

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
April 24, 2018**

**Trustees Present:**

Michael Calkins, Chair  
Jerome Klasmeier, representing Comptroller Peter Franchot  
Deborah Herr Cornwell, representing Acting Secretary Robert McCord, Maryland  
Department of Planning  
William Allen  
Catherine Cosgrove  
Taylor Huffman  
Bernard L. Jones, Sr.  
Tom Mason  
Ralph Robertson  
Joe Wood  
J. Bruce Yerkes

**Trustees Absent:**

Susanne Brogan, representing Treasurer Nancy Kopp  
Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department  
of Agriculture

**Others Present:**

Michelle Cable, MALPF Lead Administrator  
Diane Chasse, MALPF Administrator  
Chana Turner, MALPF Administrator  
Amanda Wilson, MALPF Fiscal Specialist  
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator  
Carol S. West, MALPF Executive Director  
Justin Hayes, Assistant Attorney General, Department of Agriculture  
Nancy Forrester, Assistant Attorney General, Department of General Services  
Wally Lippincott, Baltimore County Program Administrator  
Deborah Bowers, Carroll County Program Administrator  
J.P. Smith, Carroll County Program Assistant  
Donna Sasscer, St. Mary's County Program Administrator  
Sue Veith, St. Mary's Environmental/Conservation Planner  
Charles Rice, Charles County Program Administrator  
Beth Groth, Charles County Planner  
Donna Landis-Smith, Queen Anne's County Program Administrator  
Joy Levy, Howard County Program Administrator  
Jeanine Nutter, Prince George's County Program Administrator  
Billy Gorski, Anne Arundel County Program Assistant  
Ann Jones, Partners for Open Space

**Others Present By Phone Conferencing:**

James Hill, St. Mary's County Landowner  
Joseph Wiley, Baltimore County Program Assistant  
Jason Boothe, Cecil County Program Assistant  
Amy Moredock, Kent County Program Administrator  
Martin Sokolich, Talbot County Program Administrator  
Bill Amoss, Hartford County Program Administrator  
Anne Bradley, Frederick County Program Administrator  
Shannon O'Neil, Frederick County Program Assistant



**IV. EASEMENT AMENDMENTS**

**A. ST. MARY'S COUNTY**

1. 18-02-11 Hill, Irene and James ~ 84acres

Request:

Request to exclude up to 2.0 acres from the easement for an unrestricted lot.

Recommendation:

Staff recommends approval subject to the lot being located, and the dwelling to be built within the lot being situated as close as possible to the boundary line in common with Parcel 84, so as to minimize the impact of the lot on the agricultural operation of the farm; and also subject to county planning and zoning regulations and/or any other county regulations.

Ms. Turner introduced the item. Mr. James Hill, Mrs. Hill's son, and Ms. Sasscer were available to address the Board.

Motion #3: To approve the request for up to 2.0 acres for an unrestricted lot subject to the lot being located, and the dwelling to be built within the lot being situated as close as possible to the boundary line in common with Parcel 84, so as to minimize the impact of the lot on the agricultural operation of the farm; and also subject to county planning and zoning regulations and/or any other county regulations.

Motion: Jones Second: Cosgrove  
Status: Approved

**B. ANNE ARUNDEL COUNTY**

1. 02-81-05 Estate of Geraldine Alio ~96.6 acres

Request:

Request to exclude up to 2.0 acres for a child's lot for Elizabeth Ann Rodman.

Recommendation:

Staff recommends approval for up to 2-acres for child's lot, location approval of three potential lot sites along road, shown and numbered on the map in order of preference.

Ms. Cable introduced the item. Mr. Gorski was available to address the Board.

Motion #4: To approve the request for up to 2-acres for a child's lot. The lot shall be located along the road in one of the three location shown and numbered on the map in order of preference.

Motion: Wood Second: Cosgrove  
Status: Approved

**C. HARFORD COUNTY**

1. 12-88-02 Howard, Anabel ~155 acres

Request:

Request for additional time to resolve a subdivision violation

Recommendation:

Staff recommends approval of additional time and suggests 7 months. Staff suggests benchmarks, such as 90 days to submit a proposed subdivision plat for staff review, 90 days for the Harford County subdivision review and approval process, and 30 days after

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Harford County approval to transfer the remaining 13 acres back into Ms. Howard's ownership. In addition, staff recommends that the creation of the 2-acre lot be done as a boundary line adjustment so that the 13 acres will become part of the larger parcel (the acreage will be 153 acres).

