

**Maryland Environmental Trust**  
**Board of Trustee Meeting Minutes**  
**March 4, 2019**

Maryland Environmental Trust (MET) Board of Trustees (“Board”) Mary Burke called the meeting to order at 4:21 p.m. at 100 Community Place, Crownsville, Maryland 21032. Trustees in attendance were Mary Burke, Toby Lloyd, Phil Hager, Major Gary Burnett, Tom McCarthy, Royden Powell, David Greene, Mark Hoffman, Martha Ann Clark, Richard D’Amato and Sarah Taylor-Rogers. MET staff in attendance were: Bill Leahy, John Turgeon, Jon Chapman, Wendy Hershey, Nora Jackson and Kelly Price. Ted Sudol, consultant with Carter Global, participated in the meeting to update Trustees regarding the Forever Maryland project. Roger Medoff and Talley Kovacs, from the Office of the Attorney General, also joined the Board meeting with information pertaining to the Chase Farm Easement in a closed session pursuant to Md. Code. Ann., General Provisions Art. § 3-305(b).

I. **Call to order**

II. **Board Work Plan & Governance Topics**

A. **Adopting the Minutes**

Ms. Burke moved for approval of the minutes for the February 4, 2019 Board Meeting. Mr. Powell motioned to accept the minutes. Mr. McCarthy seconded the motion. All in favor.

B. **Chairwoman Report**

Ms. Burke addressed the news recently shared with the Board by Director Leahy regarding his decision to leave his post at Maryland Environmental Trust, effective Friday, April 12, 2019. Mr. Lloyd advised the Board that he will coordinate with the Department of Natural Resources Human Resource Department on the logistics involved in beginning the search process for a new Director. Mr. Leahy advised the Board that a Communications Plan (including a guide for Frequently Asked Questions (FAQ) has been prepared for use by Trustees in answering questions that may arise regarding the change in leadership at Maryland Environmental Trust. Trustees are encouraged to refer to the FAQ Sheet if asked about the matter or, if appropriate, to make a referral to Ms. Burke or Mr. Leahy.

Regarding the 2019 Maryland Land Conservation Conference & Symposium, Ms. Burke advised the Board that Mr. Leahy and Ms. Grafton are working on the program and other details for what promises to be a two-day conference filled with timely workshops and sessions led by an

outstanding contingent of expert presenters. Day 2 of the conference will be a symposium featuring panel discussions with elected and appointed government leaders addressing a spectrum of conservation topics and issues. The conference will be held in Linthicum Heights on May 16 and 17, 2019.

Mr. Leahy leaves the room.

C. Update on the Forever Maryland project.

Mr. Sudol advised the Board that he has met with the three-person Board of Directors for Forever Maryland and work is underway to move the project toward a launch by July 1, 2019. The Directors are Nick Dilks, Jim O'Connell, and Steve Quarles. Mr. Sudol will be meeting with the Board frequently over the next few months to prepare for Forever Maryland to become operational.

Mr. Sudol anticipates that the Board will be ready to present Forever Maryland's proposed contracts for services and a request for seed funding to the MET Board at its April meeting. Once funds are secured, Forever Maryland's Board will proceed with the hiring of staff and other arrangements needed to become operational.

Mr. Sudol will be preparing a preliminary final report for submission in April to the State Ethics Commission to update the Commission on the status of the Forever Maryland project and the initiatives taken by the Maryland Environmental Trust and its staff to comply with the advice of the Commission (shared with MET in June/July 2018) and with the provisions of the State Ethics Act. He indicated that a final report likely will be prepared for submission in June.

Director Leahy re-enters the room.

Ms. Burke mentioned that the Bylaws of Maryland Environmental Trust were supposed to be revised; but, due to the changes that will be taking place in the coming months, this work will be deferred until a later date.

D. Director's Report

Director Leahy reported that his top priorities before leaving are positioning the Annual Conference for success and completing one-on-one interviews with local land trust leaders, which will be compiled into a report in early April.

Director Leahy will also prepare a final report for the transition to help guide the next director, staff, and the Board after he leaves.

Ms. Jackson announced that the Volunteer Appreciation Event is taking place on May 4, 2019, and they still need donations of gifts to help honor their service. We have 91 volunteers, and 50 who have indicated they are planning to attend. Ms. Jackson requested assistance by the Board in identifying – and asking – businesses and other donors to help provide gifts and prizes for the event.

### III. Committee Reports

Mr. Greene updated the Board on the progress with the Board nominations. He mentioned that Mark Hoffman was the only nominee that was presented by the Speaker's office. He advised due to the timeframe of when nominations are due; it would make more sense to pick from the new list that the Speaker's office will send over in the next 30 days.

Mr. Medoff agreed that Mike Pretl's replacement would have to come from the Speaker's office. He also suggested that MET staff reach out to the Governor, the President of the Senate and the Speaker of the House to remind their offices of the deadline.

Ms. Hershey has offered to reach out to Secretary Cavey at the Governor's office.

#### A. Finance Committee

Mr. Lloyd updated the Board on the past month's increase in revenue due to large donations that MET received. He also mentioned that Ms. Jitkoff met with Brown Advisory regarding MET's private funds account. Brown Advisory will be coming to MET in April and would like to have a brief meeting with the Board.

There was a discussion regarding funding for Program Open Space. Mr. Hoffman discussed three different recommendations that DLS has presented to the State. This could affect MET if the legislation were to pass.

