

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
JANUARY 26, 2021**

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
J. Bruce Yerkes

Trustees Absent:

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
Mike Scheffel, Montgomery County Program Administrator
Bill Amoss, Harford County Program Administrator
Jason Boothe, Dorchester County Program Administrator
Megan Benjamin, Baltimore County staff
Donna Landis-Smith, Queen Anne's County Program Administrator
Stacey Kubofcik, MARBIDCO staff
Bill Beach, DGS Appraiser
Will LeFort, DGS Appraiser
Julie Enger, DGS Appraiser
Darryl Andrews, DGS Appraiser
Jay Young, attorney representing Mr. McKnight (entered meeting after the item was approved)

Mr. Allen, Chair, called the meeting to order at 9:05 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 November 24, 2020.

Motion #1: To approve minutes from November 24, 2020.

Motion: Wood Second: Kille
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

Item VI.B. has been deleted and will be presented at a future Board meeting.

III. ANNOUNCEMENTS

Ms. Cable highlighted that the MALPF FY20 Annual Report was included as an attachment with the emailed agenda packet information. Ms. Cable informed everyone that this year's report will not be printed, only provided electronically. Ms. Cable thanked everyone that provided photos of MALPF easement properties to be used in the report.

The 2021 Legislative Session began on January 13th. At this time, there are no bills impacting MALPF that are being monitored. The Governor released his budget, which includes a total of \$45,517,785 for MALPF. This consists of state and county funding. The state amount totals \$37,017,785 (breakdown of \$31,000,000 in bonds and \$6,017,785 in cash). The county matching contribution is included at \$8,500,000.

Ms. Cable thanked all the attendees for participating in the MALPF teleconference Board meeting, the first one of the calendar year. 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.

Shortly after the meeting began, Joanna Kille had to depart the meeting due to a family emergency.

IV. EASEMENT AMENDMENTS

A. WORCESTER COUNTY

1. 23-93-01a Gravenor Family ~31.314 acres

Request – Worcester County:

Request approval of the correction of the legal description of the easement to reflect the correct boundary line between the Gravenors' property (the easement property) and the property of the neighbor, Mr. Dykes.

Recommendation:

Per the terms of COMAR 15.15.11.03.C (3), Staff recommends approval of the request, subject to required regulatory conditions.

Ms. Cousins introduced the item.

Motion #2: To approve the correction of the legal description, as presented, incorporating MALPF staff recommendations.

Motion: Huffman Second: Wood
Status: Approved

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B. BALTIMORE COUNTY

1. 03-84-06 Carroll, Douglas ~ 39.29 acres

Request – Baltimore County:

Request approval for up to 2.0 acres for a non-subdividable owner's lot.

Recommendation:

Staff recommends approval for a 1.0-acre non-subdividable owner's lot pursuant to Section 5-213(b)(2), Article Agriculture, Maryland Annotated Code, as provided below.

Ms. Turner introduced the item. Ms. Benjamin was available to address the Board.

Motion #3: To approve a 1.0 acre non-subdividable owner's lot, as recommended by MALPF staff and presented.

Motion: Wood Second: Klasmeier
Status: Approved

C. QUEEN ANNE'S COUNTY

1. 17-86-21 Clark, June ~ 229.318 acres

Request – Queen Anne's County:

Request to approve up a 1.5-acre lot from the easement for a child's lot for daughter, Pamela Edwards.

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item. Ms. Landis-Smith was available to address the Board.

Motion #4: To approve the 1.5 acre child's lot for Pamela Edwards, as presented.

Motion: Yerkes Second: Goodall
Status: Approved

2. 17-20-07 Truitt Farm, LLC ~103.858 acres

Request – Queen Anne's County:

Request approval for a brewery and tasting room, including an accessory sales area, associated agrotourism activities, and for the potential future sale of distilled spirits.

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.

Staff recommendation is subject to compliance with COMAR 03.02.01. Alcohol Beverages.

Ms. Chasse introduced the item. Ms. Landis-Smith was available to address the Board. This is an easement acquisition currently under contract. Since the easement has not yet settled, the owners were given the option of designating a permitted uses envelope for the brewery operation. The owners declined that option and want to pursue the brewery under the terms and conditions of the Permitted Uses Policy.

Motion #5: To approve the brewery and tasting room operation, including an accessory sales area, associated agrotourism activities, and the ability to include the sale of distilled spirits, as presented and incorporating MALPF staff recommendations.

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Motion: Klasmeier Second: Hill
Status: Approved

D. CARROLL COUNTY

1. 06-90-52e Caple, Donna ~169.99 acres

Request – Carroll County:

Re-approve a child lot for Donna Caple, daughter of the original owner.

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item.

Motion #6: To re-approve a child's lot for Donna Caple, as presented.

Motion: Klasmeier Second: Wood
Status: Approved

2. 06-85-07e Elliott, Stephanie ~ 132.9 acres

Request – Carroll County:

Request to approve up to a 2 acre lot from the easement for a child's lot for Bryan Barnes, the son of the original Grantor (Jeffrey Barnes).

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item.

Motion #7: To approve a child's lot for Bryan Barnes, son of the original Grantor, as presented.

Motion: Huffman Second: Yerkes
Status: Approved

E. HARFORD COUNTY

1. 12-81-01e H. Turney McKnight ~ 184.53 acres

Request –Harford County:

Request to retroactively approve a "Declaration and Grant of Easement," permitting a local hunt club to conduct certain activities on the easement property.

Recommendation

Staff recommends approval, subject to Harford County agricultural advisory board approval, as it is consistent with COMAR 15.15.16.02.

"The Foundation may permit an easement, right-of-way, or other servitude to be granted in land encumbered by an agricultural preservation easement, subject to conditions it deems necessary to protect and maintain the agricultural integrity of the farm under the following circumstances:

E. If the overlay easement documents a use existing at the time the agricultural preservation easement was sold to the Foundation;"

Ms. Chasse introduced the item. Mr. Amoss was available to address the Board.

Motion #8: To approve the "Declaration and Grant of Easement" that permits a local equestrian hunt club to conduct certain activities on the

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Work members will still be required to sign the documents that will be recorded in the Land Records.

Ms. Cable introduced the item, with Mr. Steadman and Mr. Martyn available for additional questions from the Board. The Board asked if MALPF staff had discussed this proposed change specifically with the Treasurer and her Assistant Attorney General. MALPF had not, but agreed to engage them to determine if there were any concerns. Ms. Kille was not on the line at this point in the meeting and therefore was not able to provide input as the Treasurer’s representative.

Motion #10: Approval to delegate authority to the MALPF Executive Director, as the Authorized Agent of the Foundation, to sign documents on behalf of MALPF that will be recorded in Land Records, with direction to staff to communicate with the Treasurer's Office regarding the change. If the Treasurer has any concern, MALPF is to bring back to the Board for consideration.

Motion: Klasmeyer Second: Wood
Status: Approved

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): (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 9:51 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: Oberg
Status: Approved

The Closed Meeting of the Board was held from 10:01 a.m. to 10:52 a.m. on January 26, 2021, 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, Taylor Huffman, Vice Chair, Jerome Klasmeyer, 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

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Bartenfelder, Maryland Department of Agriculture, Cathy Cosgrove, Cricket Goodall, Elizabeth Hill, Robin Kable, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: None

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 November 24, 2020 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Charles County FY20 easement offer
- D. Montgomery County FY20 easement offer
- E. Anne Arundel County FY20 easement offer

Respectfully Submitted:



Michelle Cable, MALPF Executive Director