Ms. Chasse introduced the item. Mr. Amoss was available to address the Board. Ms. Chasse informed the Board that the attorney, Mr. Greg Szoka, will attend the July 24<sup>th</sup> Board meeting, if a draft subdivision plat has not been completed by that time.

Motion #5: To approve the request as per staff recommendation.

Motion: Wood Second: Allen  
Status: Approved

**V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:**

**A. WORCESTER COUNTY**

1. 23-17-07 Porter Mill Properties, LLC ~176.7 acres

Ms. Chasse explained to the Board that the Board had originally approved 0.43 acres as a Permitted Use Envelope for a cell tower but that acreage did not include the access. The acreage needed for the cell tower and access is 1.95 acres. In addition, instead of the cell tower being in a Permitted Use Envelope, it will be left out of the Deed of Easement as withheld acreage, but covered with a Deed of Restriction, per landowner request.

Motion #6: To approve the revised staff report which shows 1.95 acres withheld and that the withheld acreage will not be in a Permitted Use Envelope but covered by a Deed of Restriction.

Motion: Cosgrove Second: Wood  
Status: Approved

**VI. PROGRAM POLICY**

**A. Baltimore County Re-Certification Request**

Request:

To approve Baltimore County's request for recertification for the period July 1, 2018 through June 30, 2021.

Ms. Cable and Ms. Herr Cornwell introduced the item. Mr. Lippincott was available for comments or questions.

Motion #7: To approve Baltimore County's request for recertification for the period July 1, 2018 through June 30, 2021.

Motion: Jones Second: Cosgrove  
Status: Approved

**B. Carroll County Re-Certification Request**

Request:

To approve Carroll County's request for recertification for the period July 1, 2018 through June 30, 2021.

Ms. Turner and Ms. Herr Cornwell introduced the item. Ms. Bowers was available for comments or questions.

Motion #8: To approve Carroll County's request for recertification for the period July 1, 2018 through June 30, 2021.

Motion: Jones Second: Allen  
Status: Approved

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C. St. Mary's County Re-Certification Request

Request:

To approve St. Mary's County's request for recertification for the period July 1, 2018 through June 30, 2021.

Ms. Turner and Ms. Herr Cornwell introduced the item. Ms. Sasscer was available for comments or questions.

Motion #9: To approve St. Mary's County's request for recertification for the period July 1, 2018 through June 30, 2021.

Motion: Wood Second: Jones  
Status: Approved

D. Legislative Update

Ms. Turner provided the Board with the results of the legislation of interest to the Foundation from the 2018 legislative session.

Ms. Turner emphasized that HB 620, entitled *County Agricultural Land Preservation Programs – Recertification and Remittance of Unexpended Funds - Extensions* passed and becomes effective July 1, 2018. Pursuant to the provisions of the new law, counties that have been or will be approved for a 3-year recertification period effective July 1 2018, may be entitled to a 5-year recertification period. Those counties' recertification reports/applications will be re-reviewed by MALPF and MDP to determine if they are eligible for the extended, 5-year period. The regulations for county certification will have to be updated to be consistent with the new law. MALPF Staff and MDP Staff are working together to provide draft regulations to the Board and the MDA and MDP Secretaries that will implement the new law.

E. FY 2019 Easement Acquisition Cycle: (# applications accepted / combining cycles)

MALPF Staff Recommendation:

- July 2, 2018 application deadline (July 1<sup>st</sup> is a Sunday).
- Combine two years of funding, FY 2019 and FY 2020, to one easement acquisition cycle, with the assumption that this will be the final combined cycle (sufficient funding dependent). This will give both State and County staff the time to prepare for the return of the single year application cycle.
- Limit submission of FY 2019 easement applications to the following:
  - o MALPF will pay for a maximum of 8 appraisals per county. (FY 2017 average appraisal cost = \$1,620/property.)
  - o Allow counties to submit an additional 4 applications that they will be responsible for the appraisal cost.
  - o The TOTAL number of applications allowed to be submitted by a county will be 12.
  - o MALPF will submit the full 8 applications from each county to DGS to be appraised. Additional applications will be submitted to DGS up to the maximum of 150 applications.
  - o Any county submitting more than 8 applications must designate which are the first 8 applications to be submitted to DGS, then the additional 4 must be ranked in order for MALPF staff to know the order of submitting any possible additional applications to DGS.

