

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION**  
**OPEN MEETING MINUTES**  
**April 22, 2014**

**TRUSTEES PRESENT:**

John Draper, Jr., Chair  
Bernard L. Jones, Sr., Vice Chair  
Susanne Brogan, representing Treasurer Nancy Kopp  
Craig Highfield  
Jerome W. Klasmeier, representing Comptroller Peter Franchot  
Patricia A. Langenfelder  
Donald T. Moore  
James (Bubby) Norris, Jr.  
Eugene Roberts, Jr.  
Dan Rosen, representing Secretary Richard E. Hall, Maryland Department of Planning  
Mary Ellen Setting, representing Secretary Earl F. Hance, Maryland Department of Agriculture

**TRUSTEES ABSENT:**

Jonathan C. Quinn

**OTHERS PRESENT:**

Bill Amoss, Harford County, Program Administrator  
Philip Bassler, Carroll County, Landowner  
Derick Berlage, Prince George's County, Program Assistant  
William Boniface, Harford County, Landowner  
Michelle Cable, MALPF Administrator  
Diane Chasse, MALPF Administrator  
Yates Clagett, Prince George's County, Program Administrator  
Michael Calkins, Howard County, Young Farmer Representative  
Rama Dilip, MALPF Administrative Specialist  
Nancy Forrester, Assistant Attorney General, Department of General Services  
Angela Gaither, MALPF Secretary  
Carla Gerber, Kent County, Program Administrator  
Fatimah Hasan, Prince George's County, Program Assistant  
Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture  
Kim Hoxter, MALPF Monitoring, Enforcement, and Database Coordinator  
Wally Lippincott, Baltimore County, Program Administrator  
Jeanine Nutter, Prince George's, Program Assistant  
Donna Sasscer, St. Mary's County, Program Administrator  
Carol West, MALPF, Executive Director

**OTHERS PRESENT BY WEB CONFERENCING:**

Chris Boggs, Washington County, Program Assistant  
Debbie Herr Cornwell, Caroline County, Program Administrator  
Carmela Iacovelli, Baltimore County, Program Assistant  
Ralph Robertson, Carroll County, Ag Board  
Ned Sayre, Harford County, Ag Preservation Outreach Specialist  
Eric Seifarth, Washington County, Program Administrator  
Donna Smith, Queen Annes County, Program Administrator  
Martin Sokolich, Talbot County, Program Administrator

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John W. Draper, Jr., Chair, called the meeting to order at 9:03 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: April 22, 2014 Minutes.

Motion #1: Approve minutes for March 25, 2014.

Motion: Bernard Jones, Sr.      Second: Jerry Klasmeier  
Status: Approved

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

The additional agenda items distributed were VI.B 2015 Funding/Applications and VII.C 2014 Legislative Wrap Up.

**III. ANNOUNCEMENTS**

Ms. West apprised the Board that on April 7, 2014, the Howard County Board of Commissioner's denied Ms. Elizabeth Mullinix's request to terminate an easement in Howard County. The Board will review this and make a preliminary decision at the May Closed Session meeting.

Ms. West also mentioned that Mr. Michael Calkins is a candidate to represent the Young Farmer's on the Board. He will be replacing Billy Boniface.

Ms. West informed the Board that the Cecil County Program Administrator, Mr. Eric Shertz, has passed away.

**IV. EASEMENT AMENDMENTS**

A. HARFORD COUNTY

1. 12-86-06e      Bonita Farm Corporation (Boniface, J. William) ~387.89 acres

Request - Harford County:

Request for approval to modify the configuration of an agricultural subdivision that was approved by the Board in September 2013. The size of the parcels (30-acre parcel and a 357.89-acre parcel) will not change. The County requires all parcels to have an in fee access road.

Recommendation:

Staff recommends review of the request.

Staff notes that the September 2013 approval for an agricultural subdivision of less than 50 acres was partially based on Mr. Boniface's statements that on-farm access to the 30 acre area of the farm is very difficult so the only feasible access was from Glenville Road. The minutes of the September 2013 meeting are attached.

Staff also notes that the language of the right of way granted in 1941 is vague; it is recommended that if the Board approves this modification that it considers requiring Bonita Farm to obtain a new easement from the owners of the farm lane, with specific metes and bounds description, allowing ingress and egress to and from Glenville Road.

