

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
August 27, 2024**

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair
Cricket Goodall, Vice Chair
Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland
Department of Planning
Alex Butler, representing Comptroller Brooke E. Lierman
J. Bruce Yerkes
Steve Connelly, representing Secretary Kevin Atticks, Maryland Department of Agriculture
Elizabeth Hill
Gilbert "Buddy" Bowling
Gary Dell
Joseph Wood

Trustees Absent:

Catherine Cosgrove

Others Participating:

Michelle Cable, Executive Director
Chana Turner, MALPF Administrator
Rama Dilip, MALPF Administrator
Amanda Massoni, MALPF Fiscal Specialist
Mike Steadman, Jr., Assistant Attorney General, Department of Agriculture
Patrick Martyn, Assistant Attorney General, Department of General Services
Cara Frye, Assistant Attorney General, Department of General Services
Renee Dyson, Assistant Attorney General, Department of General Services
Elisa Deflaux, Talbot County Program Administrator
Beth Beales, Caroline County Program Administrator
Mike Weyand, Montgomery County Program Administrator
Billy Gorski, Anne Arundel County Staff
Lauren Longo, Howard County Staff
J.P. Smith, Jr., Carroll County Program Administrator
Eddie Franceschi, Anne Arundel County Program Administrator
Joe Pippin, Queen Anne's County Staff
Cal Carpenter, Charles County Staff
Beth Ahalt, Frederick County Staff
Donna Landis-Smith, Queen Anne's County Program Administrator
Rob Tracey, Kent County Program Administrator
Lisa Ledman, St. Mary's County staff
Megan Benjamin, Baltimore County Program Administrator
Will Lefort, Department of General Services Appraiser
Sean Hough, Howard County resident
Jen Wilson, Harford County Program Administrator
Doug Sommers, SHA
Valerie Morton, SHA
Gary Pusey, Wicomico County Staff
Jenell Eck McHenry, Queen Anne's County resident
Priscilla Leitch, St. Mary's County Program Administrator
Bill Buckel, Garret County resident, surveyor
Kaitlin Lee, Harford County Planner

Bill 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.

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I. APPROVAL OF MINUTES

A. Approval of Minutes of July 23, 2024

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

Motion:	Hill	Second:	Herr-Cornwell
Status:	Approved		

II. ADDITION / DELETION OF AGENDA ITEMS

III. ANNOUNCEMENTS

Ms. Cable informed the Board that Elizabeth de Mozenette was retiring from State government and that MALPF will work to fill her position. Ms. Cable also reminded the Board and county staff that the MD Department of Planning has posted to fill Dan Rosen's previous position.

Ms. Cable thanked the counties that already included, or have scheduled, the county forestry boards in an agricultural advisory board meeting. Some county administrators asked for guidance or suggestions on what topics should be discussed when the forestry boards attend the meetings. Ms. Cable opened it up to the county staff to share. Ms. Landis Smith provided examples of what was discussed during Queen Anne's County meeting.

Ms. Cable informed everyone that the MD State Fair was underway and encouraged everyone to attend the Fair. While there, they could stop in and say hi to MDA staff in the Cow Palace.

Ms. Cable shared some exciting news, that the MALPF program was getting very close to passing the Billion Dollar mark for purchasing easements and protecting farmland. Please mark your calendars for a luncheon party to celebrate this milestone on January 14th.

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. CAROLINE COUNTY

- | | | | |
|----|------------|-------------------------------|---------------|
| 1. | 05-91-20 | Neal, Dallas Wheatley & Carol | ~203.36 acres |
| | 05-91-19Ae | Neal, Dallas Wheatley & Carol | ~92.65 acres |

Request – Caroline County:

Request approval for two lot line adjustments, pursuant to which: 1) ~8.4 acres to be transferred from Easement No. 05-91-19A and added to Easement No. 05-91-20 (the "BLA Between Easements"); and 2) ~10 acres of uneased property (donated acreage) to be donated by landowners and added to Easement No. 05-91-20 (the "Easement Donation").

Recommendation:

Staff recommends approval subject to the following conditions:

1. With respect to the BLA Between Easements, compliance with COMAR 15.15.11.03; and
2. With respect to the BLA Between Easements, both Easements to be modified to waive right to request termination after 25 years of establishment of the easement; and
3. Within 30 days of the date of an approval letter, Landowners signing and

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returning a copy of the approval letter acknowledging and agreeing to the terms and conditions stated herein.

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

Motion #2: To approve the request for two lot line adjustments, incorporating staff recommendations, as presented:

Motion: Dell Second: Herr-Cornwell
Status: Approved

B. WICOMICO COUNTY

1. 22-20-02 Holloway, Robert and Virginia ~160 acres

Request – Wicomico County:

Request approval for a partial release in lieu of condemnation of ~0.685 acres of MALPF-eased property for purposes of a road improvement project by the Maryland Department of Transportation State Highway Administration (MDOT SHA).

Recommendation:

Staff recommends approval in accordance with Agriculture Article Section 2-515. Md Annotated Statutes (Section 2-515) and subject to the following conditions:

1. Receipt of a copy of the signed contract between MDOT SHA and the landowner for the taking, in a form acceptable to MALPF staff and the Office of the Attorney General;
2. Approval of the partial release by the Board of Public Works;
3. Receipt of a metes and bounds description of the land to be released that is dated, signed, and sealed by a land surveyor or engineer licensed to do business in the State of Maryland; and
4. Receipt of reimbursement to MALPF to be calculated pursuant to Section 215 as provided below.

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

Motion #3: To approve the partial release in lieu of condemnation, incorporating staff recommendations, as presented.

