

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
September 23, 2008**

TRUSTEES PRESENT:

Daniel W. Colhoun, Chairman
Vera Mae Schultz, Vice Chairman
William K. (Billy) Boniface
Martha A. Clark
Howard S. Freedlander, representing Treasurer Nancy Kopp
Jerome W. Klasmeier, representing Comptroller Peter Franchot
Dr. James Pelura III
Jonathan C. Quinn
Robert F. Stahl, Jr.,
Joseph F. Tassone, representing Secretary Richard E. Hall, Maryland Department of Planning
Christopher H. Wilson
Douglas Wilson, representing Secretary Roger L. Richardson, Maryland Department of Agriculture

TRUSTEES ABSENT:

John W. Draper, Jr.,

OTHERS PRESENT:

Anne Bradley, Frederick County, Ag. Preservation Planner
Pam Bush, Department of Natural Resources, Senior Policy Analyst
James Conrad, MALPF Executive Director
Carol Council, MALPF Administrator
Rama Dilip, MALPF Secretary
Nancy Forrester, Assistant Attorney General, Department of General Services
H. Dale Gray, Council President, St. Luke's Lutheran Church, Carroll County
Carla Gerber, Kent County, Program Administrator
Billy Gorski, Program Assistant, Anne Arundel County
Kimberly Hoxter, MALPF Monitoring, Enforcement, and Database Coordinator
Lisa Ledman, St. Mary's County, Assistant Program Administrator
Dale Perry Clark, Landowner, Anne Arundel County
Wally Lippincott, Baltimore County, Program Administrator
Ralph Robertson, Carroll County, Program Administrator
Charles Rice, Charles County, Program Administrator
Donna K. Landis-Smith, Queen Anne's County, Agricultural Specialist
Bob Lee, Land Development Administrator, Wilkerson & Associates., Inc
Ned Sayre, Harford County, Ag. Preservation Planner
Stewart Smith, Planner, Prince George's County
Elizabeth Weaver, MALPF Administrator

Background:

Mrs. Perry is the original owner of the easement property. There are two pre-existing dwellings. There have been no previous requests for lot exclusions. The easement allows for the exclusion of an owner's and children's lots at a density of 1 per 20 acres or portion thereof. This easement could yield up to five (5) lot exclusions.

Staff questioned the location of the three proposed lot exclusions as they are not located along the existing farm lane or clustered with existing dwellings. According to Anne Arundel County, they considered locating the lots between the two existing dwellings but would have required a variance for the access road due to the proximity of one of the existing dwellings to the property line. Doing so would have disrupted the existing farm operation.

The proposed access road for the lots was placed as close to the western property line as possible to preserve the existing farm operation. The road and lots are adjacent to a stream and slope buffers but do not impact them. The County has agreed to minimize the width of the access road to 30' from the normally required 50'. When staff asked about the access for Lot 4 (which intersects an existing farm field and appears to cut off an existing barn from the farm operation) Barbara Polito, Program Administrator, responded that she suggests a flag type configuration that will be a 15' wide panhandle along the southern boundary of proposed Lot 3.

The request has been approved by the Agricultural Advisory Board and meets Planning & Zoning requirements.

Dale Perry Clark, one of the daughters of the landowner Mrs. Brenda Perry, Bob Lee, Land Development Administrator, Wilkerson & Associates., Inc, and Billy Gorski, Program Assistant, Anne Arundel County, were present at the meeting.

Robert F. Stahl, Jr., Board member, informed the Board that he had visited the site and spoken to the landowner about the lot location guidelines. Mr. Stahl stated that he feels the proposed lot location is preferable to placing them along the property line and between the two pre-existing dwellings. The place where the road comes in off the main road and comes down is clearly the high point of the farm. It does fall off dramatically due to the streams on its sides. Clearly, any type of farm lane that comes into there cannot be located right on the property lines. The location of the farm lane is reasonably close to the existing woods line and stream.

Dale Perry Clark stated that due to health issues, her mother is not able to attend the meeting. The County is prohibiting the family from obtaining all five child's lots that her parents would have been allowed. So they are now planning for only three family lots.

Mr. Lee clarified that the Anne Arundel County law requires that the landowner compute and subtract the area under Open Space zoning from the total site area. Mr. Lee stated that he had discussed the issue with Barbara Polito, County Program Administrator, and a staff member from the County Planning & Zoning. As per the County laws, the family gets no more than three lots off conveyed from the farm.