Background:

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At the September 2013 Board meeting the Foundation approved an agricultural subdivision of a 30-acre portion and a 357.89-acre portion. The configuration did not include a panhandle. However, fee simple ownership to a road is a Planning and Zoning requirement. See Mr. Amoss' letter.

The request is consistent with the County's Planning and Zoning regulations and has been conceptually approved by the local advisory board. The local advisory board meets the same day as MALPF, but in the evening and so their formal vote will happen at that time.

Ms. Chasse presented the item. Mr. Bill Amoss, Harford County Program Administrator, and Mr. William Boniface, Landowner, were present for questions and comments.

### **Discussion:**

Mr. Boniface commented that the Harford County Department of Zoning requires him to include a 25 foot wide fee access to Harmony Church Road. He also provided the Board a map of the existing access, which is a right-of-way easement, leading to Glenville Drive.

Ms. Forrester mentioned that the panhandle to Harmony Church Road was not proposed when the subdivision was approved at the September 2013 meeting. The County also is looking to take a fee interest in road frontage along Harmony Church Road but this is not permissible under the MALPF Program.

Mr. Amoss stated that although his board had preliminarily approved the panhandle as part of the lot and reviewed the relocation of the pre-existing dwelling, they will meet tonight for a formal approval. Mr. Draper informed the Board that they will have to vote conditionally pending the local board's decision.

Ms. Cable reminded the Board of the September 24, 2013 meeting. The Board approved the 30 acre agricultural subdivision due to the statements from Mr. Boniface that the 30 acre severed parcel was difficult to access from the rest of the farm with farming equipment.

Mr. Draper stated when the subdivision was approved in September of 2013, the Board did not know about the proposed access lane. Ms. Brogan asked if there is more land to be removed from the 387 acre parcel to accommodate the proposed access road. Mr. Draper replied that the 30 acres includes the panhandle per the submitted plat. The plat shows the fence line which was discussed at the September meeting as the boundary, and that is not changing.

Ms. West mentioned that the Board was being asked to approve the reconfiguration of the 30 acre parcel to include this pipe stem access to Harmony Church Road. The original request for 30 acres was Mr. Boniface's best guess of the size of the parcel.

Mr. Hayes added that the County is requiring the fee access road as a contingency plan, should the existing right-of-way located on the northwest corner of the 30 acre parcel become unavailable.

Ms. West mentioned that Ms. Forrester found a recorded plat that describes a right of way to Glenville Road. Ms. Forrester asked Mr. Boniface if he talked with his neighbors off Glenville Road about plans to subdivide the 30 acres. He mentioned that he has spoken to them and they are in agreement. Mr. Hayes suggested that Mr. Boniface provide a new right-of-way agreement with the neighbors' signatures. Ms. West also informed Mr. Boniface that the new right-of-way agreement should provide for perpetual use to benefit the 30 acre parcel.

Ms. Forrester added that a new right-of-way agreement gives MALPF some assurance, if the Board decides to approve the proposed 25 foot in fee access lane leading to Harmony Church Road, that Mr. Boniface will be able to access the 30 acre parcel from Glenville Road.

Motion #2            Approve the request to modify the configuration of the subdivided parcels to reflect the 25 foot fee access lane leading

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to Harmony Church Road, as required by Harford County, subject to 1) approval of this proposal by the County Advisory Board; 2) establishment of a perpetual right-of-way agreement to provide access to the 30 acre parcel from Glenville Drive.

Motion: Susanne Brogan Second: Donald Moore  
Status: Approve

2. 12-86-06e Bonita Farm Corporation (Boniface, J. William) ~387.89 acres

Request –Harford County:

Request to re-locate site of the pre-existing dwelling within the proposed 30 acre portion.

Recommendation:

Staff recommends approval of this request subject to the completion of the Corrective Easements.

The pre-existing dwelling will not be released from the easement, that is, it will be a “non-subdividable” dwelling as per the September 2013 Board approval for the agricultural subdivision. That condition will be in the language of the Corrective Easements, which are not yet completed.

