

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
JUNE 26, 2018**

Trustees Present:

Michael Calkins, Chair
William Allen, Vice-Chair (via conference call)
Joe Bartenfelder, Secretary of Agriculture
Jerome Klasmeier, representing Comptroller Peter Franchot
Deborah Herr Cornwell, representing Acting Secretary Robert McCord, Maryland
Department of Planning
Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department
of Agriculture
Catherine Cosgrove
Taylor Huffman
Bernard L. Jones, Sr.
Tom Mason
Ralph Robertson
J. Bruce Yerkes

Trustees Absent:

Susanne Brogan, representing Treasurer Nancy Kopp
Joe Wood

Others Present:

Michelle Cable, MALPF Lead Administrator
Diane Chasse, MALPF Administrator
Chana Turner, MALPF Administrator
Amanda Wilson, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Carol S. West, MALPF Executive Director
Justin Hayes, Assistant Attorney General, Department of Agriculture
Nancy Forrester, Assistant Attorney General, Department of General Services
Patrick Martyn, Assistant Attorney General, Department of General Services
Kristen Fisher, Montgomery County Office of Agriculture
Howie Feaga, Howard County Advisory Board member & President of Howard County
Farm Bureau
Erich Bonner, Howard County landowner
Billy Gorski, Anne Arundel County Planner
Donna K. Landis-Smith, Queen Anne's County Program Administrator
Eric Seifarth, Washington County Program Administrator
Deb Bowers, Carroll County Program Administrator
J.P. Smith, Jr., Carroll County Preservation Specialist
Jeanine Nutter, Prince George's County Program Administrator
Anne Bradley, Frederick County Program Administrator
Shannon O'Neil, Frederick County Land Preservation Planner
Chris Boggs, Washington County Land Preservation Planner
Fatimah Hasan, Prince George's County Planner Coordinator

Mr. Calkins, Chair, called the meeting to order at 9:37 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from May 22, 2018.

Motion #1: To approve minutes from May 22, 2018, incorporating Susanne Brogan's edits provided to MALPF staff via e-mail.

Motion: Jones Second: Cosgrove
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Secretary Bartenfelder attended the open meeting and shared his appreciation of Ms. West's work and commitment through her 39 years of State service, specifically to the MALPF Program. Secretary Bartenfelder awarded Ms. West with both a Governor's Citation and a Secretary's Citation of appreciation upon her retirement.

Secretary Bartenfelder announced that Ms. Cable has been appointed the next Executive Director to lead MALPF.

IV. EASEMENT AMENDMENTS

A. QUEEN ANNE'S COUNTY

1. File #17-86-16 Robinson, William ~173.1 acres

Request –Queen Anne's County:
Request approval to convert a barn into a tenant house.

Recommendation
Staff recommends approval.

Ms. Cable introduced the item. Ms. Landis-Smith was available to address the Board.

Motion #2: To approve the conversion of a barn into a tenant house.

Motion: Cosgrove Second: Mason

Status: Approved

B. FREDERICK COUNTY

1. WITHDRAWN

C. CARROLL COUNTY

1. File #06-03-01 Brathuhn, Jacqueline ~62.5 acres

Request – Carroll County
Request acknowledgement of a pre-existing right-of-way and consent to enter into a Confirmatory Right-of-Way Agreement (Agreement) memorializing the right-of-way for the use and benefit of a neighboring property.

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Recommendation

Staff recommends approval pursuant to COMAR 15.15.16.01 et seq., and subject to:

- 1) provisions being added to the Agreement that
 - a) prohibit expansion of the right-of-way (ROW) beyond its current size (1 rod) as required by COMAR 15.15.16.03 C;
 - b) limit the use of the ROW for ingress and egress purposes only; and
 - c) prohibit any change to the location and configuration of the ROW as described in the proposed Agreement to be entered into by the landowner and Phyllis Jean Zumbrun, Personal representative of the Estate of Elwood Edward Swam, the named Grantee in the Agreement (owner of the Swam property);
- 2) A survey of the ROW easement as required by 15.15.16.05;
- 3) a provision prohibiting any further subdivision or intensified use of the Swam property, which property will benefit from the Agreement;
- 4) final review of the Agreement by MALPF’s legal counsel; and
- 5) MALPF shall have the right to final review and approval of any future proposed amendments, and/or revisions to the Agreement.

Ms. Turner introduced the item. Ms. Bowers and Mr. Smith were available to address the Board.

Motion #3: To acknowledge a pre-existing right-of way and approve a confirmatory right of way agreement memorializing the right of for the use of the neighbor, incorporating staff recommendations.

Motion:	Jones	Second:	Klasmeier
Status:	Approved		

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

N/A

VII. INFORMATION AND DISCUSSION

- A. 13-79-02C SUB#1 & 13-80-04E Oakridge Farm, address Board

Mr. Bonner addressed the Board regarding his easement property in Howard County. Mr. Bonner described the history of his use of the property as a nursery operation and how he attempted to expand into a mulching operation of other various forestry-related wood product operation. While MALPF has approved the uses he had requested in the past, after MALPF approval in 2013, Howard County changed the zoning, which has prevented him from conducting the types of operation he planned to do.

Since 2013, Mr. Bonner has had challenges with pursuing the forestry-related operations on his property due to County Zoning and opposition from private interest groups in the area, up to and including legal actions. Mr. Bonner asked the MALPF Board if they had any additional suggestions for him to pursue the type of operation that MALPF approved in 2013, or if MALPF was willing to write a letter stating what MALPF considers normal agricultural practices, specifically forestry-related practices.

While the MALPF Board expressed sympathy for the situation Mr. Bonner was in, the MALPF Board has no control over county zoning decisions and actions. Any use or activity that MALPF may approve must still comply with all current zoning laws and regulations.

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Ms. Herr Cornwell offered Mr. Bonner to discuss his situation with staff at the MD Department Of Planning. The Board instructed MALPF staff to write Mr. Bonner a letter that describes, in general, what MALPF and/or MDA considers normal agricultural practices, specifying which forestry related uses are permitted as well.

B. Fiscal Year 2018 June Inspection Report

Ms. Hoxter presented the current inspection status from county reporting.

C. News Articles (via e-mail only)

VIII. CLOSED SESSION

Before the open meeting was convened, a Closed Meeting of the Board was held from 9:04 a.m. to 9:16 am on June 26, 2018 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:

(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: Michael Calkins, Chair, William Allen, Vice Chair (via conference call), Jerome Klasmeier, representing Comptroller Peter Franchot, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cathy Cosgrove, Taylor Huffman, Bernard Jones, and Tom Mason.

The following Board members were absent: Susanne Brogan, representing Treasurer Nancy Kopp, and Joe Wood.

The following legal representatives were also present during the closed session meeting: Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture, and Nancy Russell Forrester, Assistant Attorney General, Maryland Department of General Services, and Patrick Martyn, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

A. Approval of May 22, 2018 Closed Session Minutes

B. Status Report of Pending Legal Issues

Respectfully Submitted:

Michelle Cable, Executive Director