

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
MARCH 28, 2023**

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

**Trustees Participating:**

William Allen, Chair  
Cricket Goodall, Vice Chair  
Steve Connelly, representing Secretary Kevin Atticks, Maryland Department  
of Agriculture  
Joanna Kille, representing Treasurer Dereck E. Davis  
Deborah Herr-Cornwell, representing Secretary Rebecca Flora, Maryland  
Department of Planning  
Gilbert "Buddy" Bowling  
Catherine Cosgrove  
Joseph Wood  
Gary Dell  
Elizabeth Hill

**Trustees Absent:**

Alex Butler, representing Comptroller Brooke E. Lierman  
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  
Amanda Massoni, MALPF Fiscal Specialist  
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  
Megan Benjamin, Baltimore County Program Administrator  
J.P. Smith, Jr., Carroll County Program Administrator  
Billy Gorski, Anne Arundel County Staff  
Donna Landis Smith, Queen Anne's County Program Administrator  
Ben Zito, Wicomico County Program Administrator  
Mike Scheffel, Montgomery County Program Administrator  
Beth Beales, Caroline County Program Administrator  
Bill Amoss, Harford County Program Administrator  
Jennifer Wilson, Harford County Staff  
Summer Roen, Calvert County Staff  
Shannon O'Neil, Frederick County Staff  
Charles Rice, Charles County Program Administrator  
Donna Sasscer, St. Mary's County Program Administrator  
Donald and Susan Katzenberger, Montgomery County Landowners  
Soo Lee Cho, Attorney for Katzenbergers  
Carla Gerber, Kent County Program Administrator  
Fatimah Hasan, Prince George's County  
Chris Boggs, Washington County Program Administrator  
Anne Roane, Talbot County Program Administrator  
William Goldman, Cecil County Program Administrator  
Dave and Doris McCreary, Cecil County Landowners  
Will Lefort, Department of General Services Appraiser  
Julie Enger, Department of General Services Appraiser

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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 February 28, 2023.

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

Motion: Dell                      Second: Bowling  
Status: Approved

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

N/A

**III. ANNOUNCEMENTS**

Ms. Cable happily announced the return of Amanda Massoni to the MALPF Fiscal Specialist position.

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 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. CECIL COUNTY

I. 07-06-08                      McCreary Farm, LLC                      ~ 119 acres

Request – Cecil County:

Request re-approval for an unrestricted lot previously approved (up to 2 acres) with a new location.

Recommendation:

Staff recommends approval. Landowner will be advised that notwithstanding approval by MALPF, the request remains subject to approval by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS).

Ms. Cousins introduced the item. Cecil County representative Will Goldman and landowners Mr. and Ms. McCreary were available to address the Board. Ms. Kille asked about the NRCS approval process. Ms. Cable informed her that MALPF and NRCS have an MOU that is intended to streamline the NRCS review and approval process for lot requests, but it will still take time to work through this process.

Motion #2: To re-approve an unrestricted lot or up to 2-acres in a new location, incorporating staff recommendations, as presented.

Motion: Dell                      Second: Kille  
Status: Approved

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B. WASHINGTON COUNTY

- |    |            |                  |             |
|----|------------|------------------|-------------|
| 1. | 21-11-03   | Baker Farms, LLC | ~ 115 acres |
|    | 21-91-11ce | Baker Farms, LLC | ~ 153 acres |

Request – Washington County:

Request approval for two roof-mounted solar arrays that generate 138% of historical annual average demand.

Recommendation:

Pursuant to and consistent with MALPF's Alternative Energy Policy On-Farm Uses (Non-Commercial) ("Policy"), Staff recommends approval, subject to the following condition:

1. Per the Policy, the landowners cannot receive any compensation for any energy produced by the two roof-mounted solar arrays for "Permitted On-Site Uses", in excess of the "Allowable Surplus", as such terms are defined under the Policy.

