

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
June 28, 2016**

Trustees Present:

Bernard L. Jones, Sr., Chair
Donald Moore
Michael Calkins
Catherine Cosgrove
James B. Norris, Jr.
Dan Rosen, representing Secretary David Craig, Maryland Department of Planning
Jerome Klasmeier, representing Comptroller Peter Franchot
Susanne Brogan, representing Treasurer Nancy Kopp (by web conferencing)
James Wallace, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture

Trustees Absent:

Milly Welsh
Jonathan Quinn
Tom Mason

Others Present:

Michelle Cable, MALPF Administrator
Anna Cheney, Anne Arundel County Landowner
Dawn Davis, Kilby's, Inc.
Kathy Davis, MALPF Fiscal Specialist
Roger Davis, Kilby's, Inc.
Tamekia Dent, MALPF Office Secretary
Lori Goodman, MALPF Office Secretary
Nancy Russell-Forrester, Assistant Attorney General, Department of General Services
William Gorski, Anne Arundel County, Planner
Justin Hayes, Assistant Attorney General, Department of Agriculture
Kim Hoxter, MALPF Monitoring, Enforcement, and Database Coordinator
William Kazer, Office Attorney General, Department of General Services
Bill Kilby, Kilby's Inc.
Phylis Kilby, Kilby's Inc.
Jeanine Nutter, Prince George's County Program Administrator
Steve O'Connor, Cecil County Program Administrator
Mason Rutly, Howard County Soil Conservation District
Donna Sasscer, Saint Mary's County Program Administrator
Chana Turner, MALPF Administrator

Others Present By Web Conferencing:

William Amoss, Harford County Program Administrator
Mitch Ford, Howard County Government
Donna K. Landis-Smith, Queen Anne's County Program Administrator

Bernard L. Jones, Sr., Chair, called the meeting to order at 8:58 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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under Section D.2. of the Guidelines for uses of land in the MALPF Program policy (anticipated attendance ~500 people).

Motion: James Norris, Jr. Second: Donald Moore
Status: Approved

B. CECIL COUNTY

- 1) 07-13-04 Kilby's, Inc. (Bill & Phyliss Kilby) ~260.0 acres

Request – Cecil County:

Request a farm brewery with sales on the easement property as a permitted farm related use under Agriculture Article Section 2-513 (b)(1)(i).

Recommendations:

Staff finds the proposal meets, or is in the process of, fulfilling the guidelines applied to the brewery request (based on the winery guidelines). Staff recommends approval of the request subject to the following:

1. Receipt of Class 8 Maryland Brewery License (and if necessary Class 7).
2. Receipt of documentation that the owner of the easement property has an ownership interest in the brewery operation.
3. Change of scale of operation or ownership of the easement property and/or brewery operation will require additional Foundation review.
4. Agreement to give the Foundation access to the facility for monitoring purposes.
5. The County Soil District provides an updated Soil Conservation and Water Quality Plan, if the District determines the change in land use to accommodate the brewery necessitates an updated Plan.
6. Landowners sign a letter outlining conditions.

Ms. Cable introduced the item. Mr. O'Connor and Mr. & Mrs. Kilby and Mr. & Mrs. Davis were available for questions or comments.

Mrs. Kilby told the Board the history of the farm and how they have had to look to diversify into other related products to keep the dairy farm viable, which is why they began the direct delivery of milk and the ice cream operation. When the opportunity presented itself to be partners in an on-farm brewery operation, the Kilbys said it fit well within the rest of the operation and decided to pursue. The by-products of the beer making process will be able to feed the dairy cattle as well as provide additional material for the methane digester on the property to produce energy.

Mr. Davis informed the Board the specifics of the brewery operation, stating that ~90% of the ingredients in beer is water. Of the other ingredients, some of the additives that give beer the unique tastes come from all over the world. However, the grains that are part of the brewing process will be grown on the Kilby's farm.