Given that the dwelling will be non-subdividable, the Board typically does not require the house location to follow the Foundation’s Lot Location Guidelines, though this site is adjacent to the boundary.

Background:

There is one (1) pre-existing residence on this portion of the easement property.

The Lot Location Guidelines prefer locations along a boundary or a public road.

The request is consistent with the County’s Planning and Zoning regulations conceptually. The local advisory board meets the same day as MALPF, but in the evening and so their formal vote will happen at that time.

Ms. Chasse presented the item. Mr. Bill Amoss, Harford County Program Administrator, and Mr. William Boniface, landowner, were present for questions and comments.

Motion #3 Approve the request to re-locate site of the pre-existing dwelling within the proposed 30 acre parcel.

Motion: Eugene Roberts Second: Patricia Langenfelder  
Status: Approved

B. Item Withdrawn

C. WASHINGTON COUNTY

1. 21-14-01 Worthington, Lee & Christine ~40.73 acres

Request - Washington County:

To accept a donated MALPF easement, reserving an unrestricted lot right.

Recommendation:

Staff recommends approval of the request for a donated easement.

Background:

Mr. & Mrs. Worthington wish to see the property protected for agricultural uses in perpetuity and believe

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that MALPF is the best fit for their property. The property is 40.73 acres, more or less. The property has one pre-existing dwelling, currently being constructed, with no other structures. The Worthingtons are reserving one unrestricted lot right. There are 38 acres of cropland, 3 acres of woods. The property contains 71% of qualifying soils.

The property is adjacent to another MALPF easement property of ~110 acres, also owned by the Worthingtons, and thus meets the criteria for the exception to the 50-acre requirement for new easements. The property is located in an area where there are existing properties under conservation easements or districts, over 1,000 acres within the general vicinity.

The request has been approved by the local advisory board and is consistent with the County Comprehensive Plan.

Ms. Cable presented the item. Mr. Eric Seifarth, Washington County Program Administrator, was present for questions and comments.

Motion #4	Approve the request to accept a donated MALPF easement, reserving an unrestricted lot right.		
Motion:	Bernard Jones, Sr.	Second:	James Norris, Jr.
Status:	Approved		

**D. CARROLL COUNTY**

1.	06-00-10	Bassler, Philip & Rita	~110.3 acres
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**Request –Carroll County:**

Request to exclude up to 2.0 acres from the easement for a child's lot for Katie Bassler Holmes.

**Recommendation:**

Staff recommends approval. If the county requires a road dedication along Hyser Road, that acreage must be included within the 2.0 acre maximum size of the lot.

**Background:**

Philip & Rita Bassler are the original owners of the easement property. The easement was established in August 2002. There is one pre-existing dwelling on the property. No requests have been made impacting this easement property.

This child's lot will be located along the western boundary of the property. The owner informed MALPF Staff that the land along Hyser Road in that corner of the farm is wet and would not pass percolation site tests. The lot location along the perimeter of the farm will have minimal to no impact on the farming operation. Access will be over an existing farm lane to Hyser Road (The application did not state whether or not access will be fee simple over the lane or a right of way. If access is to be fee simple, the access must be included in the 2.0 maximum size of the lot). The location of the lot meets the Foundation's Lot Location Policy.

The request has been approved by the County and is in accordance with all County requirements. The reimbursement amount will be \$1,957.09 per-acre being released.

Ms. Cable presented the item. Mr. Ralph Robertson, Carroll County Government, and Mr. Philip Bassler, landowner, were present for questions and comments.

**Discussion:**

Mr. Bassler added that he received a letter from the County requesting re-percolation, which may alter the ultimate configuration of the lot. Ms. Cable asked if the lot will remain in the same vicinity as the current request; Mr. Bassler replied that the lot should remain in the same vicinity as originally proposed. Ms.

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Cable stated that as long as the lot is in the same vicinity, the final configuration would not need to come back before the Board. Under those circumstances, Foundation Staff may administratively approve the modified configuration. However, if there is any significant change in the lot location, then the request will have to come back to the Board.

Motion #5      Approve the request to exclude up to 2.0 acres from the easement for a child's lot for Katie Bassler Holmes.