Douglas H. Wilson, representing Secretary Roger L. Richardson, Maryland Department of Agriculture, asked if the landowner would be allowed to subdivide their existing dwellings from the farm. Mr. Lee stated 'No'. Currently there is an existing dwelling and a tenant farm dwelling on the farm. The County law permits the landowner to have a principle dwelling and a tenant dwelling.

Mr. Colhoun asked Ms. Clark to explain the reason for the proposed location of the lots.

Ms. Clark located Mrs. Perry's dwelling on the aerial map. They have approximately 30 acres (scattered) of corn fields. Mrs. Perry chose the proposed lot location to minimize the disturbances on the corn fields. Mrs. Perry has chronic health issues and wants her youngest daughter to be located on lot #3 located on the aerial map. In her and her sister's lifetimes, Ms. Clark did not foresee building on the other lots. Ms. Clark stated that all the three sisters have children and their plan is to leave the lots to their children. The family has been involved with agricultural preservation and would like to continue to do so. They decided to put a road on the western part of the field. The driveway can be used and a right turn would lead to the houses. They did not want anything in the middle of the farm and planned to have all the farming on one side and the houses out of the way. In the future the family planned to have one house built probably in the next two to seven years.

Ms. Clark stated that since August 2004, the family had been considering this plan and had been talking to the County on how to do this. They were recommended to use a good engineering firm. Ms. Clark stated that they had already spent thousands of dollars and had no idea that a copy of the tax map could have been used. The family had tried their best to keep the farming fields intact knowing that the family is not desiring to build anything on two of the lots in this lifetime. Ms. Clark stated that she was sure that her family was not planning to build anything on lot # 3.

Jonathan C. Quinn, Board member, expressed his concerns that the landowner has proposed three lots in the middle of the farm and believed the proposed lot locations would be disruptive to the farming operation.

Ms. Clark located the stream on the aerial map. She also located about 30 acres of fields and 18 acres of woods adjacent to the field that is farmed. Ms. Clark stated that she did not believe the location was in the middle of the farm. Ms. Clark further located the existing house and the two barns on the aerial map. The areas where the lots are proposed are also currently being farmed.

Mr. Colhoun asked Ms. Clark to describe the farming operations.

Ms. Clark stated that her mother uses the 40-acres to farm corn and soybeans in alternate years. Ms. Clark stated that she believes her children and her sister's children would not be able to afford lots and may never be able to afford houses. Ms. Clark and her sisters wanted to get the lots in their names and transfer them to their children in their wills.

Mr. Douglas Wilson explained to Ms. Clark that once a landowner enters the MALPF program, she is eligible to have a right to have lots for her children. The Foundation grants lots for the children but it does not get released until the building permit is received by the Foundation. The law requires that the lot granted is for the exclusive use of the child for a minimum of 5 years. Mr. Douglas Wilson wanted to make sure that Ms. Clark understands that even if the Foundation were to approve the lots for her and her sisters, they would not be released in their names unless they have a non-transferable building permit in their names. The issue becomes complicated in the event of Mrs. Perry's death.

Mr. Colhoun stated that he had the opportunity to speak to Anne Arundel County Program Administrator and understand the complications of the proposed plan submitted to the MALPF Board. Mr. Colhoun urged Ms. Clark to meet with all the family members to discuss the issue and to meet with the County/MALPF Administrators to work out the details.

James Conrad, Executive Director, commented that the landowner can send a letter expressing her intent to designate lots to her children. The landowner can do so without requiring an approval for the proposed lots if the children do not intend to build a lot at this point in time. Mr. Conrad asked Nancy Forrester, Assistant Attorney General, Department of

Status: **Approved**

Chris H. Wilson, Board member, suggested Ms. Clark bring Barbara Polito, Program Administrator, with her to the next meeting.

Howard H. Freedlander, representing Treasurer Nancy Kopp, wanted to know the advice she received from Ms. Polito about the Foundation's Lot Location Policy.

Mr. Lee stated that he had seen the Foundation's Lot Location Policy. Keeping in mind the Foundation's Policy and the interests of the landowner, Mr. Lee had come up with the proposed lot location. The area had passed the perc test and the proposed lot location seemed to be the least destructive to the farm.