The Board asked about the percentage of grains being provided from the farm if the brewery expanded to the maximum amount of barrels permitted, specifically as it pertains to the terms of the winery policy that are being used as a guideline to review the brewery request. Mr. Davis informed the Board that the intent is that the farm will provide all the grains needed to produce the planned brewing operation; however, if the brewery operation grows beyond the grain supply the farm can produce, they are comfortable with the condition that all grains will be grown in Maryland.

The Board mentioned to MALPF staff that it is a challenge to review a brewery operation using the winery guidelines and recommends staff to establish a brewery policy for the Board to review in the near future.

Motion #3: To approve the request for a farm brewery with sales on the

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easement property as a permitted farm related use under Agriculture Article Section 2-513 (b)(1)(i), including all the recommended conditions stated with the additional condition that all grains must be Maryland grown.

Motion: Michael Calkins Second: Jerome Klasmeier
Status: Approved

C. HARFORD COUNTY

1) 12-86-06e Bonita Farm Partnership ~387.89 acres

Request – Harford County

Request for approval of house site location on 52-acre agricultural subdivision.

Recommendations:

Staff recommends approval, subject to: 1) final completion of conditions of pending agricultural subdivision approval and 2) building permit for relocated dwelling to be issued only upon completion of agricultural subdivision conditions.

Ms. Turner introduced the item. Ms. Turner and Mr. Amoss were available for questions or comments.

Ms. Turner explained that the Board had previously approved relocation of the pre-existing dwelling right currently associated with the 337-acre parcel to the 52-acre agriculturally-subdivided parcel once all conditions of the agricultural subdivision have been met. The request is to approve the new location of the pre-existing dwelling site only.

Motion #4: To approve the request for a non-subdividable house site location on 52-acre agricultural subdivision subject to the conditions recommended by staff.

Motion: Michael Calkins Second: James Norris, Jr.
Status: Approved

V. EASEMENT PETITIONS

A. N/A

VI. PROGRAM POLICY

A. 2017 Proposed Legislation

Request

Request approval for staff to pursue introduction of two proposed bills into the 2017 legislative session.

Discussion

Ms. Turner introduced the two proposed bills for the 2017 session: one bill which seeks to amend the MALPF easement termination process; and one bill which seeks to amend the condemnation process as it pertains to reimbursement to MALPF. Ms. Turner was available to answer questions.

The Board questioned the timeline for submitting legislation; the answer was unknown at that time. The Board Chair expressed concern over voting for approval to move forward without having the opportunity to monitor the evolution of the proposed bills as the drafting process continues. Mr. Hayes offered to keep the Board in the loop as new drafts are circulated.

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Motion #5: To approve the request of staff to pursue introduction of two proposed bills into the 2017 legislative session, with the condition that Mr. Hayes keep the Board apprised of the evolution of the bills as they move through the drafting process.

Motion: Cathy Cosgrove Second: Don Moore
Status: Approved

VII. INFORMATION AND DISCUSSION

- A. Inspection Report
- B. News Articles

VIII. CLOSED SESSION

Bernard L. Jones Sr. 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 #6: 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: Michael Calkins Second: Don Moore
Status: Approved

The Open Board Meeting was adjourned at approximately 10:11 a.m.

The Closed Meeting of the Board was held from 10:22 a.m. to 10:44 a.m. on June 28,, 2016 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: Bernard L. Jones Sr., Chair; Michael Calkins; James B. Norris, Jr.; Catherine Cosgrove; Donald Moore, Jerome Klasmeier, representing Comptroller Peter Franchot; Dan Rosen, representing Secretary David Craig, Maryland Department of Planning, and Susanne Brogan, representing Treasurer Nancy Kopp (via web conferencing).

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

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TOPICS DISCUSSED:

- A. Approval of May 24, 2016 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. 06-15-02 Fincher Easement – Title Issues

Respectfully Submitted:

Lori Goodman, MALPF Secretary

Chana Turner, MALPF Administrator