

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES**

April 23, 2024

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair
Cricket Goodall, Vice Chair
Steve Connelly, representing Secretary Kevin Atticks, Maryland Department
of Agriculture
Joanna Kille, representing Treasurer Dereck E. Davis
Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland
Department of Planning
Catherine Cosgrove
Elizabeth Hill
Joseph Wood
Gary Dell
J. Bruce Yerkes
Gilbert "Buddy" Bowling

Trustees Absent:

Laura Gutierrez, representing Comptroller Brooke E. Lierman

Others Participating:

Michelle Cable, Executive Director
Elizabeth de Mozenette, MALPF Administrator
Rama Dilip, MALPF Administrator
Kim Hoxter, MALPF Monitoring and Stewardship Coordinator
Amanda Massoni, MALPF Fiscal Specialist
Patrick Martyn, Assistant Attorney General, Department of General Services
Mike Steadman, Jr., Assistant Attorney General, Department of Agriculture
Cara Frye, Assistant Attorney General, Department of General Services
Jennifer David, Calvert County Program Administrator
Summer Roen, Calvert County Staff
Megan Benjamin, Baltimore County Program Administrator
Mike Weyand, Montgomery County
Billy Gorski, Anne Arundel County Staff
Beth Beales, Caroline County Program Administrator
Bill Amoss, Harford County Program Administrator
Jackie Brathuhn, Carroll County Staff
Julie Enger, Department of General Services, Appraiser
Will Lefort, Department of General Services, Appraiser
Eddie Franceschi, Anne Arundel County Program Administrator
Elisa Deflaux, Talbot County Program Administrator
Aimee O'Neil, Representative of the Rutledge Family, Harford County
Lauren Longo, Howard County Staff
Priscilla Leitch, St. Mary's County Program Administrator
Robert Tracy, Kent County Program Administrator
Roy Cool, Allegany County Program Administrator
J.P. Smith, Carroll County Program Administrator
Charles Rice, Charles County Program Administrator
Cal Carpenter, Charles County Staff
Tom Powel, Carroll County Landowner
Betsy O'Neill Collie, Harford County Landowner
Aimee O'Neill, Harford County Landowner Representative
Jenell Eck McHenry, Landowner
Shannon O'Neil, Frederick County Program Administrator
William Buckel, Landowner
Beth Ahalt, Frederick County Staff

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Mr. Allen, Chair, called the meeting to order at 9:02 a.m. via internet and telephone conference call. Ms. Cable stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.

I. APPROVAL OF MINUTES

A. Approval of Minutes of February 27, 2024

Motion #1: To approve minutes from February 27, 2024.

Motion:	Hill	Second:	Dell
Status:	Approved		

B. Approval of Minutes of March 26, 2024

Motion #2: To approve minutes from March 26, 2024.

Motion:	Hill	Second:	Dell
Status:	Approved		

II. ADDITION / DELETION OF AGENDA ITEMS

III. ANNOUNCEMENTS

Ms. Cable informed the Board that two possible future Board members were on the call, Jenell Eck McHenry and William Buckel. They have submitted applications through the Governor's Appointments Office to fill a current Board vacancy and a current member whose terms has expired. Ms. Cable invited them to call into our meeting if they had the opportunity and appreciated their willingness to volunteer as a Board member.

Ms. Cable asked the county staff that were on the call whether anyone had any announcements to make; there were none.

Ms. Cable reminded the Board that all the non-state employees are required to complete the annual ethics disclosure form by April, and to let her know if any assistance is needed.

Ms. Cable asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

IV. EASEMENT AMENDMENTS

A. HARFORD COUNTY

1. 12-83-02 Collie, Bettina O'Neill ~105.11 acres

Request – Harford County:

Request for a 10-year extension to the validity of the preliminary release for the approved child's lot for daughter Bettina O'Neill Collie.

Recommendation:

Under COMAR 15.15.06.05.B.2, Staff recommend approval for a 5-year extension, consistent with past Foundation extensions as well as the recommendation of the County Agricultural Advisory Board.

Ms. Dilip introduced the item. Ms. Collie, Ms. O'Neill, and Mr. Amoss were available to answer questions from the Board.

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Motion #3: To approve a 5-year extension of the child's lot preliminary release, as presented by MALPF.

Motion: Cosgrove Second: Goodall
Status: Approved

B. CARROLL COUNTY

1. 06-90-52 Caple, Donna ~169.99 acres

Request – Carroll County:

Request to relocate a pre-existing dwelling and then release the pre-existing dwelling in the new location.

Recommendation:

Staff recommends approval conditioned upon:

1. Recording of a Relocation Agreement and Amendment to the Deed of Easement which:

(a) documents the approved location for the relocated existing dwelling; and

(b) sets forth the term and conditions of the Foundation's approval for relocation of the existing dwelling pursuant to COMAR 15.15.04.05.

2. the existing dwelling being demolished.

3. signing and returning within 30 days of its issuance, a letter acknowledging and agreeing to the terms and conditions of the approval of approval of the request.

4. Upon satisfaction of conditions 1 through 3 above, executing and recording a release of the relocated existing dwelling.

Ms. Dilip introduced the item. Mr. Smith and Ms. Brathuhn were available to answer questions from the Board.

Motion #4: To approve the relocation of the pre-existing dwelling and then release the pre-existing dwelling in the new location, incorporating staff recommendations, as presented.

Motion: Dell Second: Yerkes
Status: Approved

2. 06-89-24e Hoff, Kathleen ~189 acres

Request – Carroll County:

Request approval to exclude up to 2 acres for two child lots for (1) Matthew M. Hoff and (2) Ian A. Hoff

Recommendation:

Staff recommend approval of the two child lots and their lot locations, with the condition that the lots be created either simultaneously, or in order of the lot closest to the boundary lines.

Ms. Dilip introduced the item. Mr. Smith and Ms. Brathuhn were available to answer questions from the Board.

Motion #5: To approve the exclusion of up to 2 acres for the two child lots, incorporating staff recommendations, as presented.

Motion: Bowling Second: Kille
Status: Approved

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| 3. | 06-79-07 | Sub #1 | Maria Mullinix | ~28 acres |
| | | Sub #2 | Robert & Heidi Burnett | ~47 acres |
| | | Sub #3 | Powel, Thomas, PR Estate of
William R. Powel III | ~200 acres |

Request – Carroll County:

Request approval of agricultural subdivision to divide the property 06-79-07esS Sub#3 to create a ~40-acre parcel and a ~159-acre parcel. In addition, the two parcels that were previously subdivided under the original deed of easement, will enter into new corrective easements (Sub#1 and Sub#2).

Recommendation:

Per the terms of COMAR 15.15.12, et al, Staff recommends approval of the request, with the following conditions:

1. All regulatory requirements have been met.
2. Transactional expenses shall be the responsibility of the Powel Estate.
3. New corrective easements to be completed for all four parcels that will include:
 - a. The pre-existing dwelling on the new ~159 acre will be non-subdividable.
 - b. The pre-existing dwelling on the new ~40 acres will be non-subdividable.
 - c. The removal of the request to terminate the easement clause in the newly subdivided ~40 acre and ~159-acre parcels, per COMAR 15.15.12.04.
 - d. The existing legal descriptions for Sub#1 and Sub#2 will be used for the corrective easements.
 - e. Updated title work for the new subdivision of the current Sub#3 will be at the expense of the Powel Estate; and
 - f. The owners of Sub#1 and Sub#2 will have no additional expenses.
4. On approval, the landowner shall submit to the Foundation copies of a survey plat depicting the resulting newly divided ~40 acre and ~159-acre parcels of the land.

Ms. Dilip introduced the item. Mr. Smith and Ms. Brathuhn were available to answer questions from the Board. Ms. Cable informed the Board that staff will request the owners of the two previously subdivided parcels to waive the right to request termination, but that it is not a requirement of the current proposal.

Motion #6: To approve the request of an agricultural subdivision to divide the easement property, incorporating staff recommendations, as presented.

Motion: Bowling Second: Dell
Status: Approved

C. FREDERICK COUNTY

- | | | | |
|----|----------|---------------|---------------|
| 1. | 10-19-08 | Kelly, Sharon | ~129.47 acres |
|----|----------|---------------|---------------|

Request – Frederick County:

Request approval to amend November 2021 conditions of Stream Restoration Overlay Easement approval.

Recommendation:

Staff recommends:

1. Waiving condition #2, requiring the Nutrient Tracking Tool to be completed. Although condition #2 required the Office of Resource Conservation ("Resource Conservation") to run a Nutrient Tracking Tool, at the time the original Overlay Easement was approved, due to the operations and use of the farm at that time, a Nutrient Management Plan (NMP) the applicable guidelines do not require the owner to have an NMP for the entire property. Resource Conservation is unable to run a Nutrient Tracking Tool without a NMP for the entire farm. Because the use of the easement property does not require a NMP for the entire farm and, as a result thereof, a Nutrient Tracking Tool is not able to be run, this condition is unable to be fulfilled.
2. In satisfaction of condition #3, providing the Resource Conservation recommendations to the owner, citing the need for the landowner to comply with Resource Conservation's recommendations to update the Soil and Water Quality Conservation Plan and the NMP (including an on-farm implementation review), in

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the manner specified by Resource Conservation, and to follow the recommendations of the updated plans.

Ms. Cable introduced the item. Ms. O'Neil and Ms. Ahalt were available to answer questions from the Board.

Motion #7: To approve a request to amend November 2021 conditions of Stream Restoration Overlay Easement approval, incorporating staff recommendations, as presented.

Motion: Yerkes Second: Connelly
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

1. Legislative Update

Ms. Cable provided a summary of the outcome of the 2024 Legislative Session.

2. FY2025 Easement Acquisition Cycle Decision – 1- or 2-year cycle

Recommendation:

MALPF Staff recommends merging FY25 and FY26 into a single application cycle.

Below is a structure of how both a 1-year and 2-year cycle would look in terms of numbers of applications:

For a 1-year FY25 cycle:

- A. Maximum number applications to be submitted to DGS for appraising: 8.
- B. Counties with a high volume of applicants are allowed to submit up to 13 applications by the July 1, 2024, deadline, provided that at least 5 of the 13 applications are still eligible to potentially receive a Round 2 offer in the FY 2024 cycle.
- C. Counties submitting more than 8 applications must submit a preliminary ranking of all the applicants, up to the full 13, by July 1st, and provide a final ranking of the top 8 applicants by July 31st. This gives the Counties through the July Board meeting to learn if any additional FY 2024 applicants receive easement offers.

For a 2-year FY25/26 cycle:

- A. Maximum number applications to be submitted to DGS for appraising: 16.
- B. Counties with a high volume of applicants are allowed to submit up to 21 applications by the July 1, 2024, deadline, provided that at least 5 of the 21 applications are still eligible to potentially receive a Round 2 offer in the FY 2024 cycle.
- C. Counties submitting more than 16 applications must submit a preliminary ranking of all the applicants, up to the full 21, by July 1st, and provide a final ranking of the top 16 applicants by July 31st. This gives the Counties through the July Board meeting to learn if any additional FY 2024 applicants receive easement offers.
- D. The next round of applications would be submitted in July 2026, for the FY27 application cycle (current estimate for FY27 budget is \$46,711,319).

Ms. Cable presented the item, reviewing the pros and cons of the single-year application cycle or a merged two-year application cycle. There were no new pros/cons presented that had not been provided in the past three Board meetings for discussion.

The Board asked to hear the opinions directly from the county administrators that were on the call. Out of the county administrators that spoke, the majority of them supported the recommendation to merge the two budget years into a single cycle due to the overwhelming level of work all the county staff is currently managing from the past few

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fiscal years of record setting large budgets. In addition, due to the small FY25 budget, it is most likely that the State would not be able to provide a full matching funds opportunity to the counties that are able to commit matching funds. A handful of counties expressed the preference to remain on a single year cycle. The Board followed the majority of the counties' recommendation to merge the funding from FY25 and FY26 into a one application cycle.

Motion #8: To approve combining the FY25 and FY26 budgets into a single application cycle, with applications being accepted July 1, 2024, limited to the structure outlined above, as presented.

Motion: Goodall Second: Bowling
Nay: Wood
Status: Approved

VII. INFORMATION AND DISCUSSION

A. FY2024 Quarterly Inspection Report

VIII. CLOSED SESSION

Mr. Allen 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): (3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and (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 #9: To adjourn the regular session at 10:09 a.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: Kille Second: Bowling
Status: Approved

The Closed Meeting of the Board was held from 10:19 a.m. to 10:51 a.m. on April 23, 2024, via internet and telephone conference call, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

(3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition;

(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: William Allen, Chair, Cricket Goodall, Vice Chair, Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland Department of Planning, Steve Connelly, representing Secretary Kevin Atticks, Maryland Department of Agriculture, Elizabeth Hill, Joe Wood, Gary Dell, Gilbert "Buddy" Bowling, Cathy Cosgrove, and J. Bruce Yerkes.

The following Board members were absent: Laura Gutierrez, representing Comptroller Brooke E. Lierman.

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Elizabeth de Mozenette, Rama Dilip, Kim Hoxter, Amanda Massoni,

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Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services, and Cara Frye, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of February 27, 2024 and March 26, 2024 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2024 Round One Offers
- D. Amendment to Option Contract
- E. Carroll County Project Funding Request

Respectfully Submitted:



Michelle Cable, Executive Director

