

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
May 26, 2020**

This meeting was held via internet and telephone conference call.

Trustees Participating:

Michael Calkins, Chair
William Allen, 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
James Weddle
J. Bruce Yerkes

Trustees Absent:

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
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, Jr, Assistant Attorney General, Maryland Department of Agriculture
Megan Benjamin, Baltimore County Program Staff
Ronald Marney, Calvert County Program Administrator
Beth Beales, Caroline County Program Administrator
Devyn King, Cecil County Program Administrator
Anne Bradley, Frederick County Program Administrator
Shannon O'Neil, Frederick County Program Staff
William Amoss, Harford County Program Administrator
Carla Gerber, Kent County Program Staff
Mike Scheffel, Montgomery County Program Administrator
Jeanine Nutter, Prince George's County Program Administrator
Fatimah Hasan, Maryland National Capital Park & Planning Commission
Donna Sasscer, St. Mary's County Program Administrator
Martin Sokolich, Talbot County Program Administrator
Kim Livezey, MDOT SHA
Zahyrah Ramirez, MDOT SHA
Rawaa Al-Tameemi, MDOT SHA
Sutapa Samanta, MDOT SHA
Dr. David Smack, Kent County Landowner
Kevin Atticks, Grow & Fortify
Nick Gehlsen, Baltimore County Landowner
Wendy Scott Napier, DGS

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Julie Enger, DGS Appraiser
Jennifer Hatchet, Resource Environmental Solutions (RES)
Mike O'Neill, Resource Environmental Solutions (RES)
Allison Reeves, Resource Environmental Solutions (RES)
Joe Caterino, Resource Environmental Solutions (RES)

Mr. Calkins, 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 April 28, 2020.

Motion #1: To approve minutes from April 28, 2020.
Motion: Herr-Cornwell Second: Allen
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

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, 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.

Ms. Cable informed the Board that MALPF is currently undergoing an audit by the Department of Legislative Services Ms. Cable further explained that MALPF has not been audited since 2015, due to a change in the law in 2016, which removed the requirement that MALPF be audited annually. As of 2016, MALPF is now audited in the course of routine MDA audits. Ms. Cable shared the happy news that Amanda Wilson got married this month and is now Amanda Massoni, congratulations!

IV. EASEMENT AMENDMENTS

A. CECIL COUNTY

1. File #07-88-05ex1 Sean Hurm, et al ~220 acres

Request - Cecil County:

Request to exclude up to 2.0 acres each from the easement for two child lots for Matthew L. Hurm and Kimberly Hurm Combs.

Recommendation:

Staff recommends approval.

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

Motion #2: To approve two child lots for Matthew L. Hurm and Kimberly Hurm Combs, up to 2.0 acres each. dwelling.
Motion: Yerkes Second: Allen
Status: Approved

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B. FREDERICK COUNTY

1. File #10-87-05ex1 Lenhart, Harold, Jr. and Kathleen ~103.5 acres

Request – Frederick County:

Request for a 5-year extension to the validity of the preliminary release for the approved child lot for Brenda.

Recommendation:

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

Ms. Chasse introduced the item. Ms. Bradley and O'Neil were available to address any questions.

Motion #3: To approve a 5-year extension to the validity of the preliminary release for the child's lot.

Motion: Kille Second: Weddle
Status: Approved

- 2 File #10-93-01B Frey Family, LLC ~140.8 acres

Request – Frederick County:

Request to approve a Stream Restoration Overlay Easement, totaling 7.931 acres.

Recommendation:

Staff recommends approval subject to the receipt of recommendations from the Office of Resource Conservation, and inclusion of those recommendations as conditions of approval - provided that if any recommendation from the Office of Resource Conservation is not in conformity with any MALPF policy, regulation, or statute, or might otherwise have a negative effect on the agricultural integrity of the farm, such recommendation must be presented to the Board for approval. With that condition, the project will meet the criteria in the Water Resources Overlay Easement Policy. The approval is also subject to review and approval of the Overlay Deed of Easement, which shall include any required right of access for to access the easement area, by Foundation staff, and the Office of the Attorney General.

Ms. Chasse introduced the item. Ms. Bradley and O'Neil were available to address any questions. Staff members from RES were also available to address any questions.

