MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES JANUARY 24, 2023

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair

Cricket Goodall, Vice Chair

Steve Connelly, representing Acting Secretary Kevin Atticks, Maryland Department of Agriculture

Alex Butler, representing Comptroller Brooke Lierman

Joanna Kille, representing Treasurer Dereck E. Davis

Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland

Department of Planning

Gilbert "Buddy" Bowling

Elizabeth Hill

Joseph Wood

Trustees Absent:

Catherine Cosgrove

Gary Dell

J. Bruce Yerkes

Others Participating:

Michelle Cable, MALPF Executive Director

Chana Turner, MALPF Administrator

Sarel Cousins, MALPF Administrator

Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator

Patrick Martyn, Assistant Attorney General, Department of General Services

Renee Dyson, Assistant Attorney General, Department of General Services

Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture

Cherelle Miles, MALPF fiscal temp

Megan Benjamin, Baltimore County Program Administrator

Will Goldman, Cecil County Program Administrator

Kathleen Seay, Charles County staff

Bill Gorski. Anne Arundel County staff

Donna Landis-Smith, Queen Anne's County Program Administrator

Jennifer David, Calvert County Program Administrator

Summer Roen, Calvert County staff

Mike Scheffel, Montgomery County Program Administrator

Fatimah Hasan, Prince George's County Soil Conservation District staff

Ben Zito, Wicomico County Program Administrator

Jennifer Wilson, Harford County staff

Shannon O'Neil, Frederick County staff

Beth Ahalt, Frederick County staff

Lee Vosters, Cecil County landowner

Thomas Foley, Cecil County landowner

Will Lefort, Department of General Services Appraiser

Julie Enger, Department of General Services Appraiser

Joe Caterino, RES

Mr. 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.

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from November 22, 2022.

Motion #1:

To approve minutes from November 22, 2022.

Motion:

Bowling

Second:

Kille

Status:

Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

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 a private citizen and not an official position as a MALPF Board member. Ms. Cable informed the Board that Governor Moore included almost \$95 million for MALPF in the FY23 Capital Budget. Ms. Cable also informed the Board that Kevin Atticks, the newly appointed Secretary of Agriculture, planned to join the meeting at some point to introduce himself and say a few words.

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

Ms. Cable shared that Chana Turner has been promoted to the Lead Administrator position, which had been vacant since Diane Chasse's departure from MALPF.

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 any assistance is needed.

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. ST. MARY'S COUNTY

18-94-02Ae SUB#2 Philip H. Dorsey III Revocable Trust
 Donna J. Dorsey Trust

~42.94 acres

Request – St. Mary's County:

Request for reimbursement, for the payback amount previously paid to the Foundation for the Robert Dorsey child lot.

Recommendation:

Staff recommends approval per the criteria specified in Article – Agriculture Section 2-505(c)(5).

Ms. Cousins introduced the item.

Motion #2:

To approve the reimbursement request, as presented.

Motion:

Bowling

Second:

Wood

Status:

Approved

B. CECIL COUNTY

1. 07-20-16

Polk Steele Howard Residuary Trust

~235 acres

(Vosters Family)

Request - Cecil County:

Request approval to exclude up to 2 acres for a child's lot (Christine Vosters Foley).

Recommendation:

Staff has concerns over the location of the lot.

Ms. Cousins introduced the item. Mr. Goldman and Ms. Vosters were available to address the Board. Multiple Board members expressed concern over the location of the lot, wondering why the lot can't be adjacent or close to the withheld acreage to minimize the impact of the lot on long-term stewardship success of the easement.

Ms. Vosters shared the history of the farm and her reasoning for the location she is requesting for the child's lot. Ms. Vosters stated that the current lot request location did perc back in the 1970s, and that they would have access to utilities in the preferred lot location. Ms. Vosters also emphasized that more desirable locations from the Board's perspective are both low lying and wet, or in the critical area, and that the county agricultural board approved the preferred location. Ms. Herr-Cornwell stated that the current lot location does not meet the clustering of development guidelines as stated in the MALPF Lot Location Policy. Another Board member asked if staff had reached out to the Maryland Department of Transportation about the cistern installed near the road and easement boundary. Staff advised that it had not spoken with DOT.

