

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

January 23, 2024

This meeting was held via internet and telephone conference call.

Trustees Participating:

Cricket Goodall, Vice Chair
Steve Connelly, representing Secretary Kevin Atticks, Maryland Dept. of Agriculture
Joanna Kille, representing Treasurer Dereck E. Davis
Ben Seigel and Kim Pezza, representing Comptroller Brooke E. Lierman
Jason Dubow, representing Secretary Rebecca Flora, Maryland Department of Planning
Gary Dell
Joseph Wood
Elizabeth Hill
Catherine Cosgrove
Gilbert "Buddy" Bowling

Trustees Absent:

William Allen, Chair
J. Bruce Yerkes

Others Participating:

Michelle Cable, Executive Director
Chana Turner, MALPF Lead Administrator
Elizabeth de Mozenette, MALPF Administrator
Rama Dilip, MALPF Administrator
Kim Hoxter, MALPF Monitoring and Stewardship Coordinator
Patrick Martyn, Assistant Attorney General, Department of General Services
Mike Steadman, Jr., Assistant Attorney General, Department of Agriculture
Renee Dyson, Assistant Attorney General, Department of General Services
Cara Frye, Assistant Attorney General, Department of General Services
Megan Benjamin, Baltimore County Program Administrator
Donna Landis-Smith, Queen Anne's County Program Administrator
Joe Pippin, Queen Anne's County Staff
Summer Roen, Calvert County Staff
Jennifer David, Calvert County Program Administrator
Jane Cox, Anne Arundel County Program Administrator
Billy Gorski, Anne Arundel County Staff
Elisa Deflaux, Talbot County Program Administrator
Beth Beales, Caroline County Program Administrator
Roy Cool, Allegany County Program Administrator
Lisa Ledman, St. Mary's County Staff
Jackie Brathuhn, Carroll County Staff
Julie Enger, Department of General Services, Appraiser
Will Lefort, Department of General Services, Appraiser

Ms. Goodall, Vice Chair, called the meeting to order at 9:03 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 Open Minutes from November 28, 2023.

Motion #1: To approve minutes from November 28, 2023.

Motion: Dell Second: Hill
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

III. ANNOUNCEMENTS

Ms. Cable shared that Sarel Cousins has left MALPF and accepted a position with Resource Conservation within MDA. Ms. Cable announced and introduced Elizabeth de Mozenette as the new MALPF Administrator, filling Sarel's position. Elizabeth was Nancy Russell Forrester's paralegal when Nancy was MALPF's AAG at DGS.

Ms. Cable informed the Board that for the first time in many years, MALPF hosted an all-county, in person roundtable meeting on January 18th. Every county had a representative attend! It was a very productive meeting, and we hope to continue meeting annually with the counties.

Ms. Cable informed the Board that the Legislature is in session, reminding Board members that if they decide to contact any members or provide any testimony, it is as private citizens, and not in their capacities as MALPF Board members. Ms. Cable informed the Board that the FY25 Capital Budget was introduced, and it is significantly less than previous years, at \$36,493,015, which includes \$12 million estimate for county match. Ms. Cable broached the idea of combining FY25 and FY26 into a single easement application cycle. Pros and cons of maintaining a single year cycle versus merging two years into one cycle were discussed. Ms. Cable asked the counties to discuss with their local ag advisory boards and provide MALPF with their opinions and reasons. Regardless of whether this is a single- or double-year cycle, new applications will be due July 1st. The board will decide how to proceed at the April meeting, once the budget has been passed.

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 anyone needs assistance.

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. CHARLES COUNTY

1. 08-81-01c Serenity Farm, Inc. ~222.755 acres

Request – Charles County:

Request for 5-year extensions to the validity of the amended preliminary releases for two previously approved child lots (Franklin and Teresa Robinson).

Recommendation:

Under COMAR 15.15.06.05.B.2, Staff recommends approval for the extensions.

Ms. Cable introduced the item and was available for questions.

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Motion #2: To approve a 5-year extension to the validity of the amended preliminary releases for two previously approved child lots.

Motion: Bowling Second: Kille
Status: Approved

B. ST. MARY'S COUNTY

1. 18-04-03 Lyon, Katherine T. & Appell, Stephen F. ~181.397 acres

Request – St. Mary's County:

Request approval for a corrective easement to create a 1-acre non-subdividable building envelope encompassing both the original pre-existing dwelling and the garage with an apartment.

Recommendation:

Per the terms of COMAR 15.15.11.03, staff recommends approval of the request to resolve an existing violation 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 the non-subdividable building envelope.

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

Motion #3: To approve a request for a corrective easement to create a 1-acre non-subdividable building envelope encompassing the pre-existing dwelling and garage with the apartment, incorporating staff recommendations, as presented.

Motion: Wood Second: Bowling
Status: Approved

C. QUEEN ANNE'S COUNTY

1. 17-24-20 Estate of Dian Dudderar ~106.289 acres
17-24-21 Estate of Dian Dudderar ~131.087 acres

Request – Queen Anne's County:

To accept two donated MALPF easements, each property reserving a non-subdividable unrestricted lot right.

