

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
May 28, 2024**

**This meeting was held via internet and telephone conference call.**

**Trustees Participating:**

Cricket Goodall, Vice Chair  
Joanna Kille, representing Treasurer Dereck E. Davis  
Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland  
Department of Planning  
Elizabeth Hill  
Joseph Wood  
J. Bruce Yerkes  
Michael Calkins, representing Secretary Kevin Atticks, Maryland Department  
of Agriculture

**Trustees Absent:**

Gary Dell  
Gilbert "Buddy" Bowling  
Laura Gutierrez, representing Comptroller Brooke E. Lierman  
Catherine Cosgrove  
William Allen, Chair

**Others Participating:**

Michelle Cable, Executive Director  
Elizabeth de Mozenette, MALPF Administrator  
Kim Hoxter, MALPF Monitoring and Stewardship Coordinator  
Amanda Massoni, MALPF Fiscal Specialist  
Chana Turner, MALPF Administrator  
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  
Renee Dyson, 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 Program Administrator  
Billy Gorski, Anne Arundel County Staff  
Bill Amoss, Harford County Program Administrator  
Julie Enger, Department of General Services, Appraiser  
Will Lefort, Department of General Services, Appraiser  
Eddie Franceschi, Anne Arundel County Program Administrator  
Joe Pippin, Queen Anne's County Staff  
Roy Cool, Allegany County Program Administrator  
J.P. Smith, Jr., Carroll County Program Administrator  
Cal Carpenter, Charles County Staff  
Shannon O'Neil, Frederick County Program Administrator  
Carla Gerber, Kent County Staff  
Donna Landis-Smith, Queen Anne's County Program Administrator  
Joy Levy, Howard County Program Administrator  
Lisa Ledman, St. Mary's County Staff  
William Goldman, Cecil County Program Administrator  
Lee Vosters, Cecil County Landowner  
Christina Vosters Foley, Cecil County Landowner  
Brian and Lewis McDonald, Kent County Landowners

Ms. Goodall, Vice Chair, called the meeting to order at 9:05 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.

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**I. APPROVAL OF MINUTES**

A. Approval of Minutes of April 23, 2024

Motion #1: To approve minutes from April 23, 2024.

Motion:	Hill	Second:	Kille
Status:	Approved		

**II. ADDITION / DELETION OF AGENDA ITEMS**

Ms. Cable informed the Board that item IV.B.1. is being withdrawn and plans to be submitted at the June Board meeting.

**III. ANNOUNCEMENTS**

Ms. Cable thanked Joanna Kille for her years on the Board as the Treasurer's representative. This is her final Board meeting, per a new law that becomes effective June 1, 2024, that removes the Treasurer from the MALPF Board.

Ms. Cable also informed the Board that Bill Amoss, long time Harford County Program Administrator, is retiring in June, so this is also his final Board meeting. Mr. Amoss has been an ardent supporter of land preservation in Harford County, and all of Maryland, for many years. He will be missed, and everyone wished him well in his retirement.

Ms. Cable informed the group that the Board went on their first field trip of the year, learning about Maryland's forestry industry. Beth Hill planned and coordinated the field trip which included a visit to a recently harvested property, then to a lumber mill, and finally to a DNR facility that is using wood pellets to heat one of their buildings. It was a great opportunity to expand our knowledge and the impact of the forest industry.

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

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. CECIL COUNTY

1. 07-20-16 Polk Steele Howard Residuary Trust ~240.00 acres  
(Lee Howard Vosters, Christina Vosters Foley, Ashlee W. Vosters, Trustees)

Request – Cecil County:

Request approval to establish a non-subdividable building envelope as a child's lot (up to 2 acres) for Christina Vosters Foley (who is a trustee of the Trust).

Recommendation:

Staff recommends approval with the following conditions:

1. The size of the non-subdividable envelope to be one (1) acre;
2. Completion of an Amendment that will document the non-subdividable child's lot; and
3. The Amendment will include the 5-year occupancy requirement of the child's lot to apply to the entirety of the farm (which is only possible since the child is also an owner of the property, one of the Trustees of the Trust).