Ms. Cable introduced the item, summarizing the challenges that a 1-year funding cycle would present for MALPF staff, OAG staff, DGS appraiser staff, and County staff at this time. Ms. Cable informed the Board that once the MALPF budget was approved by the Legislature, MALPF informed the County Program Administrators and requested they either attend the Board meeting, or provide written input on: 1) whether the 2019 application cycle should be a 1-year or a 2-year cycle; and 2) whether the number of applications allowed to be submitted by each county should be limited, and if so, how many applications should be allowed per county. The Program Administrators provided the following comments:

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Jason Boothe (Cecil): Discussed with county advisory board. The county would like to have a 1-year funding cycle, then re-evaluate the situation to make a decision regarding future cycles.

Amy Moredock (Kent): Had not yet brought the issue to her advisory board. Being a new program administrator, she would support going to a 1-year cycle with a re-evaluation at the end of the cycle, as stated by Mr. Boothe.

Bill Amoss (Harford): Discussed with advisory board. The county supports MALPF staff recommendation of a final 2-year cycle.

Martin Sokolich (Talbot): Expressed concern that the limited number of applications allowed to be submitted over the last decade has created a back-log of interested applicants, with the possibility of losing interest from farmers in the Program. Supports MALPF staff recommendation for a final 2-year cycle, with the expectation of going to a 1-year cycle in FY 2021.

Anne Bradley, Shannon O'Neil (Frederick): Expressed concern with the limited number of applications recommended by MALPF staff to be submitted. Frederick County has a high volume of interested farmers. Supports a 2-year cycle, but would request a higher number of applications allowed.

Donna Sasscer, Sue Vieth (St. Mary's): Recommended going back to a 1-year cycle, stating the importance of spending funds as quickly as possible with the hopes that the future MALPF budgets continued to be fully funded. Informed the Board that St. Mary's County was losing the ability to receive the full MALPF Matching Funds component of the application cycle, thereby losing the ability to protect more farms every year. Ms. Sasscer also stated that St. Mary's County farms tend to be smaller in size, so limiting the number of applications allowed to be submitted places an additional constraint on the actual amount of acres the County could possibly put under easement in a given cycle.

Deborah Bowers (Carroll): Stated how Carroll County was using the MALPF program differently than other counties, typically only sending the County's Critical Farms to MALPF. Agreed that the staff work load for administering the MALPF program is significantly greater than the last time there was a 1-year cycle (10 years ago), which will create challenges. Carroll County accepts the MALPF staff recommendation of a final 2-year cycle, going back to a 1-year cycle starting in FY 2021. Ms. Bowers also provided information about the Carroll County program, specifically about the valuation process. She said the county uses a points system for valuing the easement, which has worked very well and is more stream-lined than the appraisal process that MALPF uses.

Joy Levy (Howard): Ms. Levy informed the Board that while Howard County landowners have not applied very often in the past, due to lack of funding for the Howard County program she anticipates farmers wanting to apply to MALPF in the current and future cycles. She stated that the County program also used a points system to determine valuation of their easement acquisitions, which has worked well. Howard County accepts the MALPF staff recommendation of a final 2-year cycle, going back to a 1-year cycle starting in FY 2021.

Wally Lippincott, Jr. (Baltimore): Discussed with local advisory board and strongly supports a final 2-year application cycle. The county's larger concern was the limited number of applications allowed to be submitted, as Baltimore County often has smaller farms. In addition, the County has encouraged discounting, and has been successful in receiving Round 2 offers, due to the ability to submit a large number of applications. The county's biggest concern is the limitation of the appraisers being able to meet the volume of applicants in a timely manner. Suggests pursuing an assessment of the program as a whole, with specific focus on the valuation system, to streamline the process where possible. Strongly consider a way to develop and use a points system for valuing the easements rather than the current appraisal method. As an administrator that has been through the 1-year cycle, Mr. Lippincott stated how cumbersome, complicated, and redundant running the two application cycles are since they will overlap. There will be many applicants that apply to the first year cycle that have not received offers that will need to apply to the next application cycle, even though they are still eligible for offers from the previous cycle. It is an incredible waste of resources with the overlap of the

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application cycles when it is a 1-year cycle.

Charles Rice (Charles): Supports a final 2-year application cycle, but recommends up to 20 applications permitted to be submitted. Reiterated the concern Baltimore County expressed that the limitations of the appraisal team was driving the Program in terms of number of applications submitted. Need to find an alternative method of valuing properties, possible a points based system, so the overall process is more stream-lined.

Jeanine Nutter (Prince George's): Prince George's County submits a limited number of applications. It would be better in the long run to go back to a 1-year cycle so there is an annual opportunity for potential interested landowners. However, the county supports having the current applications as a final 2-year cycle, and moving to a 1-year cycle in FY 2021, giving staff the ability to prepare for the change.

