MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
March 22, 2022

This meeting was held via internet and telephone conference call.

Trustees Participating:
William Allen, Chair
Cricket Goodall, Vice-Chair
Steve Connolly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning
Jerome Klasmeier, representing Comptroller Peter Franchot
Joanna Kille, representing Treasurer Dereck E. Davis
Elizabeth Hill
J. Bruce Yerkes
Joe Wood
Gary Dell

Trustees Absent:
Catherine Cosgrove
Gilbert “Suddy” Bowling

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
Patrick Martyn, Assistant Attorney General, Department of General Services
Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture
Darryl Andrews, Appraiser, Department of General Services
Will LeFort, Appraiser, Department of General Services
Julie Enger, Appraiser, Department of General Services
Stacy Kubofcik, MARBIDCO staff
Donna Landis-Smith Queen Anne's County Program Administrator
Billy Gorski, Anne Arundel County Staff
Beth Beales, Caroline County Program Administrator
J.P. Smith, Jr., Carroll County Program Administrator
Ben Zito, Wicomico County Program Administrator
Jennifer David, Calvert Co. Staff
Charles Rice, Charles County Program Administrator
Kathleen Seay, Charles County Staff
Bill Amoss, Hartford County Program Administrator
Anne Roane, Talbot County Program Administrator
Joy Levy, Howard County Program Administrator
Scott Woodall, Carroll County Landowner
Kevin Parker

Ms. Cable called the meeting to order at 9:04 a.m. via internet and telephone conference call. She stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.
MALPF Board Open Meeting Minutes March 22, 2022

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from February 22, 2022.

Motion #1: To approve minutes from February 22, 2022. No changes were made.

Motion: Kille
Status: Approved
Second: Klasmeier

II. ADDITION / DELETION OF AGENDA ITEMS

Ms. Cable informed the Board that beyond the additional items that were emailed to the Board the previous Friday, no other additions or deletions of the agenda.

III. ANNOUNCEMENTS

Ms. Cable welcomed the newest Board member, Gary Dell. He is a Carroll County farmer and is replacing Robin Kable on the Board. Mr. Dell shared a few words about himself.

Ms. Cable reminded the non-State official Board members to complete and submit their ethics and financial disclosure forms for calendar year 2021.

Ms. Cable re-visited with the Board about possible in person meetings in the future. She also mentioned that non-business field trips could be scheduled to go out in person to see some of the MALPF easement properties, as well as see fellow Board members in person. The Board agreed that the regular Board meetings will remain virtual and asked MALPF staff to work with willing landowners to set up a handful of non-business field trips this year.

Ms. Cable also asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

IV. EASEMENT AMENDMENTS

A. HOWARD COUNTY

1. 13-79-03 Idiot's Delight, Inc. and Corp. No. II ~195.55 acres

Request:
Request: approval of the sale of mitigation credits partially outside of a Priority Funding Area (PFA) for a road-widening project located at the intersection of Marriottsville, Resort and Abeth Roads in Howard County.

Recommendation:
Staff recommends Board approval as the project location is within the County Priority Service Area (PSA) and Howard County has submitted a request to the Maryland Department of Planning to have their PFA map updated.

Ms. Colins introduced the item. Ms. Levy was available for any questions from the Board. Ms. Cousins informed the Board that the Department of Planning had approved the County’s requested update to their PFA boundary line, but a small area of the credits may fall outside of the approved PFA perimeter.

Motion #2: To approve the request for the sale of mitigation credits partially outside of a PFA for a road-widening project, as presented.

Motion: Wood
Status: Approved
Second: Goodall
B. CHARLES COUNTY

1. 08-81-01C  Serenity Farms, Inc. (Franklin Robinson)  ~222 acres

Request:
Landowners request approval for the following agritourism activities:

1. Host the Southern Maryland Agricultural Development Commission's (SMADC) Buy Local Challenge Celebration on Monday August 1, 2022, from 5PM to 9PM.

Recommendation:
After reviewing the request and considering the criteria set forth in COMAR 15.15.07 C3 and considering the historical relationship of the requested activities to farming, Staff recommends approval subject to notice to the landowners that any approvals by the Foundation for the requested activities shall not be construed as to override any local planning, zoning, or other statutes and regulations affecting property.

Ms. Cousins introduced the item. Mr. Rice was available for any questions from the Board.

Motion #3: To approve the landowners request to host the Southern Maryland Agricultural Development Commission's (SMADC) Buy Local Challenge Celebration on Monday August 1, 2022, from 5PM to 9PM, as presented. Alternative dates for a rain date are also approved, if needed.

Motion: Wood  Second: Dell
Status: Approved

C. CAROLINE COUNTY

1. 05-89-09  Rayfield, Julie  ~140 acres

Request:
Request retroactive approval of a one-acre non-subdividable owner’s lot.

Recommendation:
Staff recommends approval.

Ms. Cousins introduced the item. Ms. Beales was available for any questions from the Board.

Motion #4: To approve the retroactive request for a one-acre non-subdividable owner’s lot, to be documented through an amendment to the deed of easement, as presented.

Motion: Wood  Second: Klasmeier
Status: Approved

2. 05-89-09  Rayfield, Julie  ~140 acres

Request:
Request approval for a 30’ wide right-of-way (ROW) overlay easement to be used as a driveway to benefit Lot 4, which is southwest of the easement.

