

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES**

February 22, 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
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland
Department of Planning
Jerome Klasmeier, representing Comptroller Peter Franchot
Joanna Kille, representing Treasurer Dereck E. Davis
Gilbert "Buddy" Bowling
Catherine Cosgrove
Elizabeth Hill
J. Bruce Yerkes
Joe Wood

Trustees Absent:

Robin Kable

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
Renee Dyson, Assistant Attorney General, Department of General Services
Megan Benjamin, Baltimore County Program Administrator
Donna Landis-Smith Queen Anne's County Program Administrator
Jenn Wilson, Harford County Staff
Beth Ahalt, Frederick County Staff
Billy Gorski, Anne Arundel County Staff
Jason Boothe, Dorchester County Program Administrator
Beth Beales, Caroline County Program Administrator
Kathleen Seay, Charles County Staff
Donna Sasscer, St. Mary's County Program Administrator
Stephen J. O'Connor Acting Cecil County Program Administrator
Will Goldman, Cecil County Staff
Mike Scheffel, Montgomery County Program Administrator
Jeanine Nutter, Prince George's County Program Administrator
Joy Levy, Howard County Program Administrator
Stephen Fleming, Howard County Landowner
Darryl Andrews, Appraiser, Department of General Services
Will LeFort, Appraiser, Department of General Services
Julie Enger, Appraiser, Department of General Services

Ms. Cable called the meeting to order at 9:03 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 January 25, 2022

1. Satisfaction of all applicable requirements/conditions set forth below under the header "15.15.11.03 Criteria";
2. Receipt of analysis from DGS confirming that the value of the easement will not be diminished by the proposed exchange;
3. Waiver of the request for termination clause in the original deed of easement;
4. Landowners entering into a Corrective Easement to document the land exchange as well as the waiver of the request for termination clause;
5. Acknowledgement that the Landowners are responsible for and will pay the costs of all title work, title insurance premiums, surveys, and documentation necessary on both the land under easement and the land to be added by corrective easement;
6. The Landowners signing a letter acknowledging the updated conditions of approval as provided herein, and of any other conditions of approval as determined by the Foundation's Board;
7. Approval of the transaction by the Board of Public Works.

Ms. Turner introduced the item. Ms. Sasscer was present and available for questions from the Board.

Motion #3: To revise terms of a previously approved land exchange to decrease total acreage of exchange to ~1.53 acres, incorporating staff recommendations, as presented.

Motion: Bowling Second: Wood
Status: Approved

C. DELETED

D. CECIL COUNTY

1. 07-06-09 Raech, Paul A. & Barbara G. ~285.5 acres

Request:

Request approval for an overlay easement of 10,000 square feet (~.23 acre), for a septic drain field that will service a proposed tenant house on acreage withheld from the easement property when the easement was established.

Recommendation:

Staff recommends approval subject to:

1. The landowner signing a letter acknowledging the conditions of approval as provided herein, and of any other conditions of approval as determined by the Foundation's Board;
2. Satisfaction of all applicable requirements/conditions set forth below under the header "COMAR 15.15.16, *Guidelines for Granting Overlay Easements and Rights-of-Way*";
3. Approval of the overlay easement by the Foundation and the Office of the Attorney General as required by COMAR 15.15.16; and
4. Approval of a survey by the Foundation and the Office of the Attorney General as required by COMAR 15.15.16.

Ms. Cousins introduced the item. Mr. O'Connor and Mr. Goldman were available for questions from the Board.

Motion #4: To approve the request for an overlay easement of 10,000 square feet (~.23 acre) for a septic drain field, incorporating staff recommendations, as presented.

Motion: Yerkes Second: Bowling
Status: Approved

MALPF Board Open Meeting Minutes January 25, 2022

E. FREDERICK COUNTY

1. 10-01-02 Thompson, Franklin and Pamela ~134.6 acres

Request:

Request for a 5-year extension to the validity of the preliminary release previously approved for a child lot for their son, Phillip. If approved, it will extend a release which is set to expire in April of this year.

Recommendation:

Under COMAR 15.15.06.05.B.2, Staff recommends approval for the extension.

Ms. Chasse introduced the item. Ms. Ahalt was available for questions from the Board.

Motion #5: To approve the request for a 5-year extension to the validity of a preliminary release that was previously approved for a child lot for their son, Phillip, as presented.

Motion: Goodall Second: Wood
Status: Approved

F. HOWARD COUNTY

1. 13-82-06e (SUB #1) Fleming Revocable Trusts ~125 acres
(Fleming, Stephen E., Darrell L., Brenda L. & Scott B., Successor Trustees)

Request:

Landowners request approval to donate parcel 62, a (one) ~1 acre parcel (with a dwelling) by amending this easement.

Recommendation:

Staff recommends approval to donate the (one) ~1 acre parcel that is currently creating a "donut hole" in the middle of the easement land; adding the donated parcel to the easement will eliminate it. Additionally, parcel 62 is in close proximity to existing far, buildings: consolidating the two parcels into a single lot will eliminate the possibility of future disputes between neighbors.

Conditions of Approval

1. The landowners will be responsible for due diligence and transaction costs (title Expenses) needed to accept the donated parcel into the easement.
2. A new corrective easement including the legal description for the donated parcel will be required.
3. The landowners will be responsible for any expenses related to erasing the lot lines and recordation of the revised plat.
4. The landowners agree they will not file a claim for a charitable contribution deduction on their income taxes for this donated parcel.

Ms. Cousins introduced the item. Ms. Levy and Mr. Fleming were present to address the Board and available for questions.

Motion #6: To approve the donation of a ~1 acre parcel, incorporating staff recommended conditions, as presented.

Motion: Goodall Second: Klasmeier
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.

MALPF Board Open Meeting Minutes January 25, 2022

B. Allocation of Funds Report- FY22

Ms. Cable presented the report, explaining the distributions of funds.

Motion #7: To approve the FY 2022 Allocation of Funds Report, as presented.

Motion: Kille Second: Goodall
Status: Approved

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 #8: To adjourn the regular session at 10:01 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: Bowling Second: Klasmeier
Status: Approved

The Closed Meeting of the Board was held from 10:10 a.m. to 11:13 a.m. on February 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, Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Catherine Cosgrove, Joe Wood, Cricket Goodall, J. Bruce Yerkes, Beth Hill, and Jerome Klasmeier, representing Comptroller Peter Franchot.

The following Board members were absent: Gilbert "Buddy" Bowling and Robin Kable

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 Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Renee Dyson, Assistant Attorney General, Maryland Department of General Services and Patrick Martyn, Assistant Attorney General, Maryland Department of General Services.

MALPF Board Open Meeting Minutes January 25, 2022

TOPICS DISCUSSED:

- A. Approval of January 25, 2022 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2022 Offers

Respectfully Submitted:



Michelle Cable, MALPF Executive Director