MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES AUGUST 23, 2022

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair

Cricket Goodall, Vice Chair

Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture

Alex Butler, representing Comptroller Peter Franchot

Joanna Kille, representing Treasurer Dereck E. Davis

Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland

Department of Planning

Catherine Cosgrove

Elizabeth Hill

J. Bruce Yerkes

Trustees Absent:

Gilbert "Buddy" Bowling Gary Dell Joseph Wood

Others Participating:

Michelle Cable, MALPF Executive Director

Chana Turner, MALPF Administrator

Sarel Cousins, MALPF Administrator

Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator

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

Cherelle Miles, MALPF Fiscal Temp

Megan Benjamin, Baltimore County Program Administrator

Donna Landis-Smith, Queen Anne's County Program Administrator

Ben Zito, Wicomico County Program Administrator

Bill Amoss, Harford County Program Administrator

Billy Gorksi, Anne Arundel County Staff

Kathleen Seay, Charles County Staff

Fatima Hasan, Prince George's County MNCPPC

Ms. Willhelm, Baltimore County landowner

Will LeFort, DGS Appraiser

Jennifer David, Calvert County Staff

Mr. Allen, Chair, called the meeting to order at 9:03 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.

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from July 26, 2022.

Motion #1:

To approve minutes from July 26, 2022.

Motion:

Yerkes

Second:

Hill

Status:

Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable asked if any County Administrators wanted to address the Board or share information with the other counties. Ms. Landis-Smith shared that she had received phone calls from landowners in adjacent counties because they were not getting responses from their respective counties' program administrators. Ms. Landis-Smith shared that she understands that there are a number of new County Administrators, and with the Board meetings being virtual, not many County Administrators attend. She emphasized the importance of attending the Board meetings as part of the learning process for all County Administrators, especially the newer ones. Ms. Cable stated that she will reach out to all the counties and encourage them to attend the Board meetings as frequently as possible.

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. QUEEN ANNE'S COUNTY

1. 7-88-03 Donald Leager

~154.3 acres

Request - Queen Anne's County:

Landowner requests approval to donate an adjacent ~10.19 acre woodland parcel into the easement property, as required by Queen Anne's County and MALPF to resolve a County forest conservation easement violation (tax parcel 81).

Recommendation:

Staff recommends approval, subject to the following conditions, which have been agreed to by the landowner:

- 1. The landowner is responsible for all associated expenses for the transaction, including title and any survey requirements that may be necessary;
- 2. Complete a corrective easement to include the new acreage into the easement, which will eliminate the language that allows an owner to request termination on entire easement under certain circumstances;
- 3. The pre-existing dwelling located on the original easement property shall be made non-subdivideable from the easement; and
- 4. Sign acknowledgement letter stating approval conditions.

Ms. Cable introduced the item. Ms. Landis-Smith was available to address the Board. Ms. Cable and Ms. Landis-Smith informed the Board that the owner consented to removing the 25-year termination request clause on the entire easement property.

Motion #2:

To approve the donation of the adjacent ~10.19 acre woodland parcel into the MALPF easement, incorporating all Staff recommendations, as presented.

Motion: Status: Goodall Approved Second:

Herr-Cornwell

B. BALTIMORE COUNTY

1. 03-94-01 Nash Family Farm Irrevocable Inter Vivos Trust

~86 acres

(Carl W. Nash, Jr. and Sandra Nash)

Request - Baltimore County:

Request approval to exclude up to 2 acres for an owner's lot.

Recommendation:

Staff recommends approval.

Ms. Turner introduced the item. Ms. Benjamin was available to address the Board. Ms. Turner noted to Board that while it was not referenced in the staff memo, the documentation and information supporting the request included the fact that the owner's lot is actually a non-subdivideable building envelope, which will be documented through amending the easement rather than the normal lot release agreement process.

Motion #3:

To approve an owner's lot, up to 2-acres, as a non-subdivideable

building envelope, as presented.

Motion:

Herr-Cornwell

Second:

Hill

Status:

Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

Ms. Cable reviewed the Withheld Acreage Policy with the Board, as well as how MALPF treats the requests for designated-uses envelopes. as a refresher to the Board before beginning the review of the new FY 2023 easement applications.

A. CECIL COUNTY

1. 07-23-04

Coale, Jeffery & Stacey

~42.244 acres

(excludes withheld acres)

Request to approve the application withholding 2.0 acres for a headquarters area, including a dwelling. The 2.0 acres will require a Declaration of Restrictions that documents one development right with the acreage.

