

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
March 28, 2017**

**Trustees Present:**

Bernard L. Jones, Sr., Chair  
Michael Calkins, Vice Chair  
William Allen  
Catherine Cosgrove  
Ralph Robertson  
Jerome Klasmeier, representing Comptroller Peter Franchot  
Donald Moore  
Dan Rosen, representing Secretary Wendi Peters, Maryland Department of Planning  
Joe Wood  
James Eichhorst, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture  
Tom Mason  
Milly Welsh

**Trustees Absent:**

William Allen  
Susanne Brogan, representing Treasurer Nancy Kopp

**Others Present:**

Wayne McGinnis, Baltimore County Landowner  
Harriet McGinnis, Baltimore County Landowner  
Kaylee Justice, Baltimore County Staff  
Deborah Bowers, Carroll County Program Administrator  
Jeremy Criss, Montgomery County Staff  
Steve O'Connor, Cecil County Program Administrator  
Brian Baker, Harford County Landowner  
Matt, Tefteau, MDA Director of Government Relations  
Anne Bradley, Frederick County Program Administrator  
Michelle Cable, MALPF Administrator  
Diane Chasse, MALPF Administrator  
Tamekia Dent, MALPF Office Secretary  
Justin Hayes, Assistant Attorney General, Department of Agriculture  
Nancy Forrester, Assistant Attorney General, Department of General Services  
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator  
Chana Kikoen Turner, MALPF Administrator  
Amanda Wilson, MALPF Fiscal Specialist

**Others Present By Web Conferencing:**

Keeve Brine, Baltimore County Planning & Zoning  
Debbie Herr-Cornwell, Caroline County Program Administrator  
Martin Sokolich, Talbot County Program Administrator  
Bill Amoss, Harford County Program Administrator  
Donna Landis-Smith, Queen Anne's County Program Administrator  
Ethan Strickler, Frederick County Staff  
Donna Sasscer, St. Mary's County Program Administrator  
Joseph Wiley, Baltimore County Planning & Zoning



MALPF Board Open Meeting Minutes February 28, 2017

Beyond the survey, Mr. & Mrs. McGinnis also stated that they were not agreeable to combining the tax parcels (condition #3 above). Mr. Hayes again provided the Board the language from the corrective easement regulation that addresses merging tax parcels or accounts into a single one when completing corrective easements.

The landowners withdrew the request so that they can consult with a surveyor to determine options available to meet the survey requirements of the regulation.

**B. CECIL COUNTY**

1. 07-91-03 Lapp, Daniel & Sadie ~74.5 acres

Request:

Request the release of one acre surrounding a pre-existing dwelling as a non-subdividable building envelope.

Recommendation:

Staff recommends approval, with the following conditions:

1. The non-subdividable building envelope be memorialized through an easement amendment (which will also correct an error in the original easement regarding the number of dwellings existing at the time of the easement); and
2. The school house to be located within the building envelope may never be converted to any other non-agricultural commercial use or an additional dwelling structure.

Ms. Cable introduced the item. Mr. O'Connor was available for any questions or comments.

Motion #2: To approve the request to exclude one acre from the easement, surrounding a pre-existing dwelling as a non-subdividable building envelope with the staff recommended conditions that the building envelope be memorialized through an amendment and the school house may never be converted to any other non-agricultural commercial use or to a residential use.

Motion: Cathy Cosgrove Second: Michael Calkins  
Status: Approved

**VI. PROGRAM POLICY**

**A. Legislative Update**

Ms. Turner presented the Board with an update of current bills affecting MALPF.

**B. Rural Legacy Easements**

1. Rural Legacy File No. 11,948 D – Hege, Marlin ~47.5 acres

Request:

Request conveyance of all of MALPF's interest as Co-grantee under the terms of a Deed of Easement to the Department of Natural Resources.

Recommendation:

Staff recommends approval.

Ms. Turner presented the item. Ms. Bowers was available to answer questions.

Ms. Turner advised the Board that this is a Rural Legacy easement co-held by Carroll County and MALPF. Carroll County and Rural Legacy approve the request, however, there are differing procedural requirements between the County, Rural Legacy and MALPF. In order to accommodate Mr. Hege's request, Ms. Turner recommended that MALPF assign its interest in the easement to DNR. Ms. Bowers stated that the County

**MALPF Board Open Meeting Minutes February 28, 2017**

supports this recommendation.

Motion #3: To approve the request to convey MALPF's interest as Co-grantee under the terms of the Hege Deed of Easement to the Department of Natural Resources.

Motion: Milly Welsh Second: Don Moore  
Status: Approved

2. Rural Legacy Easements – Conveyance of MALPF's interests in all Rural Legacy Easements to the Department of Natural Resources

Request:

Request conveyance of MALPF's interest in all Rural Legacy Easements to the Department of Natural Resources

Recommendation:

Staff recommends approval.

Ms. Turner presented the item. Staff's recommendation is based on the philosophical and procedural differences between the Rural Legacy Program and MALPF.

Motion #4: To approve the request to convey MALPF's interest in all Rural Legacy Easements to the Department of Natural Resources

Motion: Milly Welsh Second: Michael Calkins  
Status: Approved

**VII. INFORMATION AND DISCUSSION**

- A. News Articles

**VIII. CLOSED SESSION**

Mr. Jones 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 # 5: To adjourn the regular session 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: Milly Welsh Second: Cathy Cosgrove  
Status: Approved

The Closed Meeting of the Board was held from 11:10 a.m. to 11:20 a.m. on March 28, 2017 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, Vice-Chair, Cathy Cosgrove, Jim Eichhorst, Milly Welsh, Tom Mason, Jerome Klasmeier, representing Comptroller Peter Franchot, Donald Moore, Ralph Robertson, Dan Rosen, representing Secretary Wendi Peters, Maryland Department of Planning, and Joe Wood.

**MALPF Board Open Meeting Minutes February 28, 2017**

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 February 28, 2017 Closed Session Minutes
- B. Status Report of Pending Legal Issues.

Respectfully Submitted:

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Carol S. West, MALPF Executive Director