Ms. Cousins introduced the item. Ms. Cousins and Ms. Cable explained to the Board that this request was brought to the Board, rather than being approved at the MALPF staff level, due to the amount of energy anticipated to be generated. MALPF staff consulted with MALPF attorneys before drafting the recommended condition (above), to be consistent with the current policy.

Motion #3: To approve two roof-mounted solar arrays, with the condition that the landowners cannot receive any compensation for any energy produced by the two roof-mounted solar arrays for "Permitted On-Site Uses", in excess of the "Allowable Surplus", as such terms are defined under the Policy, as recommended by staff and presented to the Board.

Motion: Dell                      Second: Hill  
Status: Approved

After the motion was passed, MALPF staff asked the Board if the current policy can be updated to clarify some language as well as revisit how roof mounted solar installations are to be reviewed under current law. MALPF Board was supportive for the policy to be updated and brought at a future meeting for discussion.

C. MONTGOMERY COUNTY

- |    |          |              |            |
|----|----------|--------------|------------|
| 1. | 15-13-01 | Katzenberger | ~ 71 acres |
|----|----------|--------------|------------|

Request – Montgomery County:

Request approval for a brewery and tasting room and outdoor seating, including an accessory sales area, associated with agritourism activities and for the potential future sale of pre-packaged food and alcoholic beverages.

Recommendation:

Staff recommends approval of the request pursuant to the Agriculture Article- Annotated Code of Maryland, Section 2-513(b), COMAR 15.15.07, and more specifically under the Foundation's Guidelines for Requested Use of Land (Uses Policy), Sections A.10-Processed (value added) farm and forest Products, and Accessory Sales as defined in the Uses Policy.

Staff recommendation is subject to compliance with COMAR 03.02.01 Alcohol Beverages.

Ms. Cousins introduced the item. The landowners, Mr. and Ms. Katzenberger, their attorney, Soo Lee Cho, and Montgomery County Program Administrator Mike Scheffel were available to address the Board. Ms. Cable asked the owners how many years they anticipate it will take before products they are growing on site will be ready to include in the brewing process. Mr. and Ms. Katzenberger replied that they expect it will be within 2-3

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years, and that they expect to plant more than the initial acre of crops to use for inclusion in future brewing.

Motion #4: To approve a brewery, tasting room, and outdoor seating-including an accessory sales area, associated with agritourism activities and for the potential future sale of pre-packaged food and alcoholic beverages. In addition, the Board approved a waiver, for the first few years of brewing, of the condition that some products from the farm are required to come from on site, to allow the fruit and barley they have planted to mature, incorporating staff recommendations, as presented.

Motion: Kill  
Status: Approved                      Second: Hill

D. HARFORD COUNTY

1. 12-20-03 Keyes, David and Kelly ~35 acres

Request – Harford County:

Request approval to exclude up to 2.0 acres for a child lot for Megan Keyes McMillan.

Recommendation:

Staff recommends approval

Ms. Turner introduced the item. Harford County Program Administrator, Bill Amoss, and Jennifer Wilson were available to address the Board.

Motion #5: To approve an exclusion of up to 2.0 acres for a child lot for Megan Keyes McMillan, as presented.

Motion: Herr-Cornwell                      Second: Goodall  
Status: Approved

E. WITHDRAWN

F. FREDERICK COUNTY

1. 10-08-12 Gruber, Doris ~123 acres

Request – Frederick County:

Request approval for a land exchange that will add ~.168 of an acre of land from an adjacent subdivided lot to the easement property in exchange for release of ~.168 of an acre of land from easement to facilitate resolution of an encroachment onto 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, as further explained below;
2. 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;
3. Approval by the Board of Public Works; and
4. The landowner entering into a corrective easement to memorialize the land exchange by recording same in Frederick County land records.

Ms. Turner introduced the item. Frederick County Program staff, Shannon O'Neil, was available to address the Board.