B. CARROLL COUNTY

1. Rural Legacy Easement – Brothers, Dennis & Sandra 109.74 acres
Request allow a septic disposal area (SDA) on easement property

Request:

To allow a septic disposal area as an overlay easement on a co-held Rural Legacy easement property for the adjacent church to upgrade an existing, failing septic system.

Recommendation:

To approve the request contingent on the Rural Legacy Program successfully negotiating with the landowners an amendment to the Deed of Easement that will allow the use. *Mr. Conrad added the approval is also subject to receiving the approvals from the Health Department and the Maryland Department of Environment (MDE). About two years ago, the Foundation had extensive conversations with MDE. The Foundation had been receiving requests for lot releases for which MDE through their local Health Department would require more than 2 acres to address septic issues (both for existing septic and for any septic reserves required). The policy of the MDE requires that septic systems/reserves would have to be under the direct ownership of the person this facility is serving and not located on easement property, including MALPF easements. Recent Legislation gave the Department and the Foundation the flexibility to approve lots greater than 2 acres under exceptional circumstances. The MDE regulation that covers this requirement is still in the books. The Foundation found a way to get around it when someone requested a lot release from MALPF easement. This situation is different. The Foundation cannot release the acreage that is not associated with a lot. The MDE regulations say that the Foundation cannot overlay a septic disposable area on an adjacent property that is not under the direct ownership of the landowners and/or under easement.*

Background:

St. Luke's Evangelical Lutheran Church of New Winder is located adjacent to the 109.74 acre Rural Legacy easement property. On June 16, 1997 Truman and Thelma Thompson (then owners of the property) conveyed to St. Luke's 0.2984 acre for future expansion of the existing church cemetery. In the Rural Legacy easement, there is a clause (Article I Covenants, Conditions, Limitations and Restrictions, A.(1)(i) which states that the grantors (Dennis & Sandra Brothers) reserve the right to convey to the Church 0.30 of an acre in order to provide additional land to enlarge the church cemetery. The easement further states the 0.30 acre is intended to be contiguous to the previously conveyed 0.2984 acre parcel. The area that is requested for the SDA is located adjacent to the allowed 0.30 acre strip.

According to Carroll County, St. Luke's is effectively barred from upgrading its present system by a forest and stream area to its west, MD Route 75 to the south, and the church cemetery to the east. To comply with required well and septic set-back provisions, an area adjacent to St. Luke's is the only possible solution.

Mr. and Mrs. Brothers made their original request to Carroll County on July 19, 2006. Carroll County states that it has taken this amount of time to obtain necessary information for this request to move forward. Given the challenges MALPF and some of the Counties have been having in obtaining approval for overlay septic easements on MALPF easement properties in the past, staff specifically requested a letter of approval from the local Health Department. Despite repeated requests from the County and St. Luke's Church for a written statement, none have been obtained. However, Mr. H. Dale Gray, Council President for St. Luke's Church, spoke with Mr. Edward Singer, R.S. Director of the Health Department, and Mr. Singer stated that he "finds no objection to the Agricultural Preservation Authorities granting use, providing proper access easements are secured, and standard testing, design and installation approvals are sought by St. Luke's."

The proposed SDA will be located in an area that is currently cropland. It is also adjacent to a .30 acre parcel that may, at a future time, be conveyed to the Church for expansion of their existing cemetery. It would be a deep trench system approximately 250' X 100' and 3 to 4 feet below the surface. In addition, there would be a sub-surface strip corridor (15' X 100') for the force main piping (2" or 3" PVC) to the proposed SDA. According to St. Luke's, once installed, the SDA will not interfere with the farming operation.

The local Agricultural Advisory Board has approved the request.

MALPF staff has spoken with Stacey Shaefer, Rural Legacy Administrator, and she states that the Program, in consultation with their Assistant Attorney General's office, believes that the terms of the easement prohibit the requested use. However, Rural Legacy would consider amending the easement to allow the use - the terms of any such amendment would need to be negotiated by the parties.

