

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
October 22, 2024**

This meeting was held via internet and telephone conference call.

Trustees Participating:

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
Alex Butler, representing Comptroller Brooke E. Lierman
Gary Dell
Elizabeth Hill
Joseph Wood

Trustees Absent:

Catherine Cosgrove
J. Bruce Yerkes
Gilbert "Buddy" Bowling

Others Participating:

Michelle Cable, Executive Director
Chana Turner, MALPF Administrator
Rama Dilip, MALPF Administrator
Amanda Massoni, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring and Stewardship Coordinator
Mike Steadman, Jr., Assistant Attorney General, Department of Agriculture
Patrick Martyn, Assistant Attorney General, Department of General Services
Renee Dyson, Assistant Attorney General, Department of General Services
Jennifer David, Calvert County Program Administrator
Beth Beales, Caroline 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
Roy Cool, Allegany County Program Administrator
Cal Carpenter, Charles County Staff
Julie Enger, Department of General Services Appraiser
Will Lefort, Department of General Services Appraiser
Jen Wilson, Harford County Program Administrator
Kaitlin Lee, Harford County Planner
Donna Landis-Smith, Queen Anne's County Program Administrator
John Groves, Garrett County Staff
Robert Tracey, Kent County Program Administrator
Jane Cox, Anne Arundel County Staff
Priscilla Leitch, St. Mary's County Program Administrator
Mike Weyand, Montgomery County Program Administrator
Jeanine Nutter, Prince George's County Program Administrator
Chad Fike, Garrett County Staff
Jenell McHenry, Queen Anne's County landowner
Tobin McNatt, Caroline County Landowner
William McNatt, Caroline County Landowner
Mr. and Ms. Myers, Kent County Landowners
Mr. and Ms. Wallace, Kent County Landowners
Dave Demane, SHA Team
Dipa Patel, SHA Team
David Robison, SHA Team
Rob Hudson, Wallace Montgomery & Associates (SHA Consultant)

MALPF Board Open Meeting Minutes October 22, 2024

Sarah Falcone, SHA Environmental Programs Division
Jake Ossie, SHA TEAM
Michael Schening, SHA Environmental Programs
Jamie Tarnai, SHA Office of Environmental Design
Justin Spangler, LandStudies (SHA Consultant)
Kevin Stough, LandStudies (SHA Consultant)

Cricket Goodall, Vice 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 Open Minutes from August 27, 2024 and September 24, 2024

A. Approval of Minutes of August 27, 2024

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

Motion:	Hill	Second:	Dell
Status:	Approved		

B. Approval of Minutes of September 24, 2024

Motion #2: To approve minutes from September 24, 2024.

Motion:	Hill	Second:	Dell
Status:	Approved		

II. ADDITION / DELETION OF AGENDA ITEMS

III. ANNOUNCEMENTS

Ms. Cable informed the Board that the Produce Auction Committee visited the Loveville produce auction in St. Mary's County, and had learned a lot. The committee plans to visit one of the larger PA auctions in the spring to give a perspective of the scope, as Loveville is on the small end of auctions.

Ms. Cable asked the county staff that were on the call whether anyone had any announcements to make. Ms. Landis-Smith brought up the fact that there have been numerous inquiries about solar panel installations on farms. Ms. Cable let everyone know that all power/utility projects (great than community solar size) must go through the Public Service Commission review/ approval process. MDA is one of the agencies included in reviewing any request submission.

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.	05-85-10e	McNatt, Tobin	~322 acres
		Forge Branch Farm, LLC	

Request – Caroline County:

- 1) Request approval for a land exchange of 05-85-10eSUB#2 (SUB#2) that will add 9 acres to the easement property in exchange for the release of ~3 acres from the terms of the easement;
and

MALPF Board Open Meeting Minutes October 22, 2024

- 2) Request approval for an agricultural subdivision of 05-85-10eSUB#1 (SUB#1) that will result in an ~50-acre parcel (poultry parcel) and the transfer of the remaining ~30-acre parcel (remainder parcel) to SUB#2.

Recommendation:

- 1) Staff recommend approval of the land exchange of SUB#2, subject to:
A. Compliance with COMAR 15.15.11.03, including an analysis from the Department of General Services that the value of the easement will not be diminished by the land exchange; and
B. Approval by the Board of Public Works of the land exchange.
- 2) Staff recommend approval of the agricultural subdivision subject to compliance with COMAR 15.15.12.04 and 15.15.11.03.

Each of the above recommendations is further subject to:

- 3) Landowner entering into corrective easements to memorialize a) the land exchange; and b) the agricultural subdivision.
- 4) Receipt of entity documents.
- 5) Landowner to sign and return a copy of an approval letter acknowledging and agreeing to the terms herein.
- 6) Landowner shall pay all expenses associated with the land exchange and agricultural subdivision including, without limitation, all expenses associated with title search, title insurance premiums, settlement fees and survey costs.

Ms. Turner introduced the item. Ms. Beales and Messrs. McNatt were available to answer questions from the Board.

Motion #3: To approve the request for a land exchange, incorporating staff recommendations, as presented.

