4: To approve the re-request for a child’s lot for Brenda Nowell as presented.

Motion: Cathy Cosgrove Second: Mike Calkins  
Status: Approved

C. HOWARD COUNTY

- 1. 13-82-06 Fleming Revocable Trusts ~176.4 acres  
(Shirley Fleming, Trustee)

Request – Howard County:

Request approval of an agricultural subdivision of the Easement property creating an approximately 126 acre parcel and an approximately 50 acre parcel.

Recommendation:

In accordance with the Foundation’s Agricultural Subdivision regulations, Staff recommends approval, subject to regulatory conditions. In addition, Staff recommends the following conditions to be included in any Board approval:

- 1. A recorded right-of-way access agreement to benefit the ~50 acre subdivided parcel over the Gentle Giants Draft Horse Rescue (GGDHR) property.
- 2. One of the two pre-existing dwellings on the ~126 acre Fleming property be designated as non-subdivideable; OR, add the excluded 1-acre lot back into the easement property and designate that as the non-subdivideable building envelope (thereby retaining the full pre-existing dwelling rights with the other dwelling located on the ~126 acre parcel).
- 3. The second pre-existing dwelling be demolished/redesignated and the dwelling right be transferred to the ~50 acre subdivided parcel as a non-subdivideable lot right, with location approval to be granted in the future (one of the two pre-existing dwellings is a dilapidated farm house, currently not habitable).

Ms. Cable introduced the item. Ms. Levy and several members of the Fleming family were present and available for questions. Mr. Fleming agreed that one of the two pre-existing dwellings on the 126 acre parcel would be made non-subdividable and the second pre-existing dwelling would be demolished and the dwelling right will be located on the 50-acre parcel as a non-subdivideable building envelope, location to be approved at time of request.

Motion #5: To approve the request approval of an agricultural subdivision of the easement property creating an approximately 126 acre parcel and an approximately 50 acre parcel.

Motion: Cathy Cosgrove Second: Milly Welsh  
Status: Approved

D. WASHINGTON COUNTY

MALPF Board Open Meeting Minutes July 25, 2017

1. 21-80-02 Ford, James & Robyn ~125 acres (after subdivision)  
(State Highway Administration)

Request – Washington County:

Retroactive approval to release 0.278 acres for the improvement of Mapleville Road (MD Rt. 66) that State Highway Administration (SHA) acquired in 1993.

Recommendation:

Foundation staff is providing this outline of the project for informational purposes only. Board of Public Works approval is required to release the fee simple area and will require a pay back to the Foundation.

Motion #6: The Board has no objection to releasing acreage.

Motion: Mike Calkins Second: Milly Welsh  
Status: Approved

**V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:**

N/A

**VI. PROGRAM POLICY**

A. Wetlands & Stream Overlay Easement – Policy request

Ms. Cable introduced the item, informing the Board of significant increase in interest regarding stream and wetland overlay easements, primarily stemming from a recent State Highway Administration (SHA) request for proposals that was issued this summer in order for SHA to meet their 2020 MS-4 permit deadlines. To enable the Foundation to review and consider these requests while the previously submitted regulations are waiting to become legally effective, the Board can approve the previously approved regulation as policy, which can will be effective immediately.

Motion #7: To approve staff's request to adopt the proposed Wetland and Stream Overlay Easement regulations as policy.

Motion: Mike Calkins Second: Milly Welsh  
Status: Approved

**VII. INFORMATION AND DISCUSSION**

A. End of FY 2017 Inspection Report

Ms. Hoxter introduced the End of FY 2017 Inspection Report. Cecil County missed its goals, but inspections are scheduled in August. Kent and Montgomery Counties completed their inspections but have not yet sent reports.

**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): (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 # 8: To adjourn the regular session 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

MALPF Board Open Meeting Minutes July 25, 2017

litigation.

Motion: Milly Welsh                      Second: Cathy Cosgrove  
Status: Approved

The Closed Meeting of the Board was held from 9:30 a.m. to 9:40 a.m. on July 25, 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):

(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: Bernard L. Jones, Jr., Chair, Michael Calkins, Vice-Chair, Cathy Cosgrove, Milly Welsh, Tom Mason, Jerome Klasmeier, representing Comptroller Peter Franchot, Deborah Herr Cornwell, representing Secretary Wendi Peters, Maryland Department of Planning, and Joe Wood.

The following Board members were absent: James Eichhorst, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Susanne Brogan, representing Treasurer Nancy Kopp, Ralph Robertson, William Allen.

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 June 27, 2017 Closed Session Minutes
- B. Status Report of Pending Legal Issues.
- C. Rescind a Talbot County Offer – MALPF File #20-17-07
- D. Round One Offers
- E. Baltimore County Easement – MALPF File #03-80-06A

Respectfully Submitted:

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Carol S. West. MALPF Executive Director