

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
JULY 26, 2022**

This meeting was held via internet and telephone conference call.

Trustees Participating:

Cricket Goodall, Vice Chair
Alex Butler, representing Comptroller Peter Franchot
Joanna Kille, representing Treasurer Dereck E. Davis
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland
Department of Planning
Gary Dell
Elizabeth Hill
Joseph Wood
J. Bruce Yerkes

Trustees Absent:

William Allen, Chair
Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department
of Agriculture
Catherine Cosgrove
Gilbert "Buddy" Bowling

Others Participating:

Michelle Cable, MALPF Executive Director
Chana Turner, MALPF Administrator
Sarel Cousins, MALPF Administrator
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Renee Dyson, Assistant Attorney General, Department of General Services
Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture
Cherelle Miles, MALPF temp
Megan Benjamin, Baltimore County Program Administrator
Charles Rice, Charles County Program Administrator
Billy Gorski, Anne Arundel County Ag Program Planner
Will Goldman, Cecil County Program Administrator
Jeanine Nutter, Prince George's County Program Administrator
Daniel Lapp, Cecil County Landowner
Darryl Andrews, DGS Appraiser
Chris Mudd, Attorney for Corbett Farm, LLC (Baltimore County landowner)
Scott Bowling, Charles County Landowner

Ms. Goodall, Vice-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 28, 2022.

Motion #1: To approve minutes from June 28, 2022.
Motion: Yerkes Second: Hill
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable announced that Comptroller Franchot has appointed a new MALPF representative, Alex Butler. Welcome.

Ms. Cable also 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

I. 08-20-11 Olde Mill Farm, LLC ~68.62 acres
(Scott A. Bowling & Francis A. Goldbach)

Request – Charles County:

Request approval to exclude up to 2 acres for an unrestricted lot for Scott Bowling's daughter.

Recommendation:

Staff recommends approval.

Ms. Cousins introduced the item. Mr. Rice and Mr. Bowling were available to address the Board. Mr. Bowling commented that he bought out Mr. Goldbach. Mr. Goldbach is no longer an owner of the property. Ms. Herr-Cornwell requested clarification on the county regulations related to a lot smaller than 3 acres and Mr. Rice said these type of requests fall under the cluster subdivision regulations, as long as 60% of the property is preserved in open space, which is the case here.

Motion #2: To approve an unrestricted lot to be released, up to 2-acres, as presented.
Motion: Herr-Cornwell Second: Dell
Status: Approved

B. CECIL COUNTY

I. 07-01-13Ae Pond View Acres, LLC ~71 acres
(Daniel K. Lapp)

Request – Cecil County:

To approve the relocation of a pre-existing dwelling.

Recommendation:

Staff recommends approval if the owner agrees to make the relocated pre-existing dwelling non-subdivideable. The approval is also conditioned upon the removal of the existing dwelling, and restoration of the existing dwelling site to agricultural use, within 60

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days after the use and occupancy permit is issued for the new dwelling, or sooner, if required under county law. Approval is subject to the completion of an Amendment that will document the aforementioned conditions to approval.

Ms. Cousins introduced the item. Mr. Goldman and Mr. Lapp were available to address the Board. Mr. Yerkes asked for confirmation that the brick house wasn't the house being relocated. Mr. Goldman confirmed this. Ms. Herr-Cornwell asked if the junk and debris had been cleaned up from a previous violation and Ms. Hoxter confirmed that the clean up did occur.

Motion #3: To approve the relocation of a pre-existing dwelling to be non-subdivideable, incorporating all of Staff recommendations as conditions of the approval, as presented.

Motion: Yerkes Second: Herr-Cornwell
Status: Approved

C. ST. MARY'S COUNTY

1. 18-20-10 Frances Guy & Sandra Pilkerton ~50.49 acres
(David & Patsy Quade – Life Estate)

Request – St. Mary's County:
Request approval to exclude up to 2 acres for an owner's lot.

Recommendation:
Staff recommends approval.

Ms. Cousins introduced the item.

Motion #4: To approve an owner's lot to be released, up to 2-acres, as presented.

