

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

**February 25, 2025**

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

**Trustees Participating:**

Cricket Goodall, Vice Chair  
Michael Calkins, representing Secretary Kevin Atticks, Maryland Department  
of Agriculture  
Ben Seigel, representing Comptroller Brooke E. Lierman  
Deborah Herr-Cornwell, representing Secretary Rebecca Flora, Maryland  
Department of Planning  
William Buckel  
Gary Dell  
Joseph Wood  
J. Bruce Yerkes  
Sean Hough  
Jenell McHenry

**Trustees Absent:**

Gilbert "Buddy" Bowling  
Tanya Spandhla

**Others Participating:**

Michelle Cable, Executive Director  
Chana Turner, MALPF Administrator  
Rama Dilip, MALPF Administrator  
Erin Lueders, MALPF Administrator  
Beth Beales, MALPF Administrator  
Amanda Massoni, MALPF Fiscal Specialist  
Kim Hoxter, MALPF Monitoring and Stewardship  
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  
Billy Gorski, Anne Arundel County Staff  
William Goldman, Cecil County Program Administrator  
JP Smith, Carroll County Program Administrator  
Megan Benjamin, Baltimore County Program Administrator  
Will Lefort, Department of General Services Appraiser  
Jen Wilson, Harford County Program Administrator  
Cal Carpenter, Charles County Staff  
Jeffrey Fretwell, MDA Director of Budget and Capital Grants  
Kaitlin Lee, Harford County Staff  
Donna Landis-Smith, Queen Anne's County Program Administrator  
Joe Pippin, Queen Anne's County Staff  
Roy Cool, Allegany County Program Administrator  
Lily Wagner, Worcester County Staff  
Elisa Deflaux, Talbot County Program Administrator  
Shannon O'Neil Frederick County Program Administrator  
Beth Ahalt, Frederick County Staff  
Jennifer David, Calvert County Program Administrator  
Summer Roen, Calvert County Staff  
Lauren Longo, Howard County Staff  
Mike Weyand, Montgomery County Program Administrator  
Ann Jones, Partners for Open Space  
Jenna Zimmerman, Frederick County Staff  
Katie Stevens, Director, Office of Agriculture, Frederick County  
Kellie Hinkle, Deputy Director, St. Mary's County Department of Economic Development  
Heather Barthel, MDA Assistant Secretary of Administration

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Clark Manlove, Cecil County Landowner  
Phil Hoon, Attorney representing Mr. Manlove  
Cal Novelli, Ecotone (Charles County request)  
Mark Phillips, Vanguard Renewables  
Steve Megnia, Vanguard Renewables  
Noel Manalo, Attorney representing Carrol County landowner / Vanguard Renewables  
Ben Cooper, Vanguard Renewables

Cricket Goodall, Vice Chair, called the meeting to order at 9:04 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. WITHDRAWN**

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

N/A

**III. ANNOUNCEMENTS**

Ms. Cable introduced and welcomed the two new Board members that were not able to attend the January meeting, Bill Buckel and Jenell McHenry.

Ms. Cable reminded the Board members that the Maryland legislature is still in session for the next two months and that any interaction done with legislators must be in their personal capacities as Maryland citizens, not as official MALPF Board of Trustees representative, unless otherwise notified.

Ms. Cable reminded the Board that their ethics and financial disclosure period is open and must be completed online by April.

Ms. Cable asked the county staff/representatives in attendance whether any counties had established protocols or limitations on farm inspections due to HPAI (bird flu). Washington County staff advised that the county had put a halt on farm inspections due to HPAI, even though there are no poultry operations in Washington County. No other counties indicated that there were any new HPAI limitations at this time.

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.

**FY 2026 Budget Update and Discussion:**

Ms. Cable informed the Board that the previous day, Feb. 24<sup>th</sup>, Department of Legislative Services (DLS) included a recommendation to cut the funding for all the State land conservation programs for the next four years (FY26 through FY29), which includes MALPF. All of the special funds for these programs would go to fill the General Fund deficit.

