

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
JULY 25, 2023**

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair
Cricket Goodall, Vice Chair
Joanna Kille, representing Treasurer Dereck E. Davis
Deborah Herr-Cornwell, representing Secretary Rebecca Flora, Maryland
Department of Planning
Alex Butler, representing Comptroller Brooke E. Lierman
Michael Calkins representing Secretary Kevin Atticks, Maryland Department of Agriculture
Gilbert "Buddy" Bowling
Gary Dell
Joseph Wood

Trustees Absent:

Catherine Cosgrove
J. Bruce Yerkes
Elizabeth Hill

Others Participating:

Michelle Cable, MALPF Executive Director
Chana Turner, MALPF Lead Administrator
Sarel Cousins, MALPF Administrator
Rama Dilip, 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
Cara Frye, Assistant Attorney General, Department of General Services
Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture
Megan Benjamin, Baltimore County Program Administrator
Donna Landis-Smith, Queen Anne's County Program Administrator
Charles Rice, Charles County Program Administrator
Kathleen Seay, Charles County Staff
J.P. Smith, Jr., Carroll County Program Administrator
C. Jane Cox, Anne Arundel County Program Administrator
Billy Gorski, Anne Arundel County Staff
Jennifer David, Calvert County Program Administrator
Summer Roen, Calvery County Staff
Jenn Wilson, Harford County Staff
Anne Roane, Talbot County Program Administrator
Bill Amoss, Harford County Program Administrator
Joy Levy, Howard County Program Administrator
Will Lefort, Department of General Services Appraiser
Kendra McAfee, Frederick County Soil Conservation District

Mr. Allen, 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.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from June 27, 2023.

Motion #1: To approve minutes from June 27, 2023.

Motion: Bowling Second: Kille
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

Ms. Cable stated that two items had been withdrawn, Item IV.D.1. and IV.E.1. Both items had late additional information added and will be brought to the Board next month.

III. ANNOUNCEMENTS

Ms. Cable asked the county staff that were on the call whether anyone had any announcements or questions. Mr. Amoss mentioned an upcoming conference on October 4-5 in Annapolis, hosted by Forever Maryland that will have a session specifically for MALPF Administrators, and he encouraged other county administrators to attend. Ms. Benjamin asked for ideas and examples of how other counties fostered landowner relationships and communications in between the minimum required 10-year monitoring visits.

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. CARROLL COUNTY

1. 06-95-03ex1 David and Sidney Lease ~179.6358 acres

Request – Carroll County:

Request approval to exclude up to 2 acres for two child lots (1) Derek Lease and (2) Brendan Lease (children of David Lease, nephews of Sidney Lease).

Recommendation:

Staff recommends approval.

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

Motion #2: To approve an exclusion of up to 2 acres for two child lots, as presented.

Motion: Bowling Second: Goodall
Status: Approved

B. QUEEN ANNE'S COUNTY

1. 17-90-01A Sub#3 Rhodes, Ryan ~ 60.69 acres

Request – Queen Anne's County:

Request for approval for a tenant house.

Recommendation:

Staff recommends approval of a tenant house for a poultry operation.

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

Motion #3: To approve a tenant house in either Option #1 or Option #2 location, as presented.

Motion: Kille Second: Bowling
Status: Approved

C. ANNE ARUNDEL COUNTY

1. 02-90-01 Rossback, Robert H. Sr. & Catherine J. ~165 acres

Request – Anne Arundel County:

1. Request approval of an agricultural subdivision of the ~165-acre easement property creating an approximately 107 acre parcel ("Parcel 1"), and an approximately 53 acre parcel ("Parcel 2"). These parcels are already non-contiguous.

2A. Request approval to relocate the pre-existing dwelling #2 right from the ~107-acre Parcel 1, and move it to the ~53-acre Parcel 2, as a non-subdividable dwelling right.

2B. Request approval to redesignate the pre-existing dwelling #2 that is located on the ~107-acre Parcel 1 as a tenant house.

Recommendation:

In accordance with the Foundation's Agricultural Subdivision and Tenant House regulations, Staff recommends approval, subject to the following conditions, which have been agreed to by the landowner:

1. Compliance with all regulatory conditions;
2. The corrective easement shall document that the pre-existing dwelling #2 right has been relocated to Parcel 2 as a non-subdividable dwelling right, and that the pre-existing dwelling #1, located on Parcel 2, is also non-subdividable;
3. That the pre-existing dwelling #2, located on Parcel 1, shall be re-designated as a MALPF approved tenant house.
4. Transactional expenses shall be the responsibility of the owners.

Ms. Cousins introduced the item. Ms. Cox and Mr. Gorski were available to answer questions from the Board.

Motion #4: To approve the requests for an agricultural subdivision, to relocate a pre-existing dwelling right to Parcel 2 as non-subdividable, re-designating the previous pre-existing dwelling as a MALPF approved tenant house, and to designate pre-existing dwelling #1 as non-subdividable on Parcel 1, incorporating all Staff recommendations, as presented.