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Motion #6: To approve an exchange of ~.168 of an acre of land to facilitate resolution of an encroachment, incorporating staff recommendations, as presented.

Motion: Bowling Second: Dell  
Status: Approved

**G. ST. MARY'S COUNTY**

1. 18-02-14 Russell, Jr. Paul B. ~35 acres

**Request – St. Mary's County:**

Request approval to exclude up to 2.0 acres for an unrestricted lot.

**Recommendation:**

Staff recommends approval. Landowner will be advised that notwithstanding approval by MALPF, the request remains subject to approval by the U.S. Department of Agriculture, Natural Resources Conservation Service (NCRS).

Ms. Cousins introduced the item. St. Mary's County Program Administrator, Donna Sasscer was available to address the Board.

Motion #7: To approve an exclusion of up to 2.0 acres for an unrestricted lot, subject to NRCS approval, as presented.

Motion: Bowling Second: Wood  
Status: Approved

**H. CHARLES COUNTY**

1. 08-85-01 Deborah B. Boyd & David Terbush, ~148 acres  
Co-Trustees of the John W. Jarrett Family Trust

**Request – Charles County:**

Request approval to exclude up to 2.0 acres for an unrestricted lot.

**Recommendation:**

Staff recommends approval.

Ms. Cousins introduced the item. Charles County Program Administrator, Charles Rice, was available to address the Board.

Motion #8: To approve an exclusion of up to 2.0 acres for an unrestricted lot, as presented.

Motion: Bowling Second: Wood  
Status: Approved

**V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:**

N/A

**VI. PROGRAM POLICY**

**A. Worcester County Recertification Request**

**Recommendation:**

Worcester 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.

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Motion #9: To approve recertification request from Worcester County land preservation program under COMAR 34.03.03.

Motion: Bowling Second: Kille  
Status: Approved

B. Deleted

C. Baltimore County Recertification Request

Recommendation:

Baltimore 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. Turner presented the item. Ms. Herr-Cornwell provided the Department of Planning's agreement and recommended approval. Ms. Benjamin was available to answer any questions from the Board.

Motion #10: To approve recertification request from Baltimore County land preservation program under COMAR 34.03.03.

Motion: Goodall Second: Dell  
Status: Approved

D. Frederick County Recertification Request

Recommendation:

Frederick 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. Turner presented the item. Ms. Herr-Cornwell provided the Department of Planning's agreement and recommended approval. Ms. O'Neil was available to answer any questions from the Board.

Motion #11: To approve recertification request from Frederick County land preservation program under COMAR 34.03.03.

Motion: Kille Second: Cosgrove  
Status: Approved

E. Queen Anne's County Recertification Request

Recommendation:

Queen Anne's 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. Cable presented the item. Ms. Herr-Cornwell provided the Department of Planning's agreement and recommended approval. Ms. Smith was available to answer any questions from the Board and provided updated land preservation acreage to the Board.

Motion #12: To approve recertification request from Queen Anne's County land preservation program under COMAR 34.03.03.

Motion: Kille Second: Goodall  
Status: Approved

**VII. INFORMATION AND DISCUSSION**

A. Legislative Update

Ms. Turner provided the Board with the status of 2023 legislation which may affect MALPF.

**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

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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.

Motion #13: To adjourn the regular session at 10:02 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 and counsel about pending or potential litigation.

Motion: Cosgrove Second: Dell  
Status: Approved

The Closed Meeting of the Board was held from 10:09 a.m. to 11:07 a.m. on March 28, 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;

(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, Steve Connelly, representing Secretary Kevin Atticks, Maryland Department of Agriculture, Gilbert "Buddy" Bowling, Cathy Cosgrove, Gary Dell, Joe Wood, and Elizabeth Hill.

The following Board members were absent: Alex Butler, representing Comptroller Brooke E. Lierman, 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, 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 February 28, 2023, Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2023 Round One Offers

Respectfully Submitted:



Michelle Cable, MALPF Executive Director

