

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
OCTOBER 23, 2018**

Trustees Present:

Michael Calkins, Chair
Jerome Klasmeier, representing Comptroller Peter Franchot
Susanne Brogan, 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
Taylor Huffman
Bernard L. Jones, Sr.
Tom Mason
Joe Wood

Trustees Absent:

William Allen, Vice-Chair
Catherine Cosgrove
Ralph Robertson
J. Bruce Yerkes

Others Present:

Diane Chasse, MALPF Administrator
Chana Turner, MALPF Administrator
Amanda Wilson, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Justin Hayes, Assistant Attorney General, Department of Agriculture
Nancy Forrester, Assistant Attorney General, Department of General Services
Donna Landis-Smith, Queen Anne's County Program Administrator
William J. Kimbles, V, Landowner
Billy Gorski, Anne Arundel County Planner
Amber Robinson, Landowner
Dave Button, Landowner
J.P. Smith, Carroll County Assistant Program Administrator
Philip Bassler, Carroll County Landowner
Ellen Childs, Carroll County Landowner
Thomas Childs, Carroll County Landowner
Mr. Schiff, Caroline County Landowner
Steve O'Connor, Cecil County Program Administrator
Donna Sasscer, St. Mary's County Program Administrator

Others Present By Phone Conferencing:

Bill Amoss, Harford County Program Administrator
Amy Moredock, Kent County Program Administrator
Seth Hampton, Caroline County Program Administrator
Deborah Bowers, Carroll County Program Administrator
Katherine Munson, Worcester County Program Administrator

Mr. Calkins, Chair, called the meeting to order at 9:05 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from September 25, 2018.

Motion #1: To approve minutes from September 25, 2018.

Motion: Wood Second: Jones
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Diane Chasse, sitting in for Michelle Cable, announced that the State is now hiring an Administrator position for the program, a position that became vacant when Michelle was promoted.

IV. EASEMENT AMENDMENTS

A. QUEEN ANNE'S COUNTY

- | | | | |
|----|----------|---------------------------------|----------------|
| 1. | 17-99-01 | Kimble, William James and Tracy | ~158.748 acres |
| | 17-00-15 | Kimble, William James and Tracy | ~213.52 acres |

Request – Queen Anne's County:
Request to transfer two child's lot from File #17-00-15 to File #17-99-01.

Recommendation:
Staff recommends denial, as the right for child's lots was extinguished on File # 17-99-01 when the land was transferred from the original grantors (John B. and Teresa Kimbles) to Mr. William James Kimbles and Mrs. Tracy Kimbles.

Ms. Chasse introduced the item. Mr. Kimble and Ms. Landis-Smith were available to address the Board.

Mr. Kimble discussed the history of the property. In 1950, Mr. Kimbles' ancestors, William James Kimbles, Virginia Iona Kimbles, and Wilson Bowen Kimbles, purchased the entire farm consisting of 397.676 acres, 372 acres of which makes up both easement properties. Several off-conveyances (totaling about 25 acres) occurred after 1950 until 1996. In 1997, prior to sales of Easements to the Foundation, the remaining 372 acres of the property were subdivided, with one portion owned by Mr. Kimbles, V, and one portion owned by his uncle, John Bowen Kimbles.

The Board acknowledged that this is not a request it would typically approve because all family lot rights had been eliminated on Easement No. 17-99-01. However, the Board was inclined to grant approval because the two properties were originally owned by a common ancestor of the current owner and both have stayed in the family, operated as one family farm, and are now again under common ownership of the descendant. This request was also unique because physical constraints prohibited any residential development on Easement No. 17-00-15, where irrigation systems interfered with all possible development locations.

If the proposed corrective easement is approved, finalized and recorded and a new larger easement area is created, two family lots currently associated with Easement No. 17-00-15 may be located on the enlarged easement area currently subject to Easement No. 17-99-01. The Board permitted this relocation, as the corrective easement will create a larger easement area for Easement No. 17-00-15, and

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because the property had at one time been owned as a single parcel by the current owner's ancestors. Lot location for both family lots will be subject to future location approval by the Foundation Board.

Motion #2: To approve a corrective easement joining and consolidating the land comprising Easement No. 17-99-01 to the land comprising Easement No. 17-00-15, subject to: 1) the landowners complying with all regulatory conditions for corrective easements, including survey and title costs; 2) federal (Farmland Protection Program) approval of an Amended Deed of Easement combining the two easements; 3) the right to request any future agricultural subdivision be waived in the corrective easement; 4) the consolidated property be limited to two family lot rights by the corrective easement; and 5) the right to request termination be waived in the corrective easement.

Motion: Mason Second: Huffman
Status: Approved

B. CECIL COUNTY

- | | | | |
|----|------------|----------------------------|-------------|
| 1. | 07-01-21A | Sandy Bottom Preserve, LLC | ~81.9 acres |
| | 07-01-22Ac | Stoltzfus, Samuel & Sadie | ~91.9 acres |

Request – MALPF Staff & Cecil County

The landowners request re-approval from the Board of the boundary line adjustment between the two Easement properties to reflect the actual location of the driveway owned by Stoltzfus, and used by four easement properties.

Recommendation:

Staff recommends approval in accordance with COMAR 15.15.11.05.E

"E. If the funds and documentation required by this regulation are not provided by the landowner to the Foundation within 3 years of Foundation board approval, then, unless an extension request is submitted within 3 years and approved by Foundation staff, the approval is void."

Ms. Turner introduced the item. Mr. O'Connor was available to address the Board. There were no questions by the Board nor discussion on the item.

