

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
NOVEMBER 24, 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
Catherine Cosgrove
Cricket Goodall
Robin Kable
J. Bruce Yerkes

Trustees Absent:

Elizabeth Hill
Joseph Wood

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
Justin Hayes, Assistant Attorney General, Department of Agriculture
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
Wally Lippincott, Baltimore County Program Administrator
Beth Beales, Caroline County Program Administrator
Rob Tracey, Kent County Program Administrator
Mike Scheffel, Montgomery County Program Administrator
Bill Amoss, Harford County Program Administrator
Deb Bowers, Carroll County Program Administrator
J.P. Smith, Carroll County Staff
Stacey Kubofcik, MARBIDCO staff
Bill Beach, DGS Appraiser
Will LeFort, DGS Appraiser
Julie Enger, DGS Appraiser
Todd Bingaman, Carroll County landowner
Christina McKenzie, MDOT SHA
Dave Robison, MDOT SHA
John Narer, MDOT SHA
Donna Sasscer, St. Mary's County Program Administrator

Mr. Allen, Chair, called the meeting to order at 9:05 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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Motion #2: To approve the overlay easement to be used as a driveway for adjacent lots, incorporating MALPF staff recommended conditions.

Motion: Cosgrove Second: Klasmeier
Status: Approved

2. 06-82-07e Stambaugh, Ralph and Brenda ~ 63.29 acres

Request – Carroll County:

Request approval of a land exchange of 1 acre for 1.2 acres.

Recommendation:

Staff recommends approval, subject to the following:

1. Department of General Services Appraisal review of value,
2. Completion of a Corrective Easement,
3. Approval by the Board of Public Works of the land exchange, and
4. The landowners shall pay for all expenses associated with the corrective easement transaction, including all title work, title insurance premiums, and surveys.

Ms. Chasse introduced the item and informed the Board of new information regarding one of the required conditions per the regulations - the market value evaluation provided by the Department of General Services (DGS). As noted in staff condition #1, approval was subject to receiving a supportive market value review of value from the DGS appraiser. That analysis, provided to MALPF staff prior to the meeting, included DGS' determination that "the value of the easement would be diminished by this proposed land exchange." Since one of the regulatory requirements was not satisfied for this land exchange request, the Board does not have the authority to approve the request as presented.

Ms. Cable noted to the Board that the task of the DGS appraiser was to provide an analysis of the market value of the easement at a specific point in time with the information available at that time. The original easement owners withheld land from the easement with the intent to develop it for residential purposes, which was incorporated into the appraisal at the time the easement was established. However, the current owners of the easement did not attempt to fully develop the withheld area until this past year. The engineering analysis of the withheld areas does not pass a perc test, therefore the withheld 1.2 acre area is not independently able to be developed for residential purposes. In contrast, the 1-acre area the current easement owners were requesting to release from the easement to be developed for residential purposes does pass current perc testing, thereby having the potential to be independently developed for residential purposes. When comparing the current monetary value of this exchange, the value of the easement would be diminished. Mr. Beach confirmed Ms. Cable's explanation of how the valuation analysis was performed and the result that was reached.

Ms. Bowers and Mr. Smith addressed the Board and expressed their disappointment with the appraisal analysis.

As the Board did not have the authority to approve the request under these circumstances, no motion was made.

B. ST. MARY'S COUNTY

1. 18-01-02a Jones, Ancel & Gloria ~51 acres

Request – St. Mary's County:

Request approval for an owner's lot for Ancel C. Jones, up to 2-acres.

Recommendation:

Staff recommends approval.

Ms. Cousins introduced the item.

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Motion #3: To approve the owner's lot request up to 2-acres, as presented.
Motion: Cosgrove Second: Yerkes
Status: Approved

C. HARFORD COUNTY

- | | | | |
|----|-----------|-----------------|----------------|
| 1. | 12-98-11A | Phillips Trusts | ~ 11.079 acres |
| | 12-98-10A | Phillips Trusts | ~ 96.584 acres |

Request – Harford County:

Request approval for special occasion events area.

Recommendation:

Staff recommends approval pursuant to Section 2-513(d), Agriculture Article, Annotated Code of Maryland (special events statute) conditioned upon:

- 1) Approval from Natural Resource Conservation Service, as the 11-acre easement has federal funding;
- 2) The landowners' signature acknowledging the approval letter with conditions;
- 3) The landowner providing a survey as provided below;
- 4) A baseline on-site inspection of the events area report completed to MALPF's satisfaction prior to the first scheduled event; and
- 5) Entering into an unrecorded agreement with the Foundation to memorialize the location of the special occasion events area, specifying the means of access to the special events area and acknowledging that the special events area will be extinguished upon a transfer of the property.

Ms. Chasse introduced the item. Mr. Amoss was available to address the Board.

Ms. Cable informed the Board that this will be the first special occasion events designation that MALPF has pursued on one of the federally funded easement properties. MALPF staff had requested, but was denied, a waiver to the NRCS requirement of obtaining an appraisal and a NEPA evaluation of the property to be submitted with the request to NRCS. MALPF and county staff will work with the landowners to discuss what the complete NRCS request submission will entail, including the landowner's expense of obtaining the NEPA evaluation and appraisal.

Motion #4: To approve the special occasion events designation, as requested, incorporating the MALPF staff recommended conditions.

Motion: Cosgrove Second: Klasmeier
Status: Approved

D. GARRETT COUNTY

- | | | | |
|----|----------|------------------------------------|-------------|
| 1. | 11-03-06 | Edgell, Phoebe & Laura Dawn McLean | ~ 103 acres |
|----|----------|------------------------------------|-------------|

Request – Garrett County:

Request approval for a partial release in lieu of condemnation of 0.619 acres of MALPF-eased property for purposes of a road improvement project by the Maryland Department of Transportation State Highway Administration (MDOT SHA).

Recommendation:

Staff recommends approval in accordance with Article Agriculture, Section 2-515, Maryland Annotated Statutes (Section 2-515), and subject to the following conditions:

Staff recommends approval conditioned upon the following:

1. Receipt of a copy of the signed contract between MDOT SHA and the landowner for the taking, in a form acceptable to the Office of the Attorney General;

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C. Closing FY 2020 Easement Application Cycle

Ms. Cable asked the Board to formally close the FY 2020 Easement Application Cycle. All Round 1 and Round 2 offers have been extended, including the contingent offers when higher ranked applicants rejected initial offers.

Motion #8: To approve to close the FY 2020 Easement Application Cycle.

Motion: Yerkes Second: Klasmeier
Status: Approved

VII. INFORMATION AND DISCUSSION

A. Board meeting dates for 2021

Ms. Cable provided the meeting dates for calendar year 2021. Meetings will be held on the 4th Tuesday of every month at 9:00 am, except for December (no meeting).

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; (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 at 10:13 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: Yerkes Second: Huffman
Status: Approved

The Closed Meeting of the Board was held from 10:23 a.m. to 11:22 a.m. on November 24, 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;

(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: 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, Cathy Cosgrove, Cricket Goodall, Robin Kable, and J. Bruce Yerkes.

The following Board members were absent: Elizabeth Hill and Joe Wood

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

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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 October 27, 2020 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. MALPF Audit Findings Discussion
- D. Charles County FY20 easement offer
- E. Caroline County FY20 easement offer

Respectfully Submitted:



Michelle Cable, MALPF Executive Director