Motion:          James Norris, Jr.                      Second:          Bernard Jones, Sr.  
Status:          Approved

**Additional Comments:**

Mr. Bassler informed the Board that the farm has 5 existing parcels and asked if he could work with his surveyor and engineer to adjust the tax parcel lines when creating the new child's lot, which is significantly easier in terms of County regulations. Ms. Cable stated that other landowners have done this before, with no specific approval required by the Board.

2. 06-83-16              Bassler, Joan P.    ~157 acres

**Request –Carroll County:**

Request to re-designate the pre-existing dwelling as a non-subdividable child's lot for her son, Philip Bassler, retaining the pre-existing dwelling right.

**Recommendation:**

MALPF Staff recommends approval; Carroll County Agricultural Advisory Board does not recommend approval.

**Background:**

Joan Bassler is an original grantor of this easement, established in 1989. There are two documented pre-existing dwellings. At the September 2013 meeting, the Board approved an owner's lot and a subdivision of the property. As part of the approval, one of the two pre-existing dwellings was to be demolished where it is currently located and the pre-existing dwelling right was to be moved to the subdivided portion Joan Bassler is retaining ("Joan's portion", and made non-subdividable.

Philip Bassler's portion of the farm was to be owned jointly with his mother, Joan Bassler ("Philip's portion"). The second pre-existing dwelling (the main farm house) was to remain on Philip's portion retaining the ability to be subdivided from the farm. At the September 2013 meeting, discussion was had that at some point in the future, a child's lot may be requested for Philip on Philip's portion. Therefore, as part of the subdivision approval, the Board requested, and Philip Bassler agreed, that he would make either his child's lot or the remaining pre-existing dwelling on Philip's portion non-subdividable. Below is the section of the minutes of the discussion of the subdivision request from the September 2013 meeting:

*"When asked about pre-existing dwellings and the ability for them to be subdivided in the future, Ms. Cable explained that Mr. Bassler will take ownership of the 75 acres and wants to retain the ability to subdivide in the future. The 75 acre portion has two pre-existing dwellings that are located next to each other. One would be demolished or re-designated as a non-dwelling structure. That dwelling would be documented through the corrective easement along with the right for future location approval to re-build a dwelling that is non-subdividable from the 81 acre portion.*

*There was discussion about the ability of Mr. Bassler to receive a child's lot. Mr. Bassler agreed that if he exercises his child's lot right he would make it non-subdividable from the property. He was counseled that making the lot non-subdividable will mean that he cannot sell or convey the entire 75 acre parcel for at least 5 years. Mr. Bassler stated that he understood.*

*When asked if the County will require any road frontage to be conveyed along with the agricultural subdivision, Mr. Robertson replied that the parcel uses a common driveway that is off of Dena Road so*

*no additional road frontage would be necessary.”*

After the September Board meeting, the Basslers completed the preliminary release of the owner's lot for Joan Bassler and began the survey work for the subdivision. Working through the subdivision process, the Basslers realized it would benefit them if Philip Bassler took sole ownership of his subdivided portion, and not own it jointly with his mother. Therefore, , while Joan Bassler still owns the property, and the subdivision has not yet taken place, Joan Bassler is now requesting the child's lot for Philip's use. In accordance with what Philip Bassler agreed to at the September, 2013 meeting, the current request to re-designate the pre-existing dwelling as a non-subdividable child's lot is a proposal that meets the Board's condition. Mr. Bassler understands that this re-designation would require that the 5-year occupancy requirement associated with the child's lot would then apply to all of Philip's portion, not just the 1 acre surrounding the dwelling. Philip's portion may not be transferred for 5 years after Mr. Bassler takes occupancy/ownership of Philip's portion.

By re-designating the pre-existing dwelling as a non-subdividable child's lot, this ensures that the main house will never be subdivided from its current location on Philip's portion. The main house is nestled in the interior of the farm near the agricultural structures.

With a change in designation to a child's lot, the pre-existing dwelling right would then still be associated with Mr. Bassler's portion of the property. Prior to exercising that right, the owner of Philip's portion, (whether it be Mr. Bassler, or a subsequent landowner), would be required to obtain Board approval to rebuild or subdivide at a later date in accordance with the MALPF lot location policy.