Motion: Dell Second: Connelly
Status: Approved

C. ST. MARY'S COUNTY

1. 18-00-21A F. Elliott Burch, Jr. Revocable Trust ~94 acres

Request – St. Mary's County:

Request approval for up to 2.0 acres for a child's lot for F. Elliott Burch, III.

Recommendation:

Staff recommends approval, subject to the following:

1. The preliminary and final releases for the child lot shall be signed by the Trustees of the Trust or the owner of the eased property at the time the release/s are prepared, and all six descendants of F. Elliott Burch, Jr., or their successors and/or assigns, as listed in the trust as: Sheryl B. Norris, Elizabeth B. Baltheme, Deborah

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- c. The corrective easement for Parcel 2 shall contain covenants which shall provide that the Amish Schoolhouse shall never be converted to any other non-agricultural commercial use or for use as a dwelling structure.

Items b. and c. above will be documented in the corrective easement for Parcel 2 that will be entered into as part of the agricultural subdivision.

- 3. **Building Envelope and Right-of-way Request:** The unrestricted lot in the form of a non-subdividable building envelope on Parcel 1 shall be created and documented as part of the agricultural subdivision as follows:
 - a. Landowner shall work with the County to create a lot of up to 2-acres through the County's regulations for off conveyance, as shown on attached draft preliminary plan (showing the lot to be 1.98 acres). An "off-conveyance" is a buildable lot created by the County without a recorded subdivision plat.
 - b. All requirements of releasing an unrestricted lot must be satisfied (letter from health department/county documenting size need, providing legal description, and reimbursement at the rate of \$6,000/acre). MALPF Staff, the AAG and the County will determine if a MALPF lot release will need to be recorded or if said release can be waived since the lot will be merged back into the farm per item (d) below. If a MALPF lot release will be required, landowners will provide a written metes and bounds description of the lot that is prepared, dated, signed and sealed by a registered land surveyor.
 - c. Kings will reimburse MALPF in the amount of \$6,000/acre, payable to the Maryland Department of Agriculture, as a payback for the unrestricted lot in the form of the non-subdividable building envelope.
 - d. Once the unrestricted lot has been subdivided as an off conveyance and issued a separate tax account/parcel at the County level, the Kings will record an add on deed to add the remainder of the ~50 acre Parcel 1 to the newly created tax parcel of the unrestricted lot, thereby resulting in Parcel 1 consisting of ~50 acres with the tax parcel designation of the 1.98 acre off conveyance .
 - e. The corrective easements for the agricultural subdivision will then be completed and the lot will be designated as a non-subdividable building envelope from the farm. If, per item b above, a release of the unrestricted lot from the MALPF will have to first be recorded, then the corrective easement for Parcel 1 shall also serve to add the unrestricted lot back into the MALPF Easement.
 - f. The survey to document the agricultural subdivision must delineate the 50-foot-wide right-of-way which was approved on March 22, 2022, to ensure that Parcel 2 will have a means of access to a public right of way and shall be reviewed by the Assistant Attorney General with the Maryland Department of General Services.
 - g. Carroll County Program Administrator has agreed not to approve any building permit request for the unrestricted lot envelope until after the completion of the agricultural subdivision transaction outlined in items 1, 2 and 3 above.

Ms. Cable introduced the item. Mr. Smith was available to answer questions from the Board. Ms. Cable explained the history of the requests and the differences between the Board's original approval and the current request. A Board member mentioned the concern of subdividing farms into smaller parcels, as they are harder to productively and efficiently farm them.

Motion #5: To approve expired requests with modifications, incorporating staff recommendations, as presented.

Motion: Herr-Cornwell Second: Connelly
Status: Approved

2. 06-00-03e Wilhide, Glenn and Joan ~116.8995 acres

Request – Carroll County:

Request approval of a Forest Conservation Easement (FCE) over ±.37 acres, as a requirement of the completion of the owner's lot.

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Recommendation:

Per the terms of COMAR 15.15.13.03.E, Staff recommends approval of the request, with the following conditions:

1. All regulatory requirements have been met.
2. The final survey delineating location must be submitted for review and approval of MALPF staff and OAG prior to recording of the FCE.
3. The FCE must be provided for review and approval of MALPF staff and OAG prior to recording.

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

Motion #6: To approve a Forest Conservation Easement, incorporating staff recommendations, as presented.

Motion: Herr-Cornwell Second: Connelly
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

N/A

VII. INFORMATION AND DISCUSSION

N/A

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 to the acquisition; and (7) to consult with counsel to obtain legal advice.

Motion #7: To adjourn the regular session at 9:58 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.

Motion: Herr-Cornwell Second: Dell
Status: Approved

The Closed Meeting of the Board was held from 10:07 a.m. to 11:10 a.m. on August 27, 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; and

(7) to consult with counsel to obtain legal advice.

During the Closed Meeting, the following Board members were present: William Allen, Chair, Cricket Goodall, Vice Chair, Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland Department of Planning, Alex Butler, representing Comptroller Brooke E. Lierman, Steve Connelly, representing Secretary Kevin Atticks, Gary Dell, Joe Wood, Bruce Yerkes and Elizabeth Hill.

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The following Board members were absent: Cathy Cosgrove, Gilbert "Buddy" Bowling

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Rama Dilip, Chana Turner, 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 July 23, 2024, Closed Session Minutes
- B. Request amendments to two FY24 Queen Anne's County offers.
- C. Request amendment to a FY24 Talbot County offer.
- D. Power Plant Research Program (PPRP) submission and agency review process

Respectfully Submitted:



Michelle Cable, Executive Director

