

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
OCTOBER 27, 2020**

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair
Taylor Huffman, Vice 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
Catherine Cosgrove
Cricket Goodall
Elizabeth Hill
Robin Kable
Joseph Wood

Trustees Absent:

J. Bruce Yerkes

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
Beth Beales, Caroline County Program Administrator
Julie Enger, DGS Appraiser
Donna Landis-Smith, Queen Anne's County Program Administrator
Joe Wiley, Baltimore County Staff
Martin Sokolich, Talbot County Program Administrator
Rob Tracey, Kent County Program Administrator
Dave Kelleher, DGS Appraiser
Shannon O'Neill, Frederick County Staff
Stacey Kubofcik, MARBIDCO staff
Darryl Andrews, DGS Appraiser
Jeanine Nutter, Prince George's County Program Administrator
Mike Scheffel, Montgomery County Program Administrator
Donna Sasscer, St. Mary's County Program Administrator
Mike Youngsworth, Baltimore County landowner representative
Darrin Millender, Baltimore County landowner representative

Mr. Allen, Chair, called the meeting to order at 9:02 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.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from September 22, 2020.

Motion #1: To approve minutes from September 22, 2020.

Motion: Wood Second: Klasmeier
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

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. HOWARD COUNTY

- 1. 13-79-03 A & B – Idiot’s Delight, Inc. and Corp. No. II ~195.55 acres

Request – Howard County:

Request approval of the sale of mitigation credits outside of Priority Funding Areas (PFAs) for future development projects, with Foundation approval on a case by case basis, pursuant to the Water Resource Easement Overlays Policy adopted on April 28, 2020 (see paragraph #10 below for details).

Recommendation:

Staff recommends Board approval per the revised Water Resource Easement Overlays Policy.

Ms. Cousins introduced the item.

Motion #2: To approve the sale of mitigation credits outside of PFAs for future development projects with Foundation on a case by case basis, as presented.

Motion: Wood Second: Klasmeier
Status: Approved

B. FREDERICK COUNTY

- I. 10-15-06 Playland Farm, LLC ~ 103.4 acres

Request – Frederick County:

Request approval for an unrestricted lot of up to two (2) acres.

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item. Ms. O’Neill was available to address the Board.

Motion #3: To approve the request of an unrestricted lot up to two (2) acres, as presented.

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Motion: Huffman Second: Cosgrove
Status: Approved
2. 10-20-01 Cap Stine LLC ~114 acres

Request – Frederick County:

Request pre-approval for an unrestricted lot of up to two (2) acres.

Recommendation:

Staff recommends pre-approval. The lot will not be released until after the easement is settled.

Ms. Chasse introduced the item. Ms. O'Neil was available to address the Board.

Motion #4: To approve the request of an unrestricted lot up to two (2) acres, as presented, not to be released until after the easement has settled.

Motion: Klasmeier Second: Huffman
Status: Approved

C. KENT COUNTY

1. Withdrawn
2. 14-86-04 Clark, Thomas and Karen ~296 acres

Request –Kent County:

Request approval for a tenant house.

Recommendation

Staff recommends approval.

Ms. Turner introduced the item. Mr. Tracey was available to address the Board.

Motion #5: To approve the request of a tenant house, as presented.

Motion: Herr-Cornwell Second: Klasmeier
Status: Approved

D. BALTIMORE COUNTY

1. 03-81-01AeSub#2 Clear Pond Farm, LLC (Dell) ~ 62 acres

Request – Baltimore County:

Request to approve an overlay easement to resolve a violation.

Recommendation:

Staff recommends approval subject to:

1. the landowners 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 MALPF and the Office of the Attorney General;

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Recommendation:

In accordance with the Foundation's Agricultural Subdivision and Corrective Easement regulations, Staff recommends approval, subject to regulatory conditions.

Ms. Cable introduced the item. Mr. Wiley was available to address the Board.

Motion #8: To re-approve a 2015 request to subdivide ~60 acres of unimproved farmland from the West Easement to be merged with the East Easement, as presented.

Motion: Goodall Second: Hill
Status: Approved

E. ANNE ARUNDEL COUNTY

1. 02-83-03 Dickey, Joseph and Blaxall, Martha ~ 27 acres

Request – Anne Arundel County:

Request approval to merge the fully released child's lot into the easement as a non-subdividable dwelling, to be treated as a pre-existing dwelling.

Recommendation:

Staff recommends approval, documenting the merger of the child's lot into the easement through a corrective easement.

Motion #9: To approve the merging of the fully released child's lot into the easement as a non-subdividable dwelling, to be treated as a pre-existing dwelling, as presented.

Motion: Goodall Second: Wood
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

A. Draft Revised Regulations for Corrective Agricultural Land Preservation Easements (COMAR 15.15.11)

Request:

MALPF Staff requests that the Board review proposed changes to COMAR 15.15.11 "Corrective Agricultural Land Preservation Easements."

Ms. Cable and Mr. Steadman reviewed the proposed revisions to the Corrective Easement Regulations and explained to the Board the rationale behind the changes. The proposed draft regulation was already provided to the County Administrators to share with their local boards for any input. The regulations will be brought back to the November Board meeting to discuss any recommendations that the counties submit, with MALPF Staff asking the Board to approve the revisions to the regulations. No action is requested at this time.

B. Draft Revised Regulations for Guidelines for Granting Overlay Easements and Rights-of-Way (COMAR 15.15.16)

Ms. Cable and Mr. Steadman reviewed the proposed revisions to the Overlay Easements and Rights-of-Way Regulations and explained to the Board the rationale behind the

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changes. The proposed draft regulation was already provided to the County Administrators to share with their local boards for any input. The regulations will be brought back to the November Board meeting to discuss any recommendations that the counties submit, with MALPF Staff asking the Board to approve the revisions to the regulations. No action is requested at this time.

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): (7) to consult with counsel to obtain legal advice.

Motion #10: To adjourn the regular session at 10:07 a.m. to move into a closed session to consult with counsel to obtain legal advice.

Motion: Kille Second: Wood
Status: Approved

The Closed Meeting of the Board was held from 10:17 a.m. to 10:54 a.m. on October 27, 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):

(7) to consult with counsel to obtain legal advice

During the Closed Meeting, the following Board members were present: William Allen, Chair, Taylor Huffman, Vice 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, Cathy Cosgrove, Cricket Goodall, Elizabeth Hill, Robin Kable, and Joe Wood.

The following Board members was absent: J. Bruce Yerkes

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 September 22, 2020 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. MALPF Audit Findings Discussion

Respectfully Submitted:



Michelle Cable, MALPF Executive Director