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Ms. Cable introduced the item. Mr. Goldman, Ms. Foley, and Ms. Vosters were available to answer questions from the Board. Mr. Goldman informed the Board that MALPF staff visited this property to review the requested lot location after the January 2023 request was tabled.

Motion #2: To approve a non-subdividable building envelope as a child's lot for Christina Vosters Foley, incorporating staff recommendations, as presented by MALPF.

Motion: Yerkes                      Second:                      Kille  
Status: Approved

B. HARFORD COUNTY

WITHDRAWN

C. CARROLL COUNTY

1. 06-88-21e                      Lippy, J. Keith and J. Craig                      ~162 acres

Request – Carroll County:

Request approval of agricultural subdivision to divide the property to create a ~66 acre parcel and a ~94 acre parcel.

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 must be satisfied.
2. Transactional expenses shall be the responsibility of Keith and Craig Lippy including, without limitation, title, survey, and settlement expenses. Updated title work for the property will be required, as well as a survey pursuant to item 3 below. New corrective easements to be completed for two parcels that will include the removal of the request to terminate the easement clause in the newly subdivided ~66 acre and ~94-acre parcels, per COMAR 15.15.12.04.
3. The landowners shall submit to the Foundation a survey plat depicting the resulting newly divided ~66 acre and ~94-acre parcel of the land, together with legal descriptions of said parcels, in accordance with survey specifications to be provided to the landowners following MALPF's review of updated title work for the property.

Ms. Cable introduced the item. Mr. Smith was available to answer questions from the Board.

Motion #3: To approve the agricultural subdivision to divide the property, incorporating staff recommendations, as presented.

Motion: Kille                      Second:                      Hill  
Status: Approved

D. FREDERICK COUNTY

1. 10-90-12                      Pry, Richard & Patricia                      ~150.00 acres

Request – Frederick County:

Request approval to allow a historic designation on structures within a 1-acre area surrounding a pre-existing dwelling.

Recommendation:

Per the terms of COMAR 15.15.11.03, staff recommends approval of the request with the following conditions:

1. Any transactional expenses are the responsibility of the owners; and
2. A corrective easement shall be completed to document the location of a 1-acre non-subdividable and non-relocatable building envelope.

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Ms. Cable introduced the item. Ms. O'Neil was available to answer questions from the Board.

Motion #4: To approve a historic designation on structures within a ~1 acre area surrounding a pre-existing dwelling, incorporating staff recommendations, as presented by MALPF.

Motion: Kille Second: Herr-Cornwell  
Status: Approved

E. KENT COUNTY

- |    |          |                        |            |
|----|----------|------------------------|------------|
| 1. | 14-98-04 | Massey Properties, LLC | ~115 acres |
|    | 14-21-10 | Massey Properties, LLC | ~296 acres |

Request – Kent County:

Request approval for agricultural subdivision of a ~296 acre farm resulting in two parcels of ~224 acres and ~72 acres and combining the ~72 acre parcel with an existing MALPF easement (14-98-04) of ~115, resulting in MALPF easement #14-98-04 increasing to a total of ~187 acres.

Recommendation:

Staff recommends approval subject to:

1. waiver of the right to request termination after 25 years of establishment of the easement for easement # 14-98-04;
2. meeting all terms and conditions of COMAR 15.15.12.04 to the satisfaction of MALPF;
3. landowner entering into corrective easements for easement #14-98-04 and easement #14-21-10, and/or any other documentation required by the Office of the Attorney General and MALPF Staff;
4. if this request is approved, Massey Properties, LLC signing and returning a copy of a letter acknowledging and agreeing to the terms and conditions of the Board's approval.

Ms. Turner introduced the item. Mr. Bryan McDonald, Dr. Lewis McDonald and Ms. Gerber were available to answer questions from the Board.