MALPF Staff supports this request even though the County does not. It is MALPF Staff opinion that this proposal follows what the Board required of Mr. Bassler at the time the subdivision was approved. In addition, this will result in the main house never being subdivided from its current location, creating a "donut hole" in the middle of the easement. MALPF Staff thinks it is fair to allow Mr. Bassler to retain the pre-existing dwelling right, to be located in the future, since if/when that right is ever exercised, the Board will have location approval of any lot to be released so it will have minimal to negligible impact on the future farming operation.

The alternative solution of requiring Mr. Bassler to create a new child's lot, even if he makes that lot non-subdividable, could still permit the main house to be subdivided at its current location. The current request benefits the long-term operation and ownership of the farm by keeping the main house as non-subdividable from the farm.

The landowners have not completed the subdivision process yet in order to resolve the child's lot matter for Mr. Bassler. If this request is approved, it will be documented both on the survey and through the corrective easements that divide the property and specify the terms and restrictions of the easement on each subdivided portion.

Additional Consideration:

A challenge of making a family lot non-subdividable from the easement property is enforcement of the 5-year occupancy requirement. In standard family lot releases, if the lot owner transfers the lot to another party before the 5-year occupancy requirement has been satisfied, or waived by the Board, the Foundation has the ability to require the lot to be joined back with the parent easement property. When the family lot is non-subdividable from the whole farm, while there will be language included in the recorded document that the owner will not transfer the entire property for 5 years, there is no remedy available to the Foundation if that term is not met.

While Staff believes that Mr. Bassler has every intention to fulfill the 5-year occupancy requirement; the Board may want to consider incorporating a possible remedy into the agreement that would compel Mr. Bassler to abide by the 5 year ownership requirement of Philip's portion. One possibility would be to prohibit the ability to exercise the pre-existing dwelling right until the 5 year occupancy period has been met, or if the Board approves a waiver of the 5-year occupancy requirement.

For situations where the Board considers making family lots non-subdividable, Staff recommends

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reviewing each one on a case-by-case basis to discuss possible remedies for enforcement of the 5 year ownership requirement since the standard release language would not be used in these circumstances.

Ms. Cable presented the item. Mr. Ralph Robertson, Carroll County Government, and Mr. Philip Bassler, landowner, were present for questions and comments.

**Discussion:**

Ms. Cable summarized the item, highlighting the fact that MALPF Staff is recommending this request even though the Carroll County Agricultural Advisory Board did not recommend approval.

Mr. Robertson commented that the County Advisory Board reviewed this entire request, including the conditions surrounding the September 2013 subdivision approval. He thinks the main objection from the County Board was that the owners have already received sufficient approvals associated with the subdivision and that if the current request was approved, it would essentially create an unrestricted lot to be sold at anytime.

Mr. Draper questioned Mr. Robertson about comparing the current rights permitted by the easement versus the proposed results from the request before them today. Mr. Robertson commented if the landowner takes the child's lot he would have to build the house and live in the house for 5 years. This leaves the main dwelling and the landowner could sell the main house and child's lot separately from the farm. This request would allow an opportunity for another unrestricted lot without the 5-year occupancy requirement.

Mr. Bassler mentioned that under the current terms of the easement, he has the potential for 3 lots that he could sell separately. If the request is approved, he is giving up 1 of those lots from being created and sold separately from the farm property. Mr. Bassler believes that the farm house should stay with the farm and is willing to do that through the request before the Board today. However, he informed the Board that if the request is not approved, he would most certainly exercise his right to create a child's lot as a separate lot, subdivide it from the easement, and most likely sell that lot once the occupancy requirement has been fulfilled.

Mr. Draper commented that the Board is being asked to designate 1 pre-existing dwelling as a child's lot and make it non-subdividable from his portion of the farm. Ms. Cable added the request also specifies that the owner retains the right for the pre-existing dwelling for future location approval.

Mr. Jones questioned the specifics of how the September subdivision approval impacted the easement property as a whole, and Mr. Bassler's portion specifically, in regards to the two pre-existing dwellings on the easement property. Ms. Cable stated that one of the pre-existing dwellings is the trailer that is being removed from Philip's portion of the property and that right will be assigned to Joan's portion. This was already approved from the September agricultural subdivision. In addition, Ms. Cable reminded the Board that as long as Joan Bassler owns the property, she can request a child's lot not only for Philip, but for her other children as well.