Motion: Bowling Second: Kille
Status: Approved

D. FREDERICK COUNTY

WITHDRAWN

E. ST. MARY'S COUNTY

WITHDRAWN

F. HARFORD COUNTY

1. 12-91-27e Magness Family ~214 acres

Request – Harford County:

Request retroactive approval to replace and reconstruct two pre-existing dwellings, and a retroactive approval for a non-subdividable owner's lot (collectively, the lots).

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Recommendation:

Staff recommends retroactive approvals conditioned upon the following:

1. Certificate of occupancy evidencing county approval of the non-subdividable owner's lot.
2. Any other documents that may be required by MALPF Staff and/or the Office of the Attorney General in order to complete these transactions;
3. Recording of one or more Amended Deeds of Easement in the Harford County land records memorializing the location of each lot, and that all three (3) lots are non-subdividable from the farm; and
4. Landowners signing and returning a copy of the approval letter.

Ms. Turner introduced the item. Mr. Amoss and Ms. Wilson were available to answer questions from the Board.

Motion #5: To approve the retroactive requests regarding the three lots, as presented, incorporating staff recommendations.

Motion: Bowling Second: Herr-Cornwell
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

Ms. Cable reviewed the Withheld Acreage Policy with the Board, as well as how MALPF treats the requests for designated-uses envelopes. as a refresher to the Board before beginning the review of the new FY 2024 easement applications.

A. CHARLES COUNTY

1. 08-24-03 BRINDAN, LLC ~172.951 acres
(includes unpaid acres)
Request to approve the application designating ~9 acres (two separate areas consisting of 8 acres and 1 acre) as a permitted uses envelope for an events destination venue. If the areas are no longer used for an events venue, the areas could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county. One dwelling is located within the 8-acre area.
2. 08-24-05 Dyson, Ruby W. ~53.39 acres
(excludes withheld acres)
Request to approve the application withholding 1.5 acres for an existing homesite. The 1.5 acres will require a Declaration of Restrictions that documents one development right with the acreage.
3. 08-24-08 Heinze Family Limited Partnership ~287.179 acres
(excludes withheld acres, includes unpaid acres)
Request to approve the application withholding ~13 acres to add to an adjacent parcel, with no development right associated with the withheld area. The withheld area will require a Declaration of Restrictions that documents no development right with the acreage. An additional 3 acres are being requested to designate as a permitted uses envelope around existing dwelling and accessory structures that will not be included in the payment calculation for the MALPF easement, to be used as a future event venue area.
4. 08-24-10 Mausen Homes, LLC ~101.717 acres
(excludes withheld acres)
Request to approve the application withholding ~0.983 acres to add to an adjacent parcel, with no development rights associated with the withheld area. The withheld area will require a Declaration of Restrictions that documents no development right with the acreage.

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5 08-24-12 Simpson Family ~284.3876 acres
(excludes withheld acres)
Request to approve the application withholding ~4.09 acres for a future homesite and road dedication. The ~4.09 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion # 6: To approve the Charles County requests as presented.

Motion: Dell Second: Goodall
Abstained: Bowling
Status: Approved

VI. PROGRAM POLICY

A. Request to Close FY 2023 Easement Acquisition Cycle Round One

Ms. Cable presented the item to the Board.

Motion #7: To close Round One of the FY 2023 Easement Acquisition Cycle, to begin Round Two in Closed Session.

Motion: Dell Second: Herr-Cornwell
Status: Approved

VII. INFORMATION AND DISCUSSION

A. End of Fiscal Year 2023 Inspection Report

Ms. Hoxter presented the item to the Board, providing information regarding: the counties that have completed their required inspections and submitted the reports; the counties that have completed inspections, but have yet to submit reports; and counties that have yet to complete the inspections and submit reports. Ms. Hoxter will continue to work with the counties to ensure that the inspections are completed.

B. FY 2023 Inspection Deadline Extension Request

Kent County requests a 2-month extension to the June 30, 2023, deadline for completion of inspections. The county submitted a letter to the Board explaining their situation and requests an extension to complete inspections and submit reports by August 31, 2023.

Motion #8: To approve the Kent County inspection deadline extension through August 31, 2023, as presented.

Motion: Bowling Second: Herr-Cornwell
Status: Approved

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; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion #9: To adjourn the regular session at 9:54 a.m. 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: Goodall Second: Bowling
Status: Approved

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The Closed Meeting of the Board was held from 9:49 a.m. to 10:06 a.m. on June 27, 2023, 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; 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: William Allen, Chair, Cricket Goodall, Vice Chair, Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr-Cornwell, representing Secretary Rebecca Flora, Maryland Department of Planning, Michael Calkins, representing Secretary Kevin Atticks, Maryland Department of Agriculture, Buddy Bowling, Gary Dell, Joe Wood, Alex Butler, representing Comptroller Brooke E. Lierman,

The following Board members were absent: Catherine Cosgrove, J. Bruce Yerkes, and Elizabeth Hill.

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

TOPICS DISCUSSED:

- A. Approval of June 27, 2023, Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2023 Round Two Offers

Respectfully Submitted:



Michelle Cable, Executive Director