

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

March 25, 2024

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
Laura Gutierrez, representing Comptroller Brooke E. Lierman
Catherine Cosgrove
Elizabeth Hill
Joseph Wood

Trustees Absent:

Gary Dell
J. Bruce Yerkes
Gilbert "Buddy" Bowling

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
Amanda Massoni, MALPF Fiscal Specialist
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
Megan Benjamin, Baltimore County Program Administrator
Jane Cox, Anne Arundel County Program Administrator
Mike Weland, Montgomery County
Billy Gorski, Anne Arundel County Staff
Beth Beales, Caroline County Program Administrator
Bill Amoss, Harford County Program Administrator
Jackie Brathuhn, Carroll County Staff
Julie Enger, Department of General Services, Appraiser
Will Lefort, Department of General Services, Appraiser
Eddie Franceschi, Anne Arundel County Program Administrator
Elisa Deflaux, Talbot County Program Administrator
Jennifer Wilson, Harford County Staff
Aimee O'Niel, Representative of the Rutledge Family, Harford County
Charlotte Rutledge, Harford County Landowner
Lauren Longo, Howard County Staff
Priscilla Leitch, St. Mary's County Program Administrator
Robert Tracy, Kent County Program Administrator
Roy Cool, Allegany County Program Administrator
J.P. Smith, Carroll County Program Administrator

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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.

MOMENT OF SILENCE FOR KEY BRIDGE TRAGEDY

I. APPROVAL OF MINUTES

A. Withdrawn.

II. ADDITION / DELETION OF AGENDA ITEMS

III. ANNOUNCEMENTS

Ms. Cable informed the Board that the Legislature is still 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 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. HARFORD COUNTY

1. 12-04-02 Smith, James Jr. ~147.87 acres

Request – Harford County:

Request approval to create a Forest Mitigation Bank in three separate areas of the property, totaling ~10 acres, documented with to a Forest Easement Overlay.

Recommendation:

Per the terms of COMAR 15.15.13. Staff recommends approval of the request, with the following conditions:

1. The proposal is reviewed and receives a written opinion on the appropriateness of the forest easement overlay proposal from the Maryland Department of Agriculture's Office of Resource Conservation.

2. The Forest Easement Overlay must be provided for review and approval of MALPF Staff and OAG prior to recording.

3. Each instance in which credits will be used to offset development must be submitted to, and approved by, MALPF prior to finalizing the sale or transfer of the credits. In each instance, the owner (or authorized Forest Mitigation Bank manager) must submit to Harford County and MALPF staff a written statement from the Maryland Department of Planning indicating whether the development to be facilitated by the forest mitigation is in a priority funding area created by statute or designated by Harford County, is consistent with the local comprehensive plan and State planning policy, and is not likely to encourage or support substantial further development in areas the Foundation is attempting to preserve. MALPF will provide to the Maryland Department of Planning documentation sufficient for

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the Department to prepare its written statement under this condition.

Ms. Dilip introduced the item. Mr. Amoss and Ms. Wilson were available for questions. There was discussion regarding the MALPF criteria and eligibility that allowed FCE on MALPF easement property, specifically when converting farmland into forests. Ms. Cable reminded the group that all FCE overlays on MALPF easement must allow for the possibility of future forest harvests, and that forestry is included in the definition of agriculture under the MALPF program.

An additional question was asked about the damage of deer grazing on the trees planted in the FCE. Ms. Wilson provided details of the monitoring of the area to ensure a certain percentage of successful trees, and if the requirement for replanting if the area does not meet the required threshold of success.

Motion #1: To approve the creation of a Forest Mitigation Bank in three separate areas of the property, incorporating staff recommendations, as presented.

Motion: Wood Second: Connelly
Status: Approved
Joanna Kille abstained.

2. 12-23-07 Cattail LLC (Rutledge Family) ~65.869 acres

Request – Harford County:

Request approval to:

- A. Redesignate the current pre-existing dwelling as a child's lot for James Walter Rutledge II; and
- B. Retain the right to rebuild the pre-existing dwelling within a non-subdividable building envelope, location to be approved by the Foundation in the future.