2. 07-23-10

Herring Creek Farm, LC

~122 acres

(excludes withheld acres, includes unpaid acres) Request to approve the application withholding ~284 acres for a separate application. An additional 4 acres are being requested to designate as a building envelope around existing dwelling and accessory structures that will not be included in the payment calculation for the MALPF easement.

3. 07-23-13

Losten's Dairy

~581.822 acres

(excludes withheld acres)

Request to approve the application withholding 8.0 acres for future lots around existing dwellings. The 8.0 acres will require a Declaration of Restrictions that documents three development right with the acreage, permitted to be divided into three separate lots, each with a development right.

Second:

Motion # 4:

To approve the Cecil County requests as presented

Motion:

Yerkes

Kille

Status:

Approved

B. WORCESTER COUNTY

1. 23-23-08 Holland, Mark & Ricky

~90.77 acres

(excludes withheld acres)

Request to approve the application withholding 2.44 acres for an existing homesite. The 2.44 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion # 5:

To approve the Worcester County request as presented

Motion: Status: Herr-Cornwell

Approved

Second:

Goodall

C. ST. MARY'S COUNTY

1. 18-23-01 Bradbury, Casper & Norma

~38.892 acres

(excludes withheld and unpaid acres)

Request to approve the application withholding ~8.01 acres (5 acres in St. Mary's County with 2 development rights, 3.1 acres in Charles County with 2 development rights); and including 6.33 acres in Charles County as unpaid acres to be included as part of the St. Mary's County easement configuration. The withheld areas in both counties will each require a Declaration of Restrictions that documents two development rights on each portion (total of 4).

In additionbecause the property does not meet MALPF's minimum acreage requirement, an offer may only be extended if the adjacent property in Charles County (also owned by Bradbury) receives and accepts an offer. Settlement of the adjacent Charles County property MALPF easement must occur prior to settlement of this subject application property.

Motion #6:

To approve the St. Mary's County request, incorporating the contingent requirement with the Charles County application

property, as presented

Motion: Status: Goodall Approved Second:

Connelly

D. WASHINGTON COUNTY

1. 21-23-06 Gehr, Daniel & Pamela

~100.26 acres

(excludes withheld acres)

Request to approve the application withholding 1.5 acres from the easement with no development rights associated with it for a cellular communications tower lease, with access. The 1.5 acres will require a Declaration of Restrictions that documents zero development rights with the acreage.

2. 21-23-12 Miller, Dwight & Kristen

~241.77 acres

(includes unpaid acres)

Request to approve the application designating ~3.75 acres as a permitted uses envelope for a sawmill, with other possible future uses compatible with the area. If the area is no longer used for a sawmill, the area could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county.

3. 21-23-15 Rinehart, Ronald

~145.39 acres

(included unpaid acres)

Request to approve 0.18 acres as an unpaid envelope for an existing cemetery.

Motion #7:

To approve the Washington County requests as presented

Motion:

Goodall

Second:

Hill

Status:

Approved

VI. PROGRAM POLICY

A. Queen Anne's County Rankin System Update.

Request:

Queen Anne's County requests approval to revise its Easement Ranking System.

Recommendation:

Staff recommends approval.

Ms. Cable presented the item. Ms. Landis-Smith explained the changes to the ranking system to the Board and was available for any questions.

Motion #8:

To approve the updated Queen Anne's County ranking system,

as presented

Motion:

Goodall

Second:

Kille

Status:

Approved

VII. INFORMATION AND DISCUSSION

N/A

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; and (7) to consult with counsel to obtain legal advice.

Motion #9:

To adjourn the regular session at 9:49 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; and to consult with counsel to obtain legal advice.

Motion:

Connelly

Second: Yerkes

Status:

Approved

The Closed Meeting of the Board was held from 9:58 a.m. to 11:02 a.m. on August 23, 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; and
- (7) to consult with counsel to obtain legal advice.

During the Closed Meeting, the following Board members were present: William Allen, Chair, Cricket Goodall, Vice Chair, Alex Butler, representing Comptroller Peter Franchot, Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cathy Cosgrove, Cricket Goodall, Elizabeth Hill, and J. Bruce Yerkes.

The following Board members were absent: Gilbert "Buddy" Bowling, Gary Dell, and Joe Wood.

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Chana Turner, Sarel Cousins, Kim Hoxter, Cherelle Miles, 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 July 26, 2022 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Amending FY22 Option Contract
- Legal advice and consideration of enforcement options for easement violation in Harford County.
- E. Legal advise regarding issues presented in potential inclusion of MALPF eased properties in County "Historic Preservation Districts."

Respectfully Submitted:

Michelle Cable, MALPF Executive Director