

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
April 28, 2020**

This meeting was held via internet and telephone conference call.

Trustees Participating:

Michael Calkins, 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
James Weddle
Joseph Wood
J. Bruce Yerkes

Trustees Absent:

William Allen, Vice-Chair

Others Participating:

Michelle Cable, MALPF Executive Director
Diane Chasse, MALPF Administrator
Chana Turner, MALPF Administrator
Sarel Cousins, MALPF Administrator
Amanda Wilson, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Robert Day, MALPF Office Secretary
Justin Hayes, Assistant Attorney General, Department of Agriculture
Patrick Martyn, Assistant Attorney General, Department of General Services
Renee Dyson, Assistant Attorney General, Department of General Services
Michael Steadman, Assistant Attorney General, Maryland Department of Agriculture
Siera Wigfield, Allegany County Program Administrator
Billy Gorski, Anne Arundel County Planner
Megan Benjamin, Baltimore County Program Staff
Wally Lippincott, Jr, Baltimore County Program Administrator
Beth Beales, Caroline County Program Administrator
Deborah Bowers, Carroll County Program Administrator
Beth Groth, Charles County Program Staff
Devyn King, Cecil County Program Administrator
Adam Gibson, Somerset County Program Administrator
Charles Rice, Charles County Program Administrator
Steve Ball, Dorchester County Program Administrator
Anne Bradley, Frederick County Program Administrator
Shannon O'Neil, Frederick County Program Staff
Gary Aronhalt, Garrett County Program Administrator
William Amoss, Harford County Program Administrator
Jenn Wilson, Harford County Program Staff
Rob Tracey, Kent County Program Administrator
Mike Scheffel, Montgomery County Program Administrator
Jeanine Nutter, Prince George's County Program Administrator
Donna K. Landis-Smith, Queen Anne's County Program Administrator
Donna Sasscer, St. Mary's County Program Administrator

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Martin Sokolich, Talbot County Program Administrator
Chris Boggs, Washington County Program Administrator
Bill Beach, Chief Appraiser, Department of General Services
Ann Jones, Howard County Advisory Board Member / Partners for Open Space

Mr. Calkins, Chair, called the meeting to order at 9:07 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 March 24, 2020.

Motion #1: To approve minutes from March 24, 2020.
Motion: Klasmeier Second: Weddle
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

Deletion of item IV.B.2. File# 10-93-01B Frey Family, LLC ~140.8 acres

Request for a Stream Restoration Overlay Easement, totaling 7.931 acres.

II. 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. Ms. Cable reminded Board members that when motions are made, Board members only need to state their name if they object, they do not need to verbally say "aye" for each motion.

Ms. Cable informed the Board that MDA is currently not allowed any site inspections, with the exception for emergency or health purposes. This impacts the ability for the remaining FY19 easement transactions to be completed, as baseline inspection reports are not able to be performed. MALPF staff and attorneys are discussing alternative methods of baseline reviews to continue to move the remaining FY19 easement contracts to settlement.

Ms. Cable also reminded the Board that their compliance forms are due at the end April.

IV. EASEMENT AMENDMENTS

A. CECIL COUNTY

1. File #07-06-08 McCreary Farm, LLC ~119 acres

Request - Cecil County:
To approve the relocation of a pre-existing dwelling.

Recommendation:

Staff recommends approval. The owners have agreed to make the relocated pre-existing dwelling non-subdivideable. Approval is subject to the completion of an Amendment that will make the house non-subdivideable. The approval is also conditioned upon the removal of the existing dwelling, and restoration of the existing dwelling site to agricultural use, within 60 days after the use and occupancy permit is issued for the new dwelling, or sooner, if required under county law.

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The Amendment will also describe the terms and conditions of the Foundation's approval for the dwelling relocation per COMAR 15.15.04.05.

Ms. Cousins introduced the item. Ms. King was available to address any questions.

Mr. Bruce Yerkes asked if the MALPF Board approval is conditioned upon Natural Resources Conservation Service (NRCS) Farm and Ranchlands Protection Program (FRPP) now called the Agricultural Conservation Easement Program (ACEP) approval and MALPF's Executive Director Ms. Cable answered yes, that Board approval is conditioned upon NRCS approval. Ms. Cable explained that MALPF staff has already reached out to NRCS to discuss.

Motion #2: To approve the relocation of a pre-existing dwelling, as presented, with staff recommendations.

Motion: Yerkes Second: Wood
Status: Approved

B. FREDERICK COUNTY

1. File #10-13-02 Toms, Matthew ~137.957 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. Bradley and O'Neil were available to address any questions.

Motion #3: To approve an unrestricted lot of up to two (2) acres.

Motion: Herr-Cornwell Second: Woods
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

A. FY 2021 Easement Submission Determination

Options of how to proceed with the FY21 easement cycle presented for consideration:

Option 1:

No new applications for a stand-alone FY2021 cycle and wait until July 1, 2021, to do a two-year cycle of FY21 and FY22 together. This would (presumably) result in a combined cycle, with funding at a higher than normal level:

- The final FY21 budget approved includes a maximum of general allotted funds of \$730K per county;
- Adding whatever the funding may be for FY22, the two combined years would potentially enable MALPF to purchase some of the larger/more expensive easements that we have not been able to previously, due to insufficient funds.

Option 2:

Under a recent Executive Order, MALPF could request a postponement of the July 1st application submission deadline, after satisfying certain requirements in that Order, to a date "no later than the 30th day after the date by which the state of emergency is terminated" by the Governor. This approach has a couple of problems/challenges. At this time, we don't know what a reasonable

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Status: Approved

B. Water Resource Overlay Policy

Request:

MALPF Staff requests review and approval from the Board of an amendment to the Water Resources Easement Overlay Policy.

Ms. Cable presented the item, explaining the requested changes to Section 03.B.10, and the requested elimination of Section 03.B.14 of the policy.

Motion #6 To approve the revisions to the Water Resource Overlay Policy, as recommended by MALPF staff.

Motion: Wood Second: Klasmeier
Status: Approved

C. Talbot County Re-Certification

Request:

Talbot County Re-Certification

Recommendation:

Talbot County's land preservation program complies with the requirements under COMAR 34.03.03; therefore, MDP and MALPF staff recommend, and MDP has approved, recertification for Fiscal Years 2021, 2022, and 2023 (July 1, 2020 – June 30, 2023), with a possible extension for Fiscal Years 2024 and 2025 (July 1, 2023 – June 30, 2025), once new regulations are in place to implement HB620 (2018 legislative session).

Ms. Chasse presented the item. Ms. Herr-Cornwell provided the Department of Planning's agreement with the recommended approval. Mr. Sokolich was available to address the Board.

Motion #7 To approve the recertification of Talbot County's land preservation program under COMAR 34.03.03.

Motion: Klasmeier Second: Wood
Status: Approved

VII. INFORMATION AND DISCUSSION

N/A

VIII. CLOSED SESSION

Mr. Calkins 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 10:28 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: Wood Second: Herr-Cornwell

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Status: Approved

The Closed Meeting of the Board was held from 10:45 a.m. to 11:09 a.m. on April 28, 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;

(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, 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, Jim Weddle, Joe Wood, and J. Bruce Yerkes.

The following Board member was absent: William Allen

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 Wilson, Robert Day, Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture, Michael Steadman, 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 March 24, 2020, Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2020 Offers (To be distributed at meeting)

Respectfully Submitted:



Michelle Cable, MALPF Executive Director