Recommendation:

Per the terms of COMAR 15.15.01.19, Staff recommended approval of the request contingent upon a satisfactory legal review.

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

Motion #4: To accept the two donated MALPF properties, incorporating staff recommendations, as presented.

Motion: Bowling Second: Dell
Status: Approved

D. WITHDRAWN

E. CAROLINE COUNTY

1. 05-20-07 Taylor, Jr., Calvin W. ~147.6 acres
05-22-10 Taylor, Jr., Calvin W. and Debora M. ~58.7 acres

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Request – Caroline County:

Request approval to amend the Deed of Easement for MALPF #05-20-07 to memorialize a change in the acreage and configuration of the easement property to reflect its correct acreage. This will result in an adjustment of acreage and configuration of the pending easement referenced as MALPF #05-22-10.

Recommendation:

Staff recommends approval pursuant to COMAR 15.15.11 et seq. and subject to the Calvin W. Taylor, Jr. signing an amended easement for MALPF #05-20-07 to correct the acreage and metes and bounds description of the easement property, and recording same in the land records of Caroline County.

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

Motion #5: To approve the request to amend the Deed of Easement MALPF #05-20-07 and correct the configuration of MALPF 05-22-10 in the upcoming easement settlement, incorporating staff recommendations, as presented above.

Motion: Dell Second: Bowling
Status: Approved

F. BALTIMORE COUNTY

1. 03-91-25Ae Leung, Lester and Dawn ~71 acres

Request – Baltimore County:

Request approval for a land exchange that will add ~1.0 acre of land to the easement in exchange for release of ~1.0 acre of land from the easement to create an unencumbered lot in the northeast corner of the 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, as further explained;
2. approval by the Board of Public Works;
3. the landowner entering into an amended deed of easement to memorialize the land exchange by recording same in the Baltimore County land records; and
4. the landowner signing a letter acknowledging the conditions of approval as provided herein, and any other conditions of approval as determined by the Foundation's Board.

Ms. Turner introduced the item. Ms. Benjamin was available to answer questions from the Board. The configuration of the two areas proposed to be added to the easement and the 1-acre to be released was discussed, specifically regarding the need to ensure that the exchange was equal in terms of a development right assigned to the unencumbered lot and therefore allowed to be transferred to the new acre to be released. MALPF staff will work with the DGS appraisers to provide whatever documentation needed to complete the valuation analysis.

Motion #6: To approve the land exchange of 1-acre, incorporating staff recommendations, as presented.

Motion: Bowling Second: Dell
Status: Approved

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- 2. 03-21-12 Gracefields, LLC and Westwell, LLC ~115 acres
(Margaret Blakey and Rachel Blakey (aka Rachel Westerlund))

Request – Baltimore County:

Request retroactive approval for tenant house that pre-exists the easement.

Recommendation:

Staff recommends retroactive approval of a tenant house for an equine operation, subject to:

- 1. Compliance with the provisions of COMAR 15.15.03 as provided below
- 2. Statement confirming that Margaret Blakey is the sole member of Gracefields, LLC and that Rachel Blakey is the sole member of Westwell, LLC
- 3. Confirmation from County staff that the Baltimore County Offices of Planning and Permits and Development (Zoning) approve the use and location of the tenant house, including access; and
- 4. Landowner signing and returning a copy of the approval letter that will include a statement acknowledging and agreeing that neither they nor any other landowner or person other than a farm tenant in accordance with COMAR 15.15.03.03.C is permitted to reside in the tenant house.

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

Motion #7: To retroactively approve the tenant house that pre-existed the easement, incorporating staff recommendations, as presented.

Motion: Bowling Second: Kille
Status: Approved

G. WITHDRAWN

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

- 1. FY24 Matching Funds Request to Participate

Staff recommends approval for the following counties to participate in the matching funds program for the 2024 easement cycle:

Baltimore, Caroline, Carroll, Cecil, Charles, Frederick, Garrett, Harford, Kent, Montgomery, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, Worcester.

Motion #8: To approve the presented counties to participate in the matching funds program for the 2024 easement cycle.

Motion: Dell Second: Bowling
Status: Approved

VII. INFORMATION AND DISCUSSION

- 1. FY2024 Quarterly Inspection Report

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

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

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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 10:04 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: Connelly Second: Hill
Status: Approved

The Closed Meeting of the Board was held from 10:13 a.m. to 10:45 a.m. on January 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 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.

During the Closed Meeting, the following Board members were present: Cricket Goodall, Vice Chair, Buddy Bowling, Catherine Cosgrove, Steve Connelly, representing Secretary Kevin Atticks, MD Department of Agriculture, Jason Dubow, representing Secretary Rebecca Flora, Maryland Department of Planning, Joanna Kille, representing Treasurer Dereck E. Davis, Ben Seigel, representing Comptroller Brooke E. Lierman, Gary Dell, Joe Wood, and Elizabeth Hill.

The following Board members were absent: William Allen, Chair and J. Bruce Yerkes

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

TOPICS DISCUSSED:

- A. Approval of November 28, 2023, Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. 17-24-20 & 21 Dudderar donated easement due diligence expenses

Respectfully Submitted:

Michelle Cable, Executive Director