

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
AUGUST 25, 2020**

**This meeting was held via internet and telephone conference call.**

**Trustees Participating:**

William Allen, Chair  
Jerome Klasmeier, representing Comptroller Peter Franchot  
Joanna Kille, representing Treasurer Nancy Kopp  
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland  
Department of Planning  
Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department  
of Agriculture  
Cricket Goodall  
Elizabeth Hill  
Taylor Huffman  
J. Bruce Yerkes

**Trustees Absent:**

Catherine Cosgrove  
Robin Kable  
Joseph Wood

**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  
Renee Dyson, Assistant Attorney General, Department of General Services  
Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture  
Devyn King, Cecil County Program Administrator  
Beth Beales, Caroline County Program Administrator  
Mike Scheffel, Montgomery County Program Administrator  
Donna Landis-Smith, Queen Anne's County Program Administrator  
Jeanine Nutter, Prince George's County Program Administrator  
Bill Beach, DGS Appraiser  
Darryl Andrews, DGS Appraiser  
Julie Enger, DGS Appraiser  
Billy Gorski, Anne Arundel County staff

Mr. Allen, Chair, called the meeting to order at 9:04 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.

**MALPF Board Open Meeting Minutes August 25, 2020**

**I. APPROVAL OF MINUTES**

A. Approval of Open Minutes from July 28, 2020.

Motion #1: To approve minutes from July 28, 2020.

|         |               |         |         |
|---------|---------------|---------|---------|
| Motion: | Herr-Cornwell | Second: | Goodall |
| Status: | Approved      |         |         |

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

N/A

**III. ANNOUNCEMENTS**

Ms. Cable informed the Board that the active part of the audit has been completed. The auditors will provide their report to document findings in the coming months. MALPF will provide updates as available.

Ms. Cable thanked all the attendees for participating in the MALPF teleconference Board meeting. Ms. Cable asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. Ms. Cable also 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. CARROLL COUNTY**

1. 06-06-15 Baumgardner Family ~155.154 acres

Request:

Request approval of an agricultural subdivision to create a ~50 acre parcel and a ~105 acre parcel.

Recommendation:

Staff recommends approval, subject to completing the Corrective Easements including:

1. Providing a survey plat depicting the divided parcels, along with separate metes and bounds perimeter descriptions of the divided parcels;
2. A provision waiving all rights to request termination of the easement (per COMAR 15.15.12.04.B.); and
3. A provision that requires that the pre-existing dwelling located on Parcel 2 will be non-subdividable. The unrestricted lot right under the original Deed of Easement will benefit Parcel 1 and will be non-subdividable (as per the buyers – see applications).

Ms. Chasse introduced the item. She informed the Board that recommendation #2 was unnecessary as the easement was established in 2007 and was already perpetual.

Motion #2: To approve the agricultural subdivision to create a ~50 acre parcel and a ~105 acre parcel, incorporating staff recommended conditions #1 and #3, as presented.

|         |               |         |      |
|---------|---------------|---------|------|
| Motion: | Herr-Cornwell | Second: | Hill |
| Status: | Approved      |         |      |

2. 06-81-08ex1 Martin, Kenneth & Phyllis ~137.439 acres

Request:

Retroactive request for a .197- acre septic overlay easement to benefit a child's lot.



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B. FREDERICK COUNTY

1. 10-21-03 Stephen W. Kelly (contract purchaser) ~241.9449 acres  
(excludes withheld acres)

Request to approve the application withholding ~12.2951 acres a dwelling. The ~12.2951 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion # 6: To approve the Frederick County request as presented

Motion: Hill Second: Huffman  
Status: Approved

C. HARFORD COUNTY

1. 12-21-02 J. Richard Crouse ~160 acres  
(includes unpaid acres)

Request is to approve the application designating ~5.84 acres from the easement with zero development rights associated with it as a permitted uses envelope for use as commercial wedding/events venue. If the area is no longer used for the wedding/ events venue, the area could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county.

Motion # 7: To approve the Harford County request as presented

Motion: Huffman Second: Oberg  
Status: Approved

D. QUEEN ANNE'S COUNTY

1. 14-21-06 Steve & Catherine MacGlashan ~134.987 acres  
(excludes withheld acres)

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

2. 17-21-09 Jason & Jessica Sheubrooks ~197.939 acres  
(excludes withheld acres)

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

Motion # 8: To approve the Queen Anne's County requests as presented

Motion: Herr-Cornwell Second: Goodall  
Status: Approved

E. CECIL COUNTY

1. 07-21-01 AJ Major Farms, LLC ~151.721 acres  
(excludes withheld acres)

Request to approve the application withholding ~4 acres for two future dwellings. The 4 acres will require a Declaration of Restrictions that documents two development right with the acreage.