Motion: Herr-Cornwell Second: Dell
Status: Approved

Motion #4: To approve the request for a subdivision, incorporating staff recommendations, as presented.

Motion: Herr-Cornwell Second: Hill
Status: Approved

B. GARRETT COUNTY

1. 11-03-06 Edgell, Phoebe and McLean, Laura ~103 acres

Request – Garrett County:

Request approval for

1. the partial release in lieu of condemnation of ~1.357 acres;
and
2. an overlay easement over a portion of the MALPF easement of ~2.951 acres.

Both requests are for a road improvement project by the Maryland Department of Transportation State Highway Authority (MDOT SHA).

Both requests are for a road improvement project by the Maryland Department of Transportation State Highway Authority (MDOT SHA).

MALPF Board Open Meeting Minutes October 22, 2024

Recommendation:

Staff recommends approval of:

1. a partial release in lieu of condemnation of 1.357 acres, in accordance with Article Agriculture, Section 2-515, Maryland Annotated Statutes (Section 2-515), and
2. a perpetual overlay easement over ~2.951 acres, and a temporary overlay easement over ~0.553 acres, in accordance with COMAR 15.15.16.02(B)(8).

Staff recommend approval conditioned upon the following:

1. Receipt of a copy of the signed contract/s between MDOT SHA and the landowner for the 1.357-acre partial release and for the 2.951-acre and 0.553 acre overlay easements, in a form or forms acceptable to the Office of the Attorney General and MALPF Staff;
2. Approval of the partial release by the Board of Public Works;
3. Receipt of separate metes and bounds descriptions of:
 - a. the land to be released, and
 - b. the land to be encumbered by the overlay easements, both signed and sealed by a land surveyor or engineer licensed to do business in the State of Maryland;
4. Receipt of reimbursement for the partial release of 1.357 acres to MALPF in the amount of \$2,946.20.

Ms. Turner introduced the item. Mr. Fike, Mr. Grove, and numerous individuals from the SHA Team were available to answer questions from the Board.

Motion #5: To approve the request for a partial release, incorporating staff recommendations, as presented.

Motion: Dell Second: Herr-Cornwell
Status: Approved

Motion #6: To approve the request for an overlay easement, incorporating staff recommendations, as presented.

Motion: Herr-Cornwell Second: Hill
Status: Approved

C. KENT COUNTY

1. 14-87-03ESX1 Sub#2 Milton, R. Myers, Sr. ~174 acres

Request – Kent County:

Request approval for a land exchange that will add ~2.28 acres to the easement property in exchange for a release of ~2.16 acres of land from the easement property.

Recommendation:

Staff recommends approval, subject to:

1. satisfaction of all applicable requirements/conditions set forth in COMAR 15.15.11.03.A and COMAR 15.15.11.03.C, which require, among other things, a determination that the value of the easement will not be diminished as a result of the land exchange.
2. the landowner signing a letter acknowledging the conditions of approval as provided herein, and of any other conditions of approval as determined by the Foundation's Board;
3. approval by the Board of Public Works; and

MALPF Board Open Meeting Minutes October 22, 2024

4. the landowner entering into a corrective easement and a partial release to memorialize the land exchange and waiving the termination clause by recording the same in the Kent County land records.

Ms. Dilip introduced the item. Mr. Tracey, Mr. and Ms. Myers, and Mr. and Ms. Wallace were available to answer questions from the Board.

Motion #7: To approve a land exchange, incorporating staff recommendations, as presented.

Motion: Dell Second: Wood
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

N/A

VII. INFORMATION AND DISCUSSION

A. End of Fiscal Year 2024 Inspection Report- UPDATE

Ms. Hoxter provided the Board an update on the status of the FY 2024 inspection report.

B. Fiscal Year 2025 Quarterly Inspection Report

Ms. Hoxter provided the Board with the quarterly inspection report.

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 to the acquisition.

Motion #8: To adjourn the regular session at 9.54 am to move into a closed session to consider the acquisition of real property for a public purpose.

Motion: Herr-Cornwell Second: Hill
Status: Approved

The Closed Meeting of the Board was held from 10:01 a.m. to 10:11 a.m. on October 22, 2024, via internet and telephone conference call, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland: (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

During the Closed Meeting, the following Board members were present: Cricket Goodall, Vice Chair, Deborah Herr Cornwell, representing Secretary Rebecca Flora, Michael Calkins, representing Secretary Kevin Atticks, Alex Butler, representing Comptroller Brooke E. Lierman, Gary Dell, Joe Wood, and Elizabeth Hill.

The following Board members were absent: Cathy Cosgrove, Gilbert "Buddy" Bowling, and Bruce Yerkes.

MALPF Board Open Meeting Minutes October 22, 2024

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

TOPICS DISCUSSED:

- A. Approval of minutes- 08/27/2024 and 09/24/2024
- B. FY24 Easement Option Contract review
- C. FY24 Easement Option Contract assignment to new owner
- D. Transactional Expenses request

Respectfully Submitted:



Michelle Cable, Executive Director