The DLS recommendation was included as part of their analysis of the Dept. of Natural Resources' Operating Budget, which has hearings scheduled for Feb. 26<sup>th</sup> and March 3<sup>rd</sup>. The DLS recommendations are part of a multitude of possible options provided to the Legislature to address the dire State deficit of \$3 billion, which will ultimately be addressed through the Budget and Reconciliation Finance Act (BRFA).

This DLS recommendation came as a surprise to MDA and MALPF, as MDA had already completed both the capital and operating budget hearings and were not notified of the possibility

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of the MALPF funds being eliminated for the next four years.

Ann Jones with Partners for Open Space shared additional information about what the Partners group is and how they were established and historically have worked to support funding for all of Maryland's land conservation programs that are funded through the transfer tax and distributed through the Program Open Space Fund formula (of which MALPF received 17.05%). Throughout the years the legislature has reappropriated POS funds to help balance the budget, but the funds were often "paid back" using bonds, or with a plan to payback the "borrowed" funds in the next 3 fiscal years. The striking difference of the current DLS recommendation is there is no plan to make the programs whole, or even partial reimbursement, in future years.

Ms. Cable informed the Board that MDA will provide written testimony for both the upcoming DNR operating budget meetings. MALPF will also provide a separate written testimony for both hearings, with a request to the Board for in person testimony on the March 3<sup>rd</sup> hearing. Ms. Cable informed the Board and county staff to reach out to legislators, provide written or in person testimony, the counties to let their ag boards know as well as their leadership in the county governments.

**IV. EASEMENT AMENDMENTS**

**A. CECIL COUNTY**

1. 07-91-14e Swan Harbor, LLC ~518 acres

Request – Cecil County:

Request approval of agricultural subdivision to divide the property into a ~374-acre parcel and a ~144-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 Swan Harbor LLC including, without limitation, title, survey, and settlement expenses.
3. Owners shall submit to the Foundation a survey plat depicting the resulting newly divided ~144 acre and ~374-acre parcels 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.
4. All three pre-existing dwellings on the overall farm shall be non-subdividable. Two (2) of the pre-existing dwellings are located on the ~374-acre parcel and the remaining dwelling is located on the ~144-acre parcel.
5. Swan Harbor LLC shall sign the Board approval letter to document its consent to the conditions of the agricultural subdivision approval.

Ms. Lueders introduced the item. Mr. Goldman, Mr. Manlove, and Mr. Hoon were available to answer questions from the Board.

Motion #1: Approval of agricultural subdivision to divide the property into a ~374-acre parcel and a ~144-acre parcel, incorporating staff recommendations, as presented.

Motion: Yerkes Second: Dell  
Status: Approved

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B. CHARLES COUNTY

1. 08-17-09 Harold Brent Garner, Jr. ~205.8 acres

Request – Charles County:

Request to approve a Shoreline Restoration Overlay Easement ("Overlay") along the Potomac River totaling ~2.7 acres.

Recommendation:

Staff recommends approval with the following conditions:

- A. pursuant and subject to compliance with MALPF's Water Resource Easement Overlays Policy as approved April 28, 2020;
- B. subject to review and approval of the Overlay easement document by MALPF Staff and the Office of the Attorney General;
- C. subject to approval of a survey by MALPF Staff and the Office of the Attorney General;
- D. if approved, subject to the landowners signing and returning a copy of the approval letter within 30 days of the date of the approval letter, acknowledging and agreeing to the terms and conditions stated therein.

Ms. Lueders introduced the item. Mr. Carpenter and Mr. Novelli were available to answer questions from the Board.

Motion #2: To approve a Shoreline Restoration Overlay Easement along the Potomac River totaling ~2.7 acres, incorporating staff recommendations, as presented.

Motion: Dell Second: Seigel  
Status: Approved

C. CARROLL COUNTY

1. 06-82-13CRe John & Nancy Fisher ~135.0199 acres

Request –Carroll County:

Request approval for the use of an Amish schoolhouse and any associated parking and toilet facilities within one acre footprint surrounding a pre-existing dwelling.