The Board discussed the idea of including a condition of approval that the relocated pre-existing dwelling right could not be exercised until after Mr. Bassler occupied the newly designated child's lot on the property for the requisite 5 year period. Ms. Cable told the Board that this was a new idea to consider, as the Foundation has never required this before on the handful of non-subdividable family lots that have been approved in the past. Mr. Bassler informed the Board that if they make that a condition of approval, he would withdraw his request and proceed with the traditional child's lot request.

Mr. Hayes asked the Board to be specific in their motion as to whether or not they would include any condition regarding when the pre-existing dwelling right could be exercised in the future.

Motion #6      Approve the request to re-designate the pre-existing dwelling as a non-subdividable child's lot for her son, Philip Bassler, retaining the pre-existing dwelling right, subject to future location approval



by the Board.

Motion: James Norris, Jr.                      Second: Jerry Klasmeier  
Status: Approved

**E. BALTIMORE COUNTY**

1. 03-87-24C Wisner Farms, Inc. ~180 acres

**Request –Baltimore County:**

Request for retroactive approval to increase the size of two approved child lots to accommodate county road dedication requirements. Larry Wisner's lot from 1.0 acre to 1.1651 acres and Michael Wisner's lot from 1.0 acre to 1.1761 acres.

**Recommendation:**

Staff recommends approval of the size increase of both child lots.

**Background:**

Wisner Farms, Inc, is the original owner of the easement property. The easement was established in April 1999. There is one pre-existing dwelling on this easement property. The only requests for this easement property have been the child lots for Larry and Michael Wisner. Michael Wisner's lot Final Release was recorded in 2002. Larry Wisner's lot only has a preliminary release. He has been informed of the July 1, 2015 termination date of that preliminary release unless he requests an extension or provides a building permit to construct the house.

When the lots were approved and created, the county road dedication acreage was not incorporated into the acreage of the lot to be released. The Foundation is able to release a child's lot up to two acres if required by County regulations. The additional 0.1651 acres and 0.1761 acres, respectively for each lot, that is required for the road dedication can be incorporated into an amended release document for each lot, with an additional payback at the \$3,750/acre amount.

The request has been approved by the County and is in accordance with all County requirements.

Ms. Cable presented the item. Carmela Iacovelli, Program Assistant, was available by web conference for questions and comments.

Motion #7 Approve request for retroactive approval to increase the size of two approved child lots to accommodate county road dedication requirements. Subject to reimbursement payments, Larry Wisner's lot area will increase from 1.0 acre to 1.1651 acres and Michael Wisner's lot area will increase from 1.0 acre to 1.1761 acres.

Motion: Bernard Jones, Sr.                      Second: Susanne Brogan  
Status: Approved

**F. KENT COUNTY**

1. 03-87-24C Dill, Franklin ~194.626 acres

**REQUEST – Kent County:**

The request is for approval to renew the existing Wastewater Spray Irrigation Agreement between the County, the landowner and the Foundation.

**RECOMMENDATION:**

Foundation Staff recommends approval.

**BACKGROUND:**

Mr. Dill is the original grantor of the easement, established in June 1997. There is one documented pre-existing dwelling on the property.

In May, 2007, the Board approved the application of treated wastewater from the Worton Wastewater Treatment Plant on the Dill property. The Foundation is a party to the Wastewater Spray Irrigation Agreement, dated January 1, 2009, between the landowner and the County. In August, 2010, the Board approved an amendment to the agreement to increase the sodium limits permitted to 100 milligrams per liter, conditional upon regular monitoring occurring by the county throughout the year. The amendment to the agreement was recorded in November 2010.

The term of the original agreement was for 5 years, expiring on January 1, 2014. The County provided the Foundation notice of their intent to renew the agreement; however, did not provide the necessary information to Foundation Staff to review and present the request to the Board before the agreement expired.

Staff has reviewed the information provided, and Foundation attorney has drafted an Extension Agreement acceptable to the County. Mr. Dill is supportive of renewing the agreement.