Recommendation:

Staff recommends approval subject to the following conditions:

1. Reimbursement of the amount paid to the landowner on a per-acre basis, at the rate of \$8,000 per acre for:
 - a. any acreage above 1.0 for the release of the pre-existing dwelling as a child's lot; and
 - b. the 1.0-acre floating non-subdividable lot, when requested in the future.
2. Landowner signing an Amendment to the Deed of Easement that will be recorded in the Harford County land records to memorialize:
 - a. the use of the sole family lot right, releasing the original dwelling as the child's lot; and
 - b. the right to rebuild the pre-existing dwelling on the farm, in a location to be approved by the Foundation, as a 1-acre non-subdividable building envelope.
3. The landowners shall be responsible for all costs in conjunction with this request, including title and survey.
4. The landowner signing and returning a letter advising of the approval and memorializing the conditions stated herein.

Ms. Cable introduced the item. Ms. O'Neil and Ms. Rutledge were available for questions.

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Motion #2: To approve (A) the redesignation of the current pre-existing dwelling as a child's lot for James Walter Rutledge II, and (B) retain the right to rebuild the pre-existing dwelling with a non-subdividable building envelope, incorporating staff recommendations, as presented.

Motion: Kille Second: Cosgrove
Status: Approved

B. CARROLL COUNTY

1. 06-02-05 Pascal, Sue N. ~60.448 acres

Request – Carroll County:

Request approval of a Forest Conservation Easement (FCE) over \pm .39 acres, as a requirement of the creation of the owner's lot.

Recommendation:

Staff recommends approval per the terms of COMAR 15.15.13.03.E, Staff recommends approval of the request, with the following conditions:

1. All regulatory requirements have been met.
2. The final survey delineating location must be submitted for review and approval of MALPF staff and OAG prior to recording of the FCE.
3. The FCE must be provided for review and approval of MALPF staff and OAG prior to recording.

Ms. Dilip introduced the item. Mr. Smith and Ms. Brathuhn were available to answer questions from the Board.

Motion #3: To approve a request for a Forest Conservation Easement (FCE) over \pm .39 acres, as a requirement of the creation of the owner's lot, incorporating staff recommendations, as presented.

Motion: Herr-Cornwell Second: Kille
Status: Approved

2. 06-82-23e Woodall, Scott ~137.47 acres

Request – Carroll County:

Request approval of an agricultural subdivision to divide the easement property into a ~51.3acre parcel and a ~86.17-acre parcel.

Recommendation:

Per the terms of COMAR 15.15.12, et al, Staff recommends approval of the request, with the following conditions:

1. All regulatory requirements have been met.
2. Transactional expenses shall be the responsibility of the owner.
3. Both pre-existing dwellings shall be non-subdividable on each subdivided parcel (as agreed to by landowner, one is already non-subdividable).
4. Corrective easements shall be completed to formalize the approval. On approval, the landowner shall submit to the Foundation copies of a survey plat depicting the resulting divided parcels of the land.
5. As per the terms of COMAR 15.15.12.04, the request to termination will be waived and this will be incorporated in the corrective easements.

Ms. Dilip introduced the item. Mr. Smith and Ms. Brathuhn were available to answer questions from the Board.

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Motion #4: To approve the request of an agricultural subdivision to divide the easement property into a ~51.3acre parcel and a ~86.17-acre parcel, incorporating staff recommendations, as presented.

Motion: Goodall Second: Cosgrove
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

1. Legislative Update

Ms. Turner provided the Board with the status of the 2024 legislation which may affect MALPF.

2. FY2025 Easement Acquisition Cycle Discussion

Discussion of merging FY25/26 into a combined 2-year application cycle. Here is a summary of the benefits of each approach:

Remaining single year application cycle:

- Consistency for landowners applying.
- Ability to utilize/maximize county matching funds component (if merge into a 2-year cycle, counties only have one opportunity to benefit from the matching funds program).

Merging FY25/26 into single cycle:

- Low general allotment per county – in a single year application cycle there may not be enough for even one full offer per county.
- Very labor intensive for county and state staff (MALPF and DGS) to process single year application cycles—this may not be warranted for years when potentially not a lot of easements.
- FY23 and FY24 are huge funding years and it will take a couple years to close all the easements purchased with this funding (and counties also have huge funding for RLP responsibilities as well). A move to a 2-year cycle will enable MALPF and Counties to do some “catch up” on the FY 23 and 24 cycles, as well as catch up on all the new monitoring responsibilities and the backlog of stewardship tasks.
- Save money on appraisals.

Below is a structure of how both a 1-year and 2-year cycle would look in terms of numbers of applications:

For a 1-year FY25 cycle:

- A. Maximum number applications to