#### B. Easement/Stewardship Committee

Mr. Turgeon met with the Committee on February 20 regarding MET becoming a co-holder of an existing easement with the Conservancy for Charles County. The easement is approximately 208 mostly forested acres in the Mattawoman Creek watershed owned by the Charles County Commissioners. The easement was originally granted to the Conservancy for Charles County in November of 2018, and the Conservancy has now contacted MET to be a co-holder. This would be accomplished by assigning the easement from the Conservancy to itself and MET as co-holders in accordance with a provision of the existing easement. Since MET assisted the Conservancy in obtaining the original easement, no amendments to the existing easement are necessary as it mainly conforms to the MET model easement document. This was approved by

the OAG. Mr. Turgeon also discussed with the Board the possibility that the Charles County Commissioners may oppose adding MET to the easement.

A debate took place regarding the easement and MET joining as a co-holder.

Ms. Burke motioned to end the debate.

Mr. McCarthy seconded the motion.

All in favor of accepting the easement.

Mr. Turgeon spoke briefly regarding the Koiner Farm. He advised the Board that he worked with the OAG's office to have language added to the easement to ensure the property is maintained and safe for public access. This addressed the Committee's concern about how future owners would care for the property should its existing farm and educational uses cease. This property will be open to the public.

Mr. McCarthy motioned to approve the Koiner Farm.

Dr. Taylor-Rogers seconded the motion.

All in favor.

C. Agriculture Committee

Mr. Lloyd mentioned that Mr. Greene arranged a meeting with Farm Credit in hopes that they would be willing to attend and sponsor the upcoming MET conference. Farm Credit supports small farmers and helps teach beginner farmers.

Mr. Powell stated that the committee spoke about requiring new easement properties to have a Soil and Water Conservation Plan developed for those property as needed. Mr. Powell noted that the proposed language will be examined again by the Agriculture Committee and the Eastment and Stewardship Committee for potential approval by the Board.

D. Other Business

Ms. Burke requested that the next Board meeting change dates from April 1 to April 8.

All approved.

E. Land Trust Advisory Committee

Mr. Hager advised the Board that the committee has been working on a survey to send out to Land Trusts in the State of Maryland to help prioritize future programming. Mr. Hager reminded the Board about the MET conference on May 16 & 17, 2019. He asked that all members of the Board, please be present. Mr. Hager brought the Boards attention that registration opens the first week of May. He gave a brief description of what the two-day conference will entail.

Mr. Leahy announced The Helena Foundation has made a generous contribution of \$10,000 as a major sponsor for MET's Annual Conference. He advised the Board that he met with Les Knapp from MACo and presented a request for sponsorship of the Annual Conference by MACo. While Mr. Knapp did not commit to be a sponsor, he provided more contacts for MET to reach out to regarding sponsorship for the conference.

F. Legislative Committee

No report.

G. Grants Committee

No report.

Closed the open meeting at 5:44 pm

Closed meeting started at 5:44 pm.

IV. Closed Meeting

Mr. Powell motioned to adjourn the closed session and reopen the open meeting.

Mr. McCarthy seconded the motion.

All in favor.

Open meeting reconvened at 5:50 pm.

Nothing further to discuss.

Ms. Burke adjourn the Board meeting at 5:51 pm.

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")  
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4:

1. **Recorded vote to close the meeting:** Date: 3/4/19; Time: 5:40pm  
Location: 100 Community Place, Crownsville, Maryland;  
Motion to close meeting made by: Tom McLaughlin seconded by Sarah Rogers;  
Members in favor: All in Favor; Opposed: \_\_\_\_\_;  
Abstaining: \_\_\_\_\_; Absent: \_\_\_\_\_.

2. **Statutory authority to close session (check all provisions that apply):**

**This meeting will be closed under General Provisions Art. § 3-305(b) only:**

(1) "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) \_\_\_ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) \_\_\_ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) \_\_\_ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) \_\_\_ "To consider the investment of public funds"; (6) \_\_\_ "To consider the marketing of public securities"; (7)  (7) "To consult with counsel to obtain legal advice"; (8)  (8) "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) \_\_\_ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) \_\_\_ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) \_\_\_ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) \_\_\_ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) \_\_\_ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) \_\_\_ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b)(7)	Potential Violation of Chase Farm Easement, 0024CHA78HOWA	Legal counsel presenting information to Trustees regarding activities and communications of new owners of property encumbered by conservation easement and discussing legal implications
§3-305(b)(8)	Potential Violation of Chase Farm Easement, 0024CHA78HOWA	To consult with staff regarding activities and communications of new owners of property encumbered by conservation easement and discussing legal implications

§ 3-305(b)(1) Bill Leaty Resignation

4. This statement is made by Mary Biele, Presiding Officer.

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**WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING** Time of closed session: \_\_\_\_\_

Place: 100 Community Place, Crownsville, Maryland

Purpose(s): To discuss with counsel and staff a potential Violation of Chase Farm Easement, 0024CHA78HOWA

Members who voted to meet in closed session: \_\_\_\_\_

Persons attending closed session: \_\_\_\_\_

Authority under § 3-305 for the closed session: §3-305(b)(7)-(8)

Topics actually discussed: \_\_\_\_\_

Actions taken: \_\_\_\_\_ Each recorded vote: \_\_\_\_\_

**For a meeting recessed to perform an administrative function (§ 3-104):** Time: \_\_\_\_\_

Place: \_\_\_\_\_ Persons present: \_\_\_\_\_ Subject matter

discussed: \_\_\_\_\_