The request has been approved by the County Agricultural Preservation Advisory Board.

Ms. Cable presented the item. Carla Gerber, Program Administrator, was available for questions and comments.

Motion #8 Approve request for approval to renew the existing Wastewater Spray Irrigation Agreement between the County, the landowner and the Foundation.

Motion: Patricia Langenfelder Second: Bernard Jones, Sr.  
Status: Approved

## **VI. PROGRAM POLICY**

### **A. Prince George's County – Checklist for Review of County Applications – NEW REQUEST**

Reporting Period: Fiscal Years 2008-2012

Recommendation: Certify for May 1, 2014 through April 30, 2017

Mr. Rosen presented the item. Ms. Chasse, Ms. Cable and Mr. Yates Clagett, Program Administrator, were available for questions and comments.

Motion #9: Approve Certification for May 1, 2014 through April 30, 2017

Motion: Eugene Roberts, Jr. Second: Bernard Jones, Sr.  
Status: Approved

### **B. 2015 Funding/Applications**

The FY 2015 easement funding would only amount to \$ **\$11.3 million**. This is due to lower than projected transfer tax collections.

Comparing last year's easement cycle which amounted to \$894,552 in general allotted funds per county to this year's anticipated amount of \$246,551 per county, there will not be adequate funding in FY 2015 to run a one year cycle.

It is difficult to know for sure the likely impact County commitments would have in the MALPF matching funds program. If cycles are combined, County commitments would not be due until after the 2015 Legislative Session has ended and funding has been determined for FY 2016. This will allow the Counties to determine the final amount of State funds that will be available for offers in the combined

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cycle and to calculate its match based on that information. It should be noted that one of the potential impacts to counties in delaying making offers until 2016 is that some counties will risk losing three-year old agricultural transfer tax funds to MALPF. Agricultural transfer tax funds are typically the primary source of county matching funds.

Though MALPF does not currently know either the projected revenues or the budget recommendations for FY 2016, I recommend the following:

- July 1, 2014 application deadline.
- Combine two years of funding, FY 2015 and FY 2016, to one easement acquisition cycle.
- Limit submission of FY 2015 easement applications to a maximum of 8 per county. (FY 2013 appraisals costs = \$1,664/property.)

Ms. West presented the item and was available for questions and comments.

**Discussion:**

Mr. Norris asked about funding comparables from prior years and Ms. West informed him of the prior year's funding. In 2014 -\$25.7 million, 2013 - \$8.7 and those years were combined. Then in 2012 - \$4.4 million, 2011 - \$7.3 million and both years were also combined.

Motion #10: Approve 2015 Funding/Applications with the July 1, 2014 application deadline. Combine two years of funding, FY 2015 and FY 2016, to one easement acquisition cycle. Limit the submission of FY 2015 easement applications to a maximum of 8 per county. (FY 2013 appraisals costs= \$1,664/property.)

Motion: Bernard Jones, Sr.      Second: Mary Ellen Setting  
Status: Approved

**VII. INFORMATION AND DISCUSSION**

A. Fiscal Year 2014 Quarterly Inspection Report

Please refer to the list of counties for the inspection results as of April 7, 2014. In summary, Wicomico County has completed inspections. Three counties, Washington, Garrett, and Queen Anne's are currently working on inspections.

Completed Inspections      Targets:      100%      10%

	COUNTY	FEDERAL				STATE			
		Percent		Completed	Total	Percent		Completed	Total
01	Allegany	NA	%	NA	0	0	%	0	5
02	Anne Arundel	0	%	0	4	0	%	0	35
03	Baltimore	0	%	0	15	0	%	0	198
04	Calvert	0	%	0	3	0	%	0	32
05	Caroline	0	%	0	11	0	%	0	209
06	Carroll	0	%	0	10	0	%	0	357
07	Cecil	0	%	0	14	0	%	0	83
08	Charles	0	%	0	3	0	%	0	36
09	Dorchester	0	%	0	13	0	%	0	69
10	Frederick	0	%	0	12	0	%	0	111
11	Garrett	0	%	0	1	2	%	1	51