Recommendation:

Based on previous MALPF Board decisions approving similar requests, Staff is recommending approval even though the Carroll County Agricultural Advisory Board voted to deny the request. If the Foundation Board approves it, Staff recommends such approval be made subject to the following conditions:

1. Receipt of approval from the County Health Department, the County Board of Zoning Appeals, and any other County approvals and/or permits, including Planning and Zoning, which may be required for operation of the Amish schoolhouse, and landowners' agreement to comply with all applicable County requirements, if any;
2. Creation of a non-subdividable building envelope around the existing dwelling to be memorialized through a Corrective easement to be entered into after satisfaction of condition 1 above;

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3. The schoolhouse, privies and any parking associated therewith must be located within the building envelope and may never be converted to any other non-agricultural commercial or industrial use or for use as a dwelling structure; and
4. The landowners signing a letter acknowledging conditions of approval as provided herein, and of any other conditions of approval as determined by the Foundation's Board.

Ms. Dilip and Ms. Cable introduced the item. Mr. Smith was available to answer questions from the Board. A Board member asked if there was any sort of plan of the Amish community for the number and location of schools that will be needed, similar to a county's school districts. Both Mr. Smith and MALPF staff said that the next time a schoolhouse requests is made, that question will be asked to the leadership in the Amish community.

Motion #3: To approve the use of an Amish schoolhouse and any associated parking and toilet facilities within one acre footprint surrounding a pre-existing dwelling, incorporating staff recommendations, as presented.

Motion: Herr-Cornwell                      Second: Yerkes  
Status: Approved

2.      06-82-24                      Watt, Jerry & Barbara                      ~213 acres

Request – Carroll County:

Request discussion regarding a conceptual proposal for the establishment of an anaerobic digestion facility on MALPF-eased property, for the production of natural gas, which would be sold and transported off-site for the production of energy to be sold to the "grid" (none of the power would be used on-site at the farm). While the generator would also create fertilizer and "dry animal bedding" as a byproduct, the creation and sale of the natural gas is a purely commercial activity that is not currently allowed under MALPF's governing statute, regulations, or policies.

Recommendation:

Foundation staff is bringing this item for discussion only – no formal request or motion is being requested today. Staff asks for input and guidance from the Board regarding the proposal.

Ms. Cable introduced the item. Mr. Manalo, Esquire, Mr. Megnia, Mr. Phillips, and Mr. Cooper with Vanguard Renewables provided details about the anaerobic digester facility and operation. The Board asked a number of questions regarding average size of impacted area for the operation, how are the byproducts stored during winter months, staffing at facilities, revenue sources for the farmer willing to allow facilities on the property, the process of sorting and separating food waste and packaging coming into the digester, the percentage of the animal manure/farm products versus food waste products, amount of trucks bringing waste onto farm and natural gas off site, impact of trucking on farming community, spreading the digestate by-product, among others.

Ultimately, the Board directed staff to learn more about the process, asking the existing committee looking into produce auctions to also look into anaerobic digestors. MALPF staff let Vanguard know that it will be after the legislative session before further action to devise a plan to learn more about the proposal and what would be required in terms of changes to the statute, regulations, and policies at MALPF to allow an avenue for this use to occur on a MALPF easement property.

D.      FREDERICK COUNTY

1.      10-20-01                      Cap Stine, LLC                      ~114 acres

Request – Frederick County:

To approve a plant restriction plat and sight distance overlay easement required in connection with the creation and subdivision of an approved Unrestricted Lot.



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VIII. CLOSED SESSION

Ms. Goodall asked for a motion to adjourn 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 11:15 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: Dell Second: Herr-Cornwell  
Status: Approved

The Closed Meeting of the Board was held from 11:23 a.m. to 11:38 a.m. on February 25, 2025, 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, Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland Department of Planning, Michael Calkins, representing Secretary Kevin Atticks, Maryland Department of Agriculture, William Buckel, Gary Dell, Sean Hough, Jenell McHenry, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: Ben Seigel, representing Comptroller Brooke E. Lierman, Gilbert "Buddy" Bowling, and Tanya Spandhla.

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Chana Turner, Rama Dilip, Beth Beales, Erin Lueders, Kim Hoxter, Amanda Massoni, 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. WITHDRAWN
- B. Status Report of Pending Legal Issues
- C. FY 2024 Option Contract amendment

Respectfully Submitted:



Michelle Cable, Executive Director