Motion # 9: To approve the Cecil County requests as presented

Motion: Yerkes Second: Kille  
Status: Approved

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F. CHARLES COUNTY

1. 08-21-06 Heinze Family Limited Partnership ~291.47 acres  
(excludes withheld acres)  
Request to approve the application withholding ~13 acres with no dwellings nor reserved development rights. The ~13 acres will require a Declaration of Restrictions that documents the area will be merged and consolidated with adjoining parcel 101, increasing the adjacent lot size but adding no additional development rights.
2. 08-21-08 Thomas G. Jenkins, Jr. ~184.222 acres  
(includes unpaid acres)  
Request is to approve the application designating ~10 acres from the easement with four existing dwellings located within the area as a permitted uses envelope for use as commercial wedding/events venue. If the area is no longer used for the wedding/ events venue, the area could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county.
3. 08-21-12 Wicomico Valley Foundation of So. MD, Inc. ~49.5243 acres  
(excludes withheld acres)  
Request to approve the application withholding ~5.0 acres around an existing dwelling. The ~5.0 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion # 10: To approve the Charles County requests as presented

|         |               |         |      |
|---------|---------------|---------|------|
| Motion: | Herr-Cornwell | Second: | Hill |
| Status: | Approved      |         |      |

G. ST. MARY'S COUNTY

1. 18-21-02 Clara Artemesia Limited Partnership ~118.96 acres  
(excludes withheld acres)  
Request to approve the application withholding ~191.30 acres of an area that was previously mined. No Declaration of Restrictions will be required as the entirety of the property is covered under two separate applications.
2. 18-21-03 Clara Artemesia Limited Partnership ~212.89 acres  
(excludes withheld acres and includes unpaid acres)  
Request to approve the application withholding ~335.24 acres of an area to be submitted as separate applications. The unpaid ~96.6 acres was previously mined and shall be included within the boundary of the easement. No Declaration of Restrictions will be required on the withheld acres area as the entirety of the property is covered under two separate applications.
3. 18-21-08 Jennings, Mark & Dianne ~100.659 acres  
(excludes withheld acres)  
Request to approve the application withholding ~3.0 acres around an existing dwelling. The ~3.0 acres will require a Declaration of Restrictions that documents one development right with the acreage.
4. 18-21-11 Nancy D. Wolfe Revocable Trust ~184.77 acres  
(includes unpaid acres)  
Request is to approve the application designating ~5 acres from the easement with one development right associated with it as a permitted uses envelope for use as commercial events venue. If the area is no longer used for the events venue, the area could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county.

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Motion # 11: To approve the St. Mary's County requests as presented

Motion: Kille    Second: Herr-Cornwall  
Status: Approved

**H. WASHINGTON COUNTY**

1. 21-21-01 Ausherman, Curtis & Frances ~201.11 acres  
(includes unpaid acres)  
Request to approve the application including a donation of ~52 acre area of non-qualifying soils as part of the easement, but unpaid, so the entire property will be covered by the easement.

Motion # 12: To approve the Washington County requests as presented

Motion: Herr-Cornwell    Second: Goodall  
Status: Approved

**VI. PROGRAM POLICY**

- A. Request for Board and County volunteers to review the Water Resource Overlay Easement Policy

Ms. Cable asked for volunteers from the Board members, and County staff, to establish a committee that will review a number of policies and regulations, including the Corrective Easement and Overlay regulations, the Water Resources Overlay Policy, and the Permitted Uses Policy, and to consider establishing an Alternative Energy Policy, instead of just guidelines. Other matters may be discussed in the committee as well.

Ms. Herr-Cornwell, Ms. Goodall, and Ms. Hill volunteered to serve on the committee. Ms. Cable will reach out to county staff via email to ask for volunteers.

**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 #13: To adjourn the regular session at 9:55 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.

Motion: Oberg    Second: Yerkes  
Status: Approved

The Closed Meeting of the Board was held from 10:08 a.m. to 10:17 a.m. on August 25, 2020 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.

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During the Closed Meeting, the following Board members were present: William Allen, Chair, Jerome Klasmeier, representing Comptroller Peter Franchot, Joanna Kille, representing Treasurer Nancy Kopp, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cricket Goodall, Elizabeth Hill, Taylor Huffman, and J. Bruce Yerkes.

The following Board members were absent: Cathy Cosgrove, Robin Kable, Joe Wood,

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, 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 28, 2020 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Pending FY2020 offer

Respectfully Submitted:



Michelle Cable, MALPF Executive Director