Previous similar approvals:

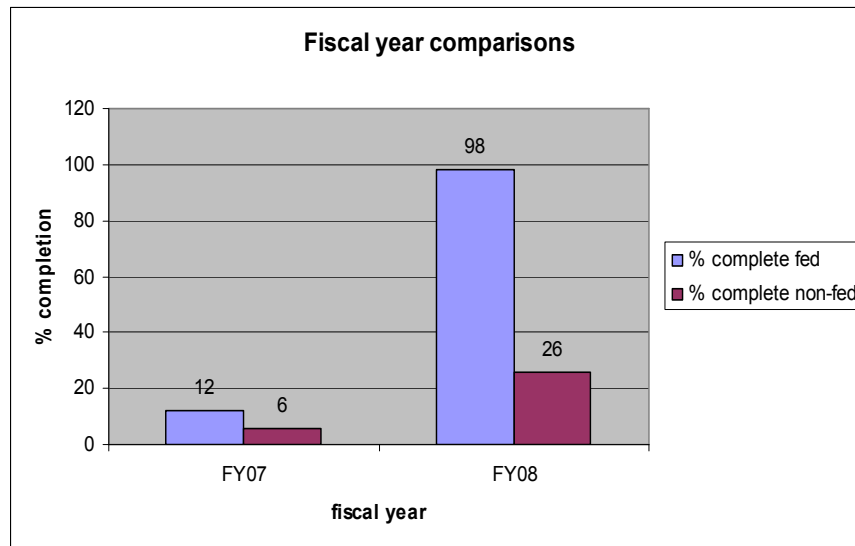
5-23-00 approval to locate a drilled well on easement property for the use of a neighboring church.

9-28-04 approval for a request for a septic reserve and drain field for use with a dog kennel operation (located on an adjacent parcel that was excluded from the easement).

Mr. H. Dale Gray, Council President for St. Luke's Church, and Ralph Robertson, Program Administrator, were available at the meeting. Mr. Gray stated that he also runs his own waste water treatment facility and has easements on other properties.

Mr. Conrad stated that he wondered whether or not the Foundation can have a conversation with the MDE where the Foundation would be assured that this would be allowable. At this point in time, Mr. Conrad stated, he is not sure whether this would be allowable based on past conversations with MDE. The Foundation obtained legislation independent of MDE to address some of the related issues.

Ralph Robertson, Program Administrator, stated that he runs into such issues repeatedly in Carroll County. Mr. Robertson had spoken to a Carroll County Health Department Official who had conveyed that he does not foresee a problem but he cannot give a letter until Mr. Robertson applies for a permit. Mr. Robertson had conveyed that he cannot apply for the



Certainly, the numbers have improved. However, some counties did not complete their required inspections. Those results were:

Calvert	0% FRPP	Frederick	1% non-federal
Caroline	6% non-federal	Harford	5% non-federal
Cecil	0% non-federal		

Staff requests the Board's review of the following draft inspection policy, and recommendations on possible actions to take for the counties that do not complete the required number of easement inspections.

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
EASEMENT INSPECTION POLICY**

Approved by the MALPF Board of Trustees, _____ date

Historical records indicate the MALPF Board approved a motion on December 27, 1983 to develop an easement inspection policy in response to legislative auditor's comments. The adopted policy would require counties to perform inspections on 10% of their existing state funded easement properties each year.

Easement Inspections

- All easement inspections will be conducted by the county offices and/or the MALPF Staff or Monitoring Coordinator.
- Properties with funds provided by the Federal Farmland Protection Program will be inspected annually.
- The Easement Inspection Form found on the MALPF website may be used by the county offices for easement inspection reports.
- Copies of completed forms will be submitted by the county offices to the MALPF office, in care of the Monitoring Coordinator, no later than September 15.
- An annual written report for the fiscal year FRPP inspections will be submitted to NRCS by the Monitoring Coordinator no later than December 31.

Easement Inspection Completion Date

- All easement inspections will be completed by June 30, the end of the fiscal year period.

Inspection Tracking

- County inspections will be tracked throughout the fiscal year by the Monitoring Coordinator.
- County offices will be reminded periodically of the impending deadline and which properties require inspections.

Non-compliance

- Counties that fall short of their 10% inspections will be required to _____
-

Mr. Conrad pointed out that the Foundation has completed twice as many inspections as required. The chart indicates FY 08 non-fed as 26%. The 26% does not mean “we have done only 26% of what the Foundation required”, but it means we have done 26% of total easements. Mr. Conrad mentioned that many counties have completed many more inspections than required, and Ms. Hoxter has been good in following up with the counties. Many counties have been co-operative, and there has been an overall improvement in meeting the Foundation’s requirements.