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12	Harford	0	%	0	10	0	%	0	118
13	Howard	0	%	0	1	0	%	0	31
14	Kent	0	%	0	9	0	%	0	81
15	Montgomery	0	%	0	3	0	%	0	27
16	Prince George's	NA	%	NA	0	0	%	0	15
17	Queen Anne's	37	%	7	19	1	%	1	138
18	St. Mary's	0	%	0	13	0	%	0	89
19	Somerset	0	%	0	7	0	%	0	34
20	Talbot	0	%	0	6	0	%	0	64
21	Washington	55	%	6	11	6	%	4	65
22	Wicomico	100	%	8	8	13	%	6	46
23	Worcester	0	%	0	5	0	%	0	36

Ms. Hoxter presented and discussed the items and was available for questions and comments.

- B. News Articles
- C. 2014 Legislative Wrap Up

**SB 71 – Value of Easement** (MDA supports the bill)

MALPF Bill - Will limit the purchase of MALPF easements to no more than 75% and no less than 25% of the appraised fair market value of the property. The bill was heard by the Education, Health and Environmental Affairs (EHEA) Committee on January 14, 2014. The bill has passed the Senate and is waiting for 'crossover' to be heard by the House Environmental Matters Committee. Heard in EHEA Committee on January 14, 2014.

***Signed by the Governor on Monday, April 8, 2014; effective October 1, 2014.***

**SB 259 & HB 861 – Renewable Energy Generation Facilities** (MDA supports the bill with amendments)

Sen. Mac Middleton - The bill will allow MALPF easement properties to install commercial renewable energy generation facilities to include: solar, wind, methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant, and poultry litter-to-energy.

The Senate bill was heard in EHEA on February 4, 2014. The House bill was heard in ENV on February 19, 2014. Passed by both houses.

The Department of Agriculture supports the bill.

**The bills were both passed but there have been concerns about the Pax River language in the bill. It is not known yet if the Governor will sign the bills. The next bill signing is scheduled for Monday, May 5, 2014.**

Ms. West presented and discussed the items and was available for questions and comments.

**Comments:**

Ms. Sasscer commented that a significant virus is affecting the swine industry and MALPF staff should send out bio-security information regarding this. So far Mr. Jones' community in Carroll County has been pro-active at a meeting to distributed pamphlets regarding the swing virus.

Ms. Landis-Smith, Program Administrator of Queen Annes County sent an email stating that there an Avian Influence quarantine in Delaware that affected her poultry farm in Queen Annes. Currently she cannot visit any other poultry farms .

**VIII. CLOSED SESSION**

John W. Draper, Jr. asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the provisions of State Government Article Section 10-508 (a) (3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion #11      To adjourn the regular session to move into a closed session to consult with counsel to consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:            Bernard Jones, Sr.      Second:            James Norris, Jr.  
Favor:             John Draper, Jr., Bernard L. Jones, Sr., Susanne Brogan, Craig Highfield, Jerome Klasmeier, Patrica A. Langenfelder, Donald T. Moore, James (Bubby) Norris, Eugene Roberts, Jr., Dan Rosen, and Mary Ellen Setting.

Status:             Approved

The Open Board Meeting was adjourned at approximately 11:15 a.m.

The Closed Meeting of the Board was held from 11:20 a.m. to 11:26 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland, pursuant to the provisions of State Government Article Sections 10-508(a) (3), Annotated Code of Maryland:

State Government Article Section 10-508(a):

[X] (3) To consider the acquisition of real property for a public purpose and matters directly related there thereto;

During the Closed Meeting, the following Board members were present:

John Draper, Jr., Bernard L. Jones, Sr., Susanne Brogan, Craig Highfield, Jerome Klasmeier, Patrica A. Langenfelder, Donald T. Moore, James (Bubby) Norris, Jr., Eugene Roberts, Jr., Dan Rosen, and James Wallace.

**TOPICS DISCUSSED:**

VIII.A      Approval of February 25, 2014 Closed Session Minutes

VIII.B      Status Report of Pending Legal Issues

VIII.C      21-14-01 Worthington donated easement due diligence expenses

The Closed Meeting was adjourned at 11:26 a.m.

Respectfully Submitted:

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Angela Gaither, MALPF Secretary

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Carol S. West, Executive Director