Recommendation:
Staff recommends approval.

Ms. Cousins introduced the item. Ms. Beales was available for any questions from the Board.

Motion #5: To approve the retroactive request for a 30’ wide ROW overlay easement, as presented.

Motion: Dell  Second: Yerkes
Status: Approved
D. CECIL COUNTY

1. 07-01-21Ac Sandy Bottom Preserve, LLC (Zook) ~81.9 acres
    07-01-22Ac Stoltzfus, Samuel & Sadie ~91.9 acres

Request:
Due to expiration of a prior Board approval, the landowners request re-approval from the Board of a 2015 request for a boundary line adjustment to transfer 0.2123 acres to the Zook Easement property and 0.1767 acres to the Stoltzfus Easement property to reflect the actual location of the driveway owned by Stoltzfus.

Recommendation:
Staff recommends approval in accordance with COMAR 15.15.11.05.E

"E. If the funds and documentation required by this regulation are not provided by the landowner to the Foundation within 3 years of Foundation board approval, then, unless an extension request is submitted within 3 years and approved by Foundation staff, the approval is void."

Ms. Cousins introduced the item.

Motion #6: To approve the request for a re-approval of a boundary line adjustment transfer of transfer 0.2123 acres to the Zook Easement property and 0.1767 acres to the Stoltzfus Easement property to reflect the actual location of the driveway owned by Stoltzfus, as presented.

Motion: Herr-Cornwell
Status: Approved
Second: Klasmeier

E. CARROLL COUNTY

1. 06-82-23e Woodall, Scott ~137.47 acres

Request:
To approve a contract purchaser's request for the relocation of a pre-existing dwelling.

Recommendation:
Staff recommends approval. Approval is conditioned upon Scott Woodall, the contract purchaser, acquiring title to the property and subject to the completion of an Amendment that will document the new location of the relocated dwelling and will include agreement to make the dwelling non-subdividable.

The Amendment will also describe the terms and conditions of the Foundation's approval for the dwelling relocation per COMAR 15.15.04.05.

Ms. Chasse introduced the item. Mr. Smith and Mr. Woodall were present to address the Board and available for questions.

Motion #7: To approve the contract purchaser's request to relocate the pre-existing dwelling, incorporating staff recommended conditions, as presented.

Motion: Klasmeier
Status: Approved
Second: Goodall

2. 06-93-05e Childs, Ellen and Thomas ~68.351 acres

Request:
Request for a 1-year extension to the validity of the preliminary release previously approved for a child lot for the original Grantor's daughter, Ellen Childs. If approved, it will extend a preliminary release which is set to expire in May of this year.

Recommendation:
Under COMAR 15.15.06.05.B.2, Staff recommends approval for the extension.
Ms. Chasse introduced the item. Mr. Smith was available for any questions from the Board.

Motion #8: To approve the request for a 1-year extension to the validity of the preliminary release previously approved for a child lot for the original Grantor's daughter, Ellen Childs, as presented.

Motion: Herr-Cornwell Second: Goodall
Status: Approved

3. 06-06-15 King, Henry and Katie ~155.154 acres

Request: Request approval of nonsubdividable building envelope in exercise of an unrestricted lot right.

Recommendation: Staff recommends approval.

Ms. Chasse introduced the item. Mr. Smith was available for any questions from the Board. Ms. Chasse informed the Board that the approval will be documented through the corrective easements that have not yet been completed for the previously approved subdivision.

Motion #9: To approve the request for a nonsubdividable building envelope in exercise of an unrestricted lot right, as presented.

Motion: Herr-Cornwell Second: Wood
Status: Approved

4. 06-06-15 King, Henry and Katie ~155.154 acres

Request: Request approval of an overlay easement for a 50 foot right-of-way that is necessary to complete the previously approved agricultural subdivision.

Recommendation: Staff recommends approval, subject to review and approval of the right-of-way easement document by Assistant Attorney General, Patrick Martyn.

Ms. Chasse introduced the item. Mr. Smith was available for any questions from the Board. Ms. Chasse informed the Board that the approval will be documented through the corrective easements that have not yet been completed for the previously approved subdivision.

Motion #10: To approve the request of an overlay easement for a 50 foot right-of-way that is necessary to complete the previously approved agricultural subdivision, as presented.

Motion: Wood Second: Connelly
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. N/A

VI. PROGRAM POLICY

A. Legislative Update

Ms. Turner provided the Board with the status of 2022 legislation which may affect MALPF.

VII. INFORMATION AND DISCUSSION

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 #11: To adjourn the regular session at 10:02 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: Dell Second: Klasmeier
Status: Approved

The Closed Meeting of the Board was held from 10:13 a.m. to 11:18 a.m. on March 22, 2022 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, Joanna Kille, representing Treasurer Dereck E. Davis, Jerome Klasmeier, representing Comptroller Peter Franchot, Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Gary Dell, Joe Wood, Cricket Goodall, J. Bruce Yerkes, and Beth Hill.

The following Board members were absent: Catherine Cosgrove, Gilbert “Buddy” Bowling

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 Massoni, Michael Stedman, Jr., Assistant Attorney General, Maryland Department of Agriculture, and Patrick Martyn, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

A. Approval of February 22, 2022 Closed Session Minutes

B. Status Report of Pending Legal Issues

C. FY 2022 Offers

Respectfully Submitted:

Michelle Cable, MALPF Executive Director