Motion #3: To approve the request to re-approve the boundary line adjustment.

Motion: Jones Second: Wood
Status: Approved

C. CARROLL COUNTY

- | | | | |
|----|------------|------------------|-----------|
| 1. | Withdrawn | | |
| 2. | 06-93-05 | Bassler, Joan | ~94 acres |
| | 06-83-16#1 | Bassler, Phillip | ~77 acres |
| | 06-98-16#2 | Bassler, Joan | ~79 acres |

Request – Carroll County:

Request approval for agricultural subdivision of MALPF-eased property resulting in a 127-acre parcel (Parcel 1); a 53-acre parcel (Parcel 2); and a 68-acre Parcel (Parcel 3).

Recommendation:

Staff recommends approval.

Ms. Turner introduced the item. Mr. Smith and Mr. Bassler were available to address the Board. Ms. Turner explained that two of the three parcels had already been agriculturally subdivided and that the landowners now desire to reconfigure the easements to enlarge

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Mr. Philip Bassler's cattle operation (06-83-16#1). The proposed configuration will place the watering facilities currently located on the 06-83-16#2 and 06-93-05 easements onto Mr. Bassler's easement property.

Motion #4: To approve the request for the agricultural subdivision as staff recommended.

Motion: Jones Second: Mason
Status: Approved

3. 06-93-05 Bassler, Joan ~94 acres

Request- Carroll County:
Request approval for the exclusion of up to 2.0 acres for a child lot for Ellen Childs.

Recommendation:
Staff recommends approval.

Ms. Turner introduced the item. Mr. Smith, Mr. Bassler and Mr. Childs were available to address the Board. Ms. Turner explained that this child lot, for Mrs. Joan Bassler's daughter, Ellen Childs, will be excluded from easement #06-93-05, which is one of the easement properties involved in the agricultural subdivision described in Item IV.C.2. above.

Motion #5: To approve the request for the exclusion of a child lot up to 2.0 acres.

Motion: Jones Second: Wood
Status: Approved

D. HARFORD COUNTY

1. 12-13-02 Button, David ~139.9 acres

Request – Harford County:

1. Request to change the designation of an owner's lot to a stepdaughter's lot for Amber Bradford Robinson.
2. Request for re-location of the approved lot.

Recommendation:

Staff recommends approval of the change in designation, but Staff does not recommend approval of the re-location of the lot, as the re-location creates an area between two residential lots that would be difficult to farm.

Ms. Chasse introduced the item. Mr. Button and Mrs. Robinson were available to address the Board.

The Board discussed the size of the space between the lot and the neighbor's lot and decided that it would be large enough to access for farming.

Motion #6: To approve the request to change the designation of an owner's lot to a stepdaughter's lot and to approve the re-location of the lot.

Motion: Jones Second: Wood
Status: Approved

E. ST. MARY'S COUNTY

1. 18-06-14 Wigginton, George and Elizabeth ~117.5 acres

Request – St. Mary's County:

Request to exclude up to 2.0 acres for an unrestricted lot.

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Recommendation:

Staff recommends approval.

Ms. Turner introduced the item. Ms. Sasscer was available to address the Board. Ms. Turner explained that the proposed lot location is clustered near existing dwellings on and off of the farm, and located at the water's edge, at the end of a field, using the existing farm lane for access.

Motion #7: To approve the request to exclude up to 2.0 acres for an unrestricted lot.

Motion: Huffman Second: Wood
Status: Approved

F. CAROLINE COUNTY

1. 05-87-04 Schiff Farms, Inc. ~284 acres

Request – Caroline County:

Request approval for agricultural subdivision of MALPF-eased property into a ~204-acre parcel and an ~80-acre parcel.

Recommendation:

Staff recommends approval.

Ms. Turner introduced the item. Mr. Hampton was available by phone, and Mr. Schiff was available in person to address the Board. Ms. Turner explained that the easement property consists of two, non-contiguous parcels, one that is in tillage and the other is 100% forested. The landowners are planning to sell the forested parcel to the landowner of the parcel that lies in-between the two parcels that comprise the easement property.

Motion #8: To approve the request for an agricultural subdivision into a 204 acre parcel and an 80 acre parcel.

Motion: Wood Second: Jones
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

- A. Withdrawn
- B. Fiscal Year 2019 Quarterly Inspection Report.

Ms. Hoxter presented the fiscal year 2019 quarterly inspection report. She noted that only one county, Washington County, has started inspections so far. Ms. Hoxter mentioned that this is typical for fall due to tall crops and hunting season.

- C. Worcester County Re-certification request

Ms. Chasse and Ms. Herr Cornwell introduced the item.

Motion #9: To approve the request to re-certify Worcester County.

Motion: Oberg Second: Jones
Status: Approved

VII. INFORMATION AND DISCUSSION

News articles (via email)

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 #10: To adjourn the regular session at 10:25 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: Jones Second: Klasmeier
Status: Approved

The Closed Meeting of the Board was held from 10:35 a.m. to 10:42 a.m. on October 23, 2018 at the Maryland Department of Agriculture building, Annapolis, Maryland, 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, Jerome Klasmeier, representing Comptroller Peter Franchot, Susanne Brogan, 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, Taylor Huffman, Bernard Jones, Tom Mason, and Joe Wood.

The following Board members were absent: William Allen, Cathy Cosgrove, Ralph Robertson, and J. Bruce Yerkes.

The following legal representatives were also present during the closed session meeting: Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture and Nancy Forrester, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of September 25, 2018 Closed Session Minutes
- B. Status Report of Pending Legal Issues

Respectfully Submitted:

Diane Chasse, Administrator