Motion #4: To approve the Stream Restoration Overlay Easement, incorporating MALPF Staff recommendations as conditions of approval.

Motion: Kille Second: Weddle
Status: Approved

C. QUEEN ANNE'S COUNTY

1. File #17-88-07 Willis, Linda ~225 acres

Request – Queen Anne's County:

Request for a 5-year extension to the validity of the preliminary release for the approved child lot for daughter, Lori Willis

Recommendation:

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

Ms. Chasse introduced the item.

Motion #5: To approve a 5-year extension to the validity of the preliminary release for the child's lot for Lori Willis.

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2. Obtain approval of NRCS to proceed with the recording of the perpetual overlay easement in favor of SHA.

Ms. Cable introduced the item. Ms. Benjamin was available to address any questions. Staff from MDOT SHA were available to address any question or concerns.

Ms. Cable highlighted that, because this easement was partially funded with federal money through the Federal Farm and Ranchland Protection Program, administered by the Natural Resources Conservation Service ("NRCS"), and that under their current guidelines, NRCS views the perpetual overlay easement agreement as a subordination to the MALPF easement, NRCS approval is required for the recordation of the perpetual overlay easement. MALPF, MDOT SHA, and Baltimore County have already consulted with NRCS regarding what NRCS will need to review and make a determination about this request.

Motion #8: To approve a perpetual overlay easement to the State Highway Administration (SHA) totaling up to 0.3 acres for the purpose of a road improvement project, incorporating MALPF Staff recommendations as conditions to the approval.

To approve for temporary construction overlay easement to SHA over two areas comprising approximately 0.4 acres during construction.

Motion: Herr-Cornwell Second: Allen
Status: Approved

F. CALVERT COUNTY

1. File #04-84-05A Zentgraft, Charles and William Jr. ~76 acres

Request - Calvert County:

Request for a 5-year extension of a preliminary release previously approved for a child lot for William Zentgraft, Jr.

Recommendation:

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

Ms. Turner introduced the item. Mr. Marney was available to address any questions.

Motion #9: To approve a 5-year extension of a preliminary release for a child lot for William Zentgraft, Jr.

Motion: Yerkes Second: Weddle
Status: Approved

G. KENT COUNTY

1. File #14-00-11 ACED LLC, (David & Eileen Smack) ~87 acres

Request - Kent County:

Request approval to establish a winery and tasting room, including an accessory sales area.

Recommendation:

Staff recommends approval pursuant to Agriculture Article - Annotated Code of Maryland, Section 2-513(b), COMAR 15.15.07, and more specifically under the Foundation's Guidelines for Requested Use of Land (Uses Policy), Sections A.10. - Processed (value added) farm and forest products; and Accessory Sales as defined in the Uses Policy.

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5. Appraised values that were determined by a DGS-generated "composite" since the original appraisals are more than 30% different.
6. Appraisals that a landowner or County Administrator had an objection to for a material reason.
7. Appraisals for which there is new information regarding comps or an appraisal provided by the landowner or county administrator.

When the County submits its applications to the Foundation on July 1st of each year, the County will provide a letter to indicate whether it wishes to re-use any appraisals from a previous cycle and the justification for the re-use. Foundation staff will consult with the Department of Planning, and the Department of General Services' Appraisal Unit to determine if the re-use of the appraisal(s) is(are) appropriate.

Ms. Chasse presented the draft policy to introduce it to the Board and the Counties.

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): (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 #14: To adjourn the regular session at 10:13 a.m. to move into a closed session to consult with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion: Herr-Cornwell Second: Allen
Status: Approved

The Closed Meeting of the Board was held from 10:20 a.m. to 10:30 a.m., on May 26, 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; 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, William Allen, 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, Cricket Goodall, Elizabeth Hill, Jim Weddle, and J. Bruce Yerkes.

The following Board members were absent: Catherine Cosgrove, Robin Kable and Joseph 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 Wilson, Robert Day, Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn,

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Assistant Attorney General, Maryland Department of General Services and Renee Dyson, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of April 28, 2020, Closed Session Minutes
- B. Status Report of Pending Legal Issues

Respectfully Submitted:



Michelle Cable, MALPF Executive Director