However, there are some counties that have not been able to complete the minimum number of inspections and Foundation staff is not clear why. Some counties might have completed the inspections, but the Foundation has not received the inspection sheets.

Mr. Conrad stated that the Foundation has to work with the counties and a lot depends on good communication between the two. Foundation staff can help the counties complete the inspections, but they need to be informed that this is needed. Ms. Hoxter is trying to regularize the policy so there is no misunderstanding and both the County and the Foundation are aware of what is expected from them.

Mr. Douglas Wilson commended the efforts of Ms. Hoxter. The policy was adopted in December 1983 and the Foundation had arbitrarily set up 10%. This number can be changed to what can be considered reasonable. Unfortunately, the auditors hold the Foundation responsible for the 10% mentioned in the Foundation’s current policy. Back in 1983, every jurisdiction had a program administrator reporting directly to the Foundation. Currently this scenario has changed. Half of the agricultural people are also now working with Planning & Zoning or with other agencies at the County. Their time commitments have changed. The easements are MALPF easements, and there is no formal requirement that the County has to do an inspection on the MALPF property. In his judgment, the concept of punitive penalty is not justified. Ms. Hoxter was hired to make an attempt to find how many core persons are to be dedicated to this functional role. Also if the MALPF Administrators – Jim Conrad, Carol Council, Diane Chasse or Elizabeth Weaver - are visiting a County, they should also complete inspections. This would facilitate meeting the Foundation’s requirements. Some counties already have a formal process, and the Foundation can take advantage of those. The Foundation has to be very careful if it plans to structure some other types of goals for them. The number 10% can be changed. The Foundation staff was asked to develop a common inspection form. The Foundation can also try using mapping from aerial photography.

Mr. Douglas Wilson also mentioned that the Office of Attorney General is also voicing its concerns on the increasing workload arising out of an increase in monitoring.

Billy Boniface, Board member, stated that he believed that any number beyond 10% becomes difficult to manage. Mr. Boniface commented that the audit did not have any concerns with the Foundation’s policy; it only had issues with the Foundation not meeting the requirements outlined in its own policy. Meeting 10% requires supplementing staff resources both at the State level and at the County level. Mr. Boniface stated that one of the suggestions in the proposed policy was for the Foundation to inform the county administration (immediate supervisor, county agricultural board, and county commissioners) of monitoring results, both good and bad. As a Board member, Mr. Boniface planned to meet with the Harford County’s Planning & Zoning Director and ask why they have not been able to meet the requirement. Mr. Boniface stated that he believed that sending a letter to the governing body of the individual counties would probably be more effective and reasonable than imposing penalties.

Mr. Colhoun wanted to know if there is a requirement for the Counties to participate in the inspection; or is it a voluntary situation?

Mr. Douglas Wilson stated that the Foundation did not have any staff in the eighties to do the inspections. The Foundation's contact was the local County Program Administrator who had a direct relationship with the landowner on everyday issues. The County Program Administrators were the ones who were visiting the farms. The belief was that once the Foundation gets on a regular track, 10% would be acceptable. If the Foundation finds problems in a particular area, the number of inspections may have to be adjusted. The Foundation might end up doing a lot of inspections, if it found out that x% of 10% were doing "x" or "y". Mr. Douglas Wilson stated that he would prefer to do a smaller sampling. There are two ways to sample; you can go to fewer farms and check everything or you go to more farms but check only three things (because those are the primary things that are issues).

Mr. Conrad stated that some County Program Administrators have responded to the proposed inspection policy. The policy had been circulated to spark a discussion. Mr. Conrad wanted the County Program Administrators to read through the policy, discuss the issues, and provide their comments.

Mr. Conrad pointed out that the easements are MALPF properties and, therefore, they are Foundation's responsibility. On the other hand the audit report is addressing the relationship between the State and the Counties and the way the inspections are done. In her proposed policy, Ms. Hoxter is clarifying deadlines and communications. If any County is not able to provide the inspection forms in a timely way because of some constraints, the Foundation needs to be aware so that MALPF staff can visit those Counties and complete the inspections. The proposal is to try and take away the "surprise" element of learning inspections are not being completed when it too late for MALPF to pull up the slack.

Ms. Hoxter briefly shared the inspection procedure to familiarize the newer Board members and the County Program Administrators.