Billy Gorski (Anne Arundel): Anne Arundel County is in a similar situation as Prince George's County, with a limited number of applications. Stated that it would be better in the long run to go back to a 1-year cycle so there is an annual opportunity for potential interested landowners. However, the county supports having the current applications as a final 2-year cycle, and moving to a 1-year cycle in FY 2021, giving staff the ability to prepare for the change.

Donna Landis-Smith (Queen Anne's): Discussed with local advisory board and supports a final 2-year application cycle, with an increase of applications that MALPF will pay to be appraised. Informed the Board that Queen Anne's County is different than most of the others that spoke, it is not a wealthy county and has very little funds available to provide for the Matching Program. However, there are hundreds of interested applicants and the county has been extremely successful in promoting discounting, and therefore successful in receiving Round 2 offers. Because the County's farms are large, they are limited in the number of farms able to receive Round 1 offers, since they are only able to rely on the General Allotment for funding. By combining funding into a 2-year cycle, it enables the Round 2 funds to start at a higher amount and therefore increase the chance of more offers for Queen Anne's County applicants.

Ann Jones, Partners for Open Space: Partners for Open Space advocates during the legislative session for full funding for all land conservation programs that use Program Open Space funding. She highlighted three accomplishments from the 2018 legislative session: 1) full funding for Program Open Space programs; 2) the passage of the bill to revise MALPF law related to condemnation, thereby allowing MALPF to partner with REPI as a funding partner in the future; and 3) the funding of the Next Generation Farmland Acquisition Program. Ms. Jones also informed the Board that she was involved with Rural Legacy when they were first establishing their Easement Valuation System, and can attest to the benefits of a points-based valuation system – as opposed to the appraisal method that MALPF utilizes. She is willing to help where possible to assist the MALPF Program to ensure continued success into the future.

After MALPF and County staff provided input, the Board discussed their strong concern over any perceived delay in spending the funds approved by the Legislature. There was significant concern that if funds were not expended expeditiously, there was a real chance of reduced budgets in future fiscal years.

The Board asked Ms. West to explain the history of MALPF staffing, and about the funds for the operating budget that pays for MALPF staff. Ms. West informed the Board that the operating budget was funded through the Agricultural Transfer Tax, which has been at historic lows and not anticipated to increase in the near future. The program is not able to use any of the capital budget funds, which pays for easement acquisitions, to expand staffing. Since the capital budget is at the mercy of the General Assembly each year, it would not be wise to tie most of the Program's operational expenses to this fund source.

While the Board acknowledged that it would be challenging for staff to go back to a 1-year cycle, they expressed confidence that state and county staff would find a way to administer the 1-year cycle, even though it could result in delays of other easement transactional work and enforcement actions.

Motion #10: To approve a 1-year cycle for the applications received July 2, 2018.

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Motion: Wood Second: Cosgrove  
Status: Approved

The Board then discussed the number of applications a county would be permitted to submit. MALPF staff reiterated the maximum number of applications DGS appraisers could manage by a March 15, 2019 deadline. With the 1-year cycle, it is critical for appraisals to be completed no later than March 15<sup>th</sup> in order for offers to begin as soon as possible. The Counties need to know how many applicants will be receiving offers, in order to know what applications to prepare for submission for the FY 2020 application deadline of July 2019.

Motion #11: To accept 12 applications per county, with the Foundation paying for all appraisals forwarded to DGS.

Motion: Wood Second: Cosgrove  
Status: Approved

F. Updated Withheld Acreage Policy

Ms. Chasse explained that the updates to the Withheld Acreage Policy are not substantive, only clarifying. The Board can review the changes and vote next month. The counties will also review prior to the next Board meeting.

**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 #11: To adjourn the regular session at 12:04 p.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: Yerkes  
Status: Approved

The Closed Meeting of the Board was held from 12:13 p.m. to 12:47 p.m. on April 24, 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, William Allen, Vice Chair, Jerome Klasmeier, representing Comptroller Peter Franchot, Deborah Herr Cornwell, representing Acting Secretary Robert McCord, Maryland Department of Planning, , Maryland Department of Agriculture, Cathy Cosgrove, Taylor Huffman, Bernard Jones, Tom Mason, Ralph Robertson, Joe Wood, and J. Bruce Yerkes.



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The following Board members were absent: Susanne Brogan, representing Treasurer Nancy Kopp, and Julie Oberg, representing Secretary Joseph Bartenfelder.

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 March 27, 2018, Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Statutory and regulatory authority: criteria used to approve family lots

Respectfully Submitted:

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Chana Kikoen Turner, Administrator