Motion: Dell Second: Herr-Cornwell
Status: Approved

D. BALTIMORE COUNTY

1. 03-90-28BCE Corbett Farms, LLC ~121.5 acres
(Blake Smith, Devon Smith, Jackie Smith, and Matthew Smith
the "Smith Family")

Request – Baltimore County:
Request approval to relocate a pre-existing dwelling as a 1.0-acre non-subdivideable building envelope.

Recommendation:
Staff recommends approval conditioned upon:

1. receipt of Corbett Farms, LLC, Articles of organization, operating agreement, a resolution evidencing the person/s authorized to sign on behalf of the LLC, documentation of the transfer of the interest in the LLC to the Smith family or at least one current member thereof; and a certificate of good standing;
2. receipt of evidence from Baltimore County that the existing barn apartment has been removed (to occur before recording of the amendment described in paragraph 4 below);
3. receipt of consent and/or approval to relocate the dwelling site from Manor Conservancy, Inc., Grantee under a Deed of Conservation Easement established in 1998 (Manor easement);

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4. recording of an amendment to the deed of easement in the Baltimore County land records that will:
 - a. document the new location of the dwelling;
 - b. affirm that the dwelling will be non-subdivideable from the farm;
 - c. describe the terms and conditions of the Foundation's approval for relocation of the dwelling pursuant to COMAR 15.15.04.05;

5. within 30 days of its issuance, landowner signing and returning a copy of a letter acknowledging and agreeing to the terms and conditions of the approval of this request.

Ms. Turner introduced the item. Ms. Benjamin and Mr. Mudd, the landowner's attorney, were available to address the Board. Mr. Mudd asked a few clarifying questions regarding process and procedure, which were addressed.

Motion #5:	To approve the relocation of a pre-existing dwelling to be a non-subdivideable building envelope, incorporating all of Staff recommendations as conditions of the approval, as presented.		
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Motion:	Herr-Cornwell	Second:	Dell
Status:	Approved		

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

- A. Request to Close FY 2022 Easement Acquisition Cycle – Round One

Ms. Cable presented the item to the Board.

Motion #6	To close Round One of the FY 2022 Easement Acquisition Cycle, to begin Round Two in Closed Session.
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Motion:	Herr-Cornwell	Second:	Dell
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VII. INFORMATION AND DISCUSSION

- A. End of Fiscal year 2022 Inspection Report

Ms. Hoxter presented the item to the Board, providing information on the counties that have completed their required inspections and submitted the reports, which counties have completed inspections, but have yet to submit reports, and which counties 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 2022 Inspection Deadline Extension Request

Dorchester County requests a 6-month extension to the June 30, 2022 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 (through the end of the year).

Ms. Hoxter presented the item, and discussed her concern for the extension for the federally funded easements, as they have a separate deadline; MALPF is required to report to NRCS at the end of the federal fiscal year. An extension through mid-August was suggested for the Dorchester County federally funded easements, with the state funded easements allowed to be completed by the end of the calendar year.

Motion #7	To approve the Dorchester County inspection deadline extension for the federally funded easement through mid-August, with the State funded easement inspection extension through the end of December, as presented.		
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Motion:	Yerkes	Second:	Hill
Status:	Approved		

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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 related to the acquisition; and (7) to consult with counsel to obtain legal advice.

Motion #8: To adjourn the regular session at 9:28 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; and to consult with counsel to obtain legal advice.

Motion: Kille Second: Dell
Status: Approved

The Closed Meeting of the Board was held from 9:33 a.m. to 10:04 a.m. on July 26, 2002, 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.

During the Closed Meeting, the following Board members were present: Cricket Goodall, Vice Chair, Alex Butler, representing Comptroller Peter Franchot, Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Gary Dell, Elizabeth Hill, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: William Allen, Chair, and Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Gilbert "Buddy" Bowling, and Cathy Cosgrove.

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

TOPICS DISCUSSED:

- A. Approval of June 28, 2022 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2022 Round Two Offers

Respectfully Submitted:



Michelle Cable, MALPF Executive Director