Dr. Pelura suggested reducing 10% to 5% looking at the current situation (if we consider the Counties do not do any inspection and keeping in mind Ms. Hoxter's other responsibilities). Mr. Doug Wilson stated he would prefer 10%. The new database being used by the Foundation allows the Foundation staff to enter inspection data in the database. The Foundation would be able to detect properties that had not been inspected for five or ten years.

Wally Lippincott, Program Administrator, stated that he was concerned about reducing the FRPP inspections to 5%. Mr. Lippincott stated he believed the Foundation is antagonizing the landowners with FRPP properties that require annual inspections. He wanted to know if those inspections could be reduced to every three years. Mr. Lippincott stated the Foundation also requires Forest Stewardship Plan, Nutrient Management Plan, and Soil Conservation Plan. The County is also challenged to get those plans verified. The County is using more and more land trusts to complete inspections. He wanted to know if it makes a difference to the Foundation whether the inspections are done by the County or a private land trust or if it is contracted to someone.

Mr. Douglas Wilson stated that once the new inspection form developed by Ms. Hoxter is approved, the Counties can use them. The form would outline the critical elements of an inspection. Ms. Hoxter is required to inform the easement holders about the requirement of having the various plans and the need to verify compliance. If the easement holder does not have the plan, she needs to write to the easement holder and this becomes a follow-up point for the subsequent inspection.

Mr. Conrad stated that lot of these issues would be addressed by Ms. Hoxter in her end of the year report in terms of her recommendations. The Foundation definitely does not want properties with problems never getting inspected. The Foundation does not want to harass easement holders. The

inspection process will improve with the better database currently being implemented by the Foundation.

Ms. Clark wanted to know about the number of properties that need to be inspected every year. Mr. Conrad stated that it is around 300 (130 + 10% of 1700).

Mr. Stahl commented that this number is an ever growing number. Mr. Stahl expressed his concerns about having multiple parties doing the inspection. Mr. Stahl stated that as a landowner he would like to know who is visiting his farm rather than having various land trust associations visiting his farm and carrying out inspections.

Donna Landis-Smith, Program Administrator, Queen Anne's County, stated that the County Program Administrators are the persons who interact with the State and the landowner. If landowners have a problem or want to do something on their farms, they are going to approach the County Program Administrator. Ms. Landis-Smith stated that she personally believed the landowner would prefer to see her or Ms. Hoxter rather than someone else. Queen Anne's County has 15 FRPP properties and 150 MALPF easements, so she needs to be on 30 farms in a year. If a County Program Administrator cannot visit 30 farms in 200 days, there is a problem. Ms. Landis-Smith stated that personally she did not feel 10% is a difficult number.

Ned Sayre, Ag. Preservation Planner, Harford County, stated that there are 117 MALPF easement properties in Harford County. The County has done 13 inspections, 7 of which had FRPP funding. So the County has done 10% of the State funded easements. Additionally the County has about 200 County easements. Mr. Sayre stated that he believed each County Program Administrator has different work loads. Mr. Sayre suggested that the State can do FRPP inspections every year, and the County can take care of the rest of the easements.

Ms. Clark wondered if inspections should be part of the process when the Foundation decides to purchase easements and if the Foundation should be doing an inspection in the initial stages of the process.

Mr. Douglas Wilson stated that currently the Foundation does not do formal inspection before purchasing an easement, but it is a good suggestion.

Ms. Clark stated that she understands there are many easement applicants. She was not suggesting inspection before purchasing an easement on that becoming a criterion, but recommended an early inspection once an applicant enters the easement program.

Mr. Douglas Wilson commented that it is a good idea to have the property inspected once the property has gone to settlement. Elizabeth Weaver, MALPF Administrator, stated that the aerial photographs provided by the landowners also serve as a good baseline document.

Mr. Colhoun urged the Board members and County Program Administrators to send in their comments to the Foundation.

B. Proposed Vineyard/Winery Uses of MALPF Preserved Properties

Dr. Pelura, Chair, Vineyard/Winery Uses Committee commended the work of Mr. Conrad and other Committee members.

The proposed guidelines for Vineyard/Winery Uses of MALPF preserved properties were circulated to the Board members and the County Program Administrators as an agenda item. **(For a complete report please see agenda material of September 23, 2008 Board meeting).**

Mr. Conrad briefly presented the report and wanted to make the report available to the Board members, County Program Administrators, Local Agriculture Advisory Boards, and encouraged them

to send him their comments.