Motion #3:

To table the child's lot request, as presented, and directing MALPF staff to conduct a site visit and determine if an alternative

Second:

proposal is possible.

Motion:

Kille

.

Bowling

Status:

Approved

C. BALTIMORE COUNTY

1. 03-96-17

Willowdale Farms Associates

~175 acres

(Michael Harrison)

Request - Baltimore County:

Request approval to exclude up to 2.0 acres for a child lot for Justin Harrison.

Recommendation:

Staff recommends approval.

Ms. Turner introduced the item. Ms. Benjamin was available to address the Board.

Motion #4:

To approve the child's lot, up to 2.0 acres, for Justin Harrison, as

presented.

Motion:

Wood

Second:

Herr-Cornwell

Status:

Approved

D. FREDERICK COUNTY

1. 10-79-04

Frey, Joshua

~258 acres

Request – Frederick County:

Request to approve a Stream and Wetland Restoration Overlay Easement (Overlay), totaling ~ 47.68 acres of floodplain (approximately 18.5% of the easement property).

Recommendation:

Staff recommends approval:

- A. pursuant and subject to compliance with MALPF's Water Resource Easement Overlays Policy as approved April 28, 2020; and
- B. if approved, subject to the landowner 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. Turner introduced the item. Ms. O'Neil, Ms. Ahalt, and Mr. Caterino were available to address the Board. Ms. Turner informed the Board that the staff memo incorrectly stated that the overlay easement would affect ~47.68 acres, comprising about 18.5% of the property. Ms. Turner clarified that project would affect ~39 acres, comprising about 15% of the farm.

Motion #5:

To approve the Stream Restoration and Wetland Restoration Overlay Easement request, totaling ~47.68 acres, incorporating

staff recommendations, as presented.

Motion:

Wood

Second:

Kille

Status:

Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

A. Montgomery County Recertification

Recommendation:

Montgomery County's land preservation program complies with the requirements under COMAR 34.03.03; therefore, MDP and MALPF staff recommend, and MDP has approved, recertification for Fiscal Years 2024, 2025, 2026, 2027, 2028 (July 1, 2023 – June 30, 2028).

Ms. Cousins presented the item. Ms. Herr-Cornwell provided the Department of Planning's agreement and recommended approval. Mr. Scheffel, Montgomery County Program Administrator, was available to address the Board.

Motion #6:

To approve Re-Certification Request from Montgomery County land preservation program under COMAR 34.03.03.

Motion:

Goodall

Second:

Wood

Status:

Approved

B. Matching Funds Participation Request – FY23

Ms. Cable introduced the request of matching funds.

Motion #7:

To approve the matching funds request.

Motion:

Herr-Cornwell

Second:

Hill

Status:

Approved

VII. INFORMATION AND DISCUSSION

A. FY 2023 Quarterly Inspection Report

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

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

Motion #8:

To adjourn the regular session at 10:10 a.m. to move into a closed

session to consult with counsel to obtain legal advice.

Motion:

Bowling

Second: Kille

Status:

Approved

The Closed Meeting of the Board was held from 10:20 a.m. to 10:38 a.m. on January 24, 2022, 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):

(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, Alex Butler, representing Comptroller Brooke Lierman, Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland Department of Planning, Steve Connelly, representing Acting Secretary Kevin Atticks, Maryland Department of Agriculture, Gilbert "Buddy" Bowling, Gary Dell, Elizabeth Hill, and Joe Wood.

The following Board members were absent: Cathy Cosgrove and J. Bruce Yerkes

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Chana Turner, Sarel Cousins, Kim Hoxter, 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 November 22, 2002, Closed Session Minutes
- B. Status Report of Pending Legal Issues

Respectfully Submitted:

Michelle Cable, MALPF Executive Director