Motion #5: To approve the agricultural subdivision impacting the two easement properties, incorporating staff recommendations, as presented.

Motion: Yerkes Second: Kille  
Status: Approved

F. ST. MARY'S COUNTY

- |    |          |                         |            |
|----|----------|-------------------------|------------|
| 1. | 18-00-08 | Hayden, Philip and Jane | ~117 acres |
|----|----------|-------------------------|------------|

Request – St. Mary's County:

Request approval of a 0.6 of an acre for an Owner's Lot for Philip and Jane Hayden, to be combined with the landowners' residential parcel which is adjacent to the MALPF-eased property but not subject to a preservation easement (uneased parcel).

Recommendation:

Staff recommends approval subject to the following conditions:

1. The size of the Owners' Lot is to be ~.6 of an acre, and in no case shall it be larger than 1.0 acre.
2. The owner's lot and the Uneased Parcel are to be combined into one parcel of record in the real property records of St. Mary's County. (Combined Parcel).

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3. MALPF shall be reimbursed for the acreage released for the Owner's Lot at the rate of \$5,061.75 per acre.
4. The existing dwelling currently located on the Uneased Parcel will be located on the Combined Parcel, is for the personal use of the landowners only as their primary residence and cannot be transferred for five years from the date of the recording of the release of the Owners' Lot.
5. The Landowners must execute a declaration of restrictions over the entire Combined Parcel memorializing the landowners' agreement that no further development can occur on the Combined Parcel.
6. The Landowners, at their sole expense, shall be responsible for all costs and fees associated with the release of the owners' Parcel and the creation of the Combined Parcel, including the costs of producing a boundary line survey and metes and bounds descriptions of the Owners' Lot, and of the Combined Parcel that shows the boundaries of the Owners' Lot and the Uneased Parcel as one contiguous Combined Parcel. The survey is to be performed by a professional land surveyor or engineer licensed to do business in the State of Maryland, and prepared in accordance with specific instructions that will be provided by the Foundation.
7. St. Mary's County must provide a copy of the building permit for the dwelling that currently exists on the Combined Parcel, or other documentation acceptable to MALPF that may be required so that MALPF can release the Owners' Lot acreage from the terms of the deed of easement.
8. The Landowners shall sign a letter acknowledging and agreeing to the conditions listed herein.

Ms. Turner introduced the item. Ms. Ledman was available to answer questions from the Board.

Motion #6: To approve a 0.6 of an acre for an Owner's Lot for Philip and Jane Hayden, as presented by MALPF.

Motion: Wood                      Second: Calkins  
Status: Approved

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

N/A

**VI. PROGRAM POLICY**

N/A

**VII. INFORMATION AND DISCUSSION**

N/A

**VIII. CLOSED SESSION**

Ms. Goodall 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 #7: To adjourn the regular session at 9:42 am to move into a closed session to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; 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: Herr-Cornwell

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Status:           Approved

The Closed Meeting of the Board was held from 9:50 a.m. to 10:26 a.m. on May 28, 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: Cricket Goodall, Vice Chair, Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland Department of Planning, Michael Calkins, representing Secretary Kevin Atticks, Elizabeth Hill, Joe Wood, Gary Dell, and J. Bruce Yerkes.

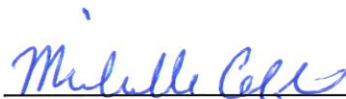
The following Board members were absent: William Allen, Chair, , Cathy Cosgrove, Laura Gutierrez, representing Comptroller Brooke E. Lierman, and Gilbert "Buddy" Bowling

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Elizabeth de Mozenette, Chana Turner, Kim Hoxter, Amanda Massoni, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services, Renee Dyson Assistant Attorney General, Maryland Department of General Services and Cara Frye, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of April 23, 2024 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Amendment to Option Contract
- D. Country music festival proposal- consult
- E. FY24 Offers

Respectfully Submitted:



Michelle Cable, Executive Director