Mr. Conrad stated that wineries on MALPF properties have been allowed as long as they are processing and selling on-site what is already grown on the properties. Currently Maryland has a total winery of 35 wineries.

Wally Lippincott, Program Administrator, Baltimore County, commented that the report has lot of information. Mr. Lippincott was concerned while the Foundation might try to classify the operations; it might involve meeting different standards as each winery has a different operation.

Mr. Conrad commented that there is no 'typical winery.' One has to look at a request on a 'case-by-case' basis and what the easement holder is proposing to do.

Mr. Douglas Wilson commented that the Foundation is trying to support continued agriculture. He felt the need to communicate the Foundation's policy to all its rural counterparts. The Foundation has a role to preserve agriculture industry not just open space. He made this comment in the light of the recent challenges in the creamery operations in Baltimore County.

Mr. Conrad stated that what was allowed in the case involving creamery operations in Baltimore County was something that was allowed by the Foundation. The milk was produced on site, processed on site, and sold on site. The Foundation has always allowed that. Mr. Conrad reiterated that the Foundation is committed to the good of the farming operations in the MALPF program. This is a public process and people can offer their inputs if they have concerns on any issue.

Ned Sayre, Ag. Preservation Planner, Harford County, acknowledged the usefulness of the report in responding to landowner's questions at the County level.

Mr. Douglas Wilson asked the County Program Administrator to look at the policy as it relates to their local County Program. He wanted to avoid a situation where the policy is formally adopted and then becoming aware that certain counties would not allow this in their local easements.

Jerome W. Klasmeier, representing Comptroller Peter Franchot, wanted to know how many of the 35 operating wineries are on easement properties. Mr. Conrad stated that he is not sure, but he can get this information from the individual Counties or from Mr. Kevin Atticks, Executive Director of the Maryland Wineries Association.

Mr. Klasmeier was concerned about the transitional aspect. He was concerned as to how the Foundation planned to apply the guidelines/standards retroactively.

Mr. Douglas Wilson stated that the proposed guidelines help people who are already in the program and also help potential applicants.

Mr. Colhoun encouraged the Board members and the County Program Administrators to send in their comments to Mr. Conrad and the Board would be voting on this issue in November 2008.

Mr. Colhoun asked for a motion for adjournment of the meeting.

Motion #5: To adjourn Open Meeting and move into a Closed Meeting to consider the acquisition of agricultural land preservation easements, to consult with counsel to obtain legal advice, and to consult with counsel about proposed and pending litigation.

Motion: Chris Wilson Second: Doug Wilson

Status: **Approved**

Vote: Daniel W. Colhoun, Chairman, Vera Mae Schultz, Vice Chairman, Billy Boniface, Martha A. Clark, Jerome W. Klasmeier, Dr. James

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None: Pelura III, Robert F. Stahl, Jr., Christopher H. Wilson, Douglas H. Wilson, Jonathan C, Quinn
Opposed

The Open Meeting of the Board meeting was adjourned at approximately 11:50 am.

The Closed Meeting of the Board was held from 11:55 am to 12:15 p.m. at the Maryland Department of Agriculture building, Annapolis, Maryland, pursuant to the provisions of State Government Article Sections 10-508(a) (3), (7), and (8), Annotated Code of Maryland.

- [x] (3) To consider the acquisition of real property for a public purpose and matters directly related thereto
- [x] (7) To consult with counsel to obtain legal advice
- [x] (8) To consult with staff, consultants, or other individuals about pending or potential litigation

During the Closed Meeting, the following Board members were present.

Daniel W. Colhoun, Chairman, Vera Mae Schultz, Vice Chairman, Billy Boniface, Martha A. Clark, Jerome W. Klasmeier, representing Comptroller Peter Franchot, Dr. James Pelura III, Jonathan C. Quinn, Robert F. Stahl, Jr., Christopher H. Wilson, Douglas H. Wilson, representing Secretary Roger L. Richardson, Maryland Department of Agriculture.

TOPICS DISCUSSED:

1) Round Two Offers.

Motion #2: To approve that the Foundation revises the offers to correct an earlier error.

Motion: Doug Wilson

Second: James Pelura

Status: **Approved**

The Closed Meeting was adjourned at 12:15 p.m.

Respectfully Submitted:

Rama Dilip, MALPF Secretary

James Conrad, Executive Director