MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES

March 22, 2022

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair

Cricket Goodall, Vice-Chair

Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture

Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland

Department of Planning

Jerome Klasmeier, representing Comptroller Peter Franchot

Joanna Kille, representing Treasurer Dereck E. Davis

Elizabeth Hill

J. Bruce Yerkes

Joe Wood

Gary Dell

Trustees Absent:

Catherine Cosgrove Gilbert "Buddy" Bowling

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

Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture

Darryl Andrews, Appraiser, Department of General Services

Will LeFort, Appraiser, Department of General Services

Julie Enger, Appraiser, Department of General Services

Stacy Kubofcik, MARBIDCO staff

Donna Landis-Smith Queen Anne's County Program Administrator

Billy Gorski, Anne Arundel County Staff

Beth Beales, Caroline County Program Administrator

J.P. Smith, Jr., Carroll County Program Administrator

Ben Zito, Wicomico County Program Administrator

Jennifer David, Calvert Co. Staff

Charles Rice, Charles County Program Administrator

Kathleen Seav. Charles County Staff

Bill Amoss, Harford County Program Administrator

Anne Roane, Talbot County Program Administrator

Joy Levy, Howard County Program Administrator

Scott Woodall, Carroll County Landowner

Kevin Parker

Ms. Cable called the meeting to order at 9:04 a.m. via internet and telephone conference call. She 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 February 22, 2022.

Motion #1: To approve minutes from February 22, 2022. No changes were

made.

Motion: Kille Second: Klasmeier

Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

Ms. Cable informed the Board that beyond the additional items that were emailed to the Board the previous Friday, no other additions or deletions of the agenda.

III. ANNOUNCEMENTS

Ms. Cable welcomed the newest Board member, Gary Dell. He is a Carroll County farmer and is replacing Robin Kable on the Board. Mr. Dell shared a few words about himself.

Ms. Cable reminded the non-State official Board members to complete and submit their ethics and financial disclosure forms for calendar year 2021.

Ms. Cable re-visited with the Board about possible in person meetings in the future. She also mentioned that non-business field trips could be scheduled to go out in person to see some of the MALPF easement properties, as well as see fellow Board members in person. The Board agreed that the regular Board meetings will remain virtual and asked MALPF staff to work with willing landowners to set up a handful of non-business field trips this year.

Ms. Cable also asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She 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 Idiot's Delight, Inc. and Corp. No. II ~195.55 acres

Request:

Request approval of the sale of mitigation credits partially outside of a Priority Funding Area (PFA) for a road-widening project located at the intersection of Marriottsville, Resort and Albeth Roads in Howard County.

Recommendation:

Staff recommends Board approval as the project location is within the County Priority Service Area (PSA) and Howard County has submitted a request to the Maryland Department of Planning to have their PFA map updated.

Ms. Cousins introduced the item. Ms. Levy was available for any questions from the Board. Ms. Cousins informed the Board that the Department of Planning had approved the County's requested update to their PFA boundary line, but a small area of the credits may fall outside of the approved PFA perimeter.

Motion #2: To approve the request for the sale of mitigation credits partially

outside of a PFA for a road-widening project, as presented.

Motion: Wood Second: Goodall

Status: Approved

B. CHARLES COUNTY

1. 08-81-01C Serenity Farms, Inc. (Franklin Robinson)

~222 acres

Request:

Landowners request approval for the following agritourism activities:

1. Host the Southern Maryland Agricultural Development Commission's (SMADC) Buy Local Challenge Celebration on Monday August 1, 2022, from 5PM to 9PM.

Recommendation:

After reviewing the request and considering the criteria set forth in COMAR 15.15.07.03 and considering the historical relationship of the requested activities to farming, Staff recommends approval subject to notice to the landowners that any approvals by the Foundation for the requested activities shall not be construed as to override any local planning, zoning, or other statutes and regulations affecting property.

Ms. Cousins introduced the item. Mr. Rice was available for any questions from the Board.

Motion #3:

To approve the landowners request to host the Southern Maryland Agricultural Development Commission's (SMADC) Buy Local Challenge Celebration on Monday August 1, 2022, from 5PM to 9PM, as presented. Alternative dates for a rain date are also approved, if needed.

Motion:

Wood

Second:

Dell

Status:

Approved

C. CAROLINE COUNTY

1. 05-89-09 Rayfield, Julie

~140 acres

Request:

Request: retroactive approval of a one-acre non-subdividable owner's lot.

Recommendation:

Staff recommends approval.

Ms. Cousins introduced the item. Ms. Beales was available for any questions from the Board.

Motion #4:

To approve the retroactive request for a one-acre nonsubdividable owner's lot, to be documented through an amendment to the deed of easement, as presented.

Motion:

Wood

Second:

Klasmeier

Status:

Approved

05-89-09

Rayfield, Julie

~140 acres

Request:

2.

Request approval for a 30' wide right-of-way (ROW) overlay easement to be used as a driveway to benefit Lot 4, which is southwest of the easement.

Recommendation:

Staff recommends approval.

Ms. Cousins introduced the item. Ms. Beales was available for any questions from the Board.

Motion #5:

To approve the retroactive request for a 30' wide ROW overlay easement, as presented.

Motion:

Dell

Second:

Yerkes

Status:

Approved

D. **CECIL COUNTY**

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

Request:

Due to expiration of a prior Board approval, the landowners request re-approval from the Board of a 2015 request for a boundary line adjustment to transfer 0.2123 acres to the Zook Easement property and 0.1767 acres to the Stoltzfus Easement property to reflect the actual location of the driveway owned by Stoltzfus.

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. Cousins introduced the item.

To approve the request for a re-approval of a boundary line Motion #6:

adjustment transfer of transfer 0.2123 acres to the Zook Easement property and 0.1767 acres to the Stoltzfus Easement property to reflect the actual location of the driveway owned by

Stoltzfus, as presented.

Klasmeier Second: Herr-Cornwell Motion:

Approved Status:

E. CARROLL COUNTY

> ~137.47 acres Woodall, Scott 1. 06-82-23e

Request:

To approve a contract purchaser's request for the relocation of a pre-existing dwelling.

Recommendation:

Staff recommends approval. Approval is conditioned upon Scott Woodall, the contract purchaser, acquiring title to the property and subject to the completion of an Amendment that will document the new location of the relocated dwelling and will include agreement to make the dwelling non-subdividable.

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. Chasse introduced the item. Mr. Smith and Mr. Woodall were present to address the Board and available for questions.

To approve the contract purchaser's request to relocate the pre-Motion #7:

existing dwelling, incorporating staff recommended conditions, as

presented.

Goodall Second: Motion: Klasmeier Approved Status:

~68,351 acres Childs, Ellen and Thomas 2. 06-93-05e

Request:

Request for a 1-year extension to the validity of the preliminary release previously approved for a child lot for the original Grantor's daughter, Ellen Childs. If approved, it will extend a preliminary release which is set to expire in May of this year.

Recommendation:

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

Ms. Chasse introduced the item. Mr. Smith was available for any questions from the Board.

Motion #8:

To approve the request for a 1-year extension to the validity of the preliminary release previously approved for a child lot for the

original Grantor's daughter, Ellen Childs, as presented.

Motion:

Herr-Cornwell

Second:

Goodall

Status:

Approved

3. 06-06-15

King, Henry and Katie

~155.154 acres

Request:

Request approval of nonsubdividable building envelope in exercise of an unrestricted lot right.

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item. Mr. Smith was available for any questions from the Board. Ms. Chasse informed the Board that the approval will be documented through the corrective easements that have not yet been completed for the previously approved subdivision.

Motion #9:

To approve the request for a nonsubdividable building envelope

in exercise of an unrestricted lot right, as presented

Motion:

Herr-Cornwell

Second:

Wood

Status:

Approved

4. 06-06-15

King, Henry and Katie

~155.154 acres

Request:

Request approval of an overlay easement for a 50 foot right-of-way that is necessary to complete the previously approved agricultural subdivision.

Recommendation:

Staff recommends approval, subject to review and approval of the right-of-way easement document by Assistant Attorney General, Patrick Martyn.

Ms. Chasse introduced the item. Mr. Smith was available for any questions from the Board. Ms. Chasse informed the Board that the approval will be documented through the corrective easements that have not yet been completed for the previously approved subdivision.

Motion #10:

To approve the request of an overlay easement for a 50 foot right-of-way that is necessary to complete the previously approved agricultural

subdivision, as presented.

Motion:

Wood

Second:

Connelly

Status:

Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. N/A

VI. PROGRAM POLICY

A. Legislative Update

Ms. Turner provided the Board with the status of 2022 legislation which may affect MALPF.

VII. INFORMATION AND DISCUSSION

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; (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 #11:

To adjourn the regular session at 10:02 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:

Dell

Second:

Klasmeier

Status:

Approved

The Closed Meeting of the Board was held from 10:13 a.m. to 11:18 a.m. on March 22, 2022 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: William Allen, Chair, Joanna Kille, representing Treasurer Dereck E. Davis, Jerome Klasmeier, representing Comptroller Peter Franchot, Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Gary Dell, Joe Wood, Cricket Goodall, J. Bruce Yerkes, and Beth Hill.

The following Board members were absent: Catherine Cosgrove, Gilbert "Buddy" Bowling

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, and Patrick Martyn, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of February 22, 2022 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2022 Offers

Respectfully Submitted:

Michelle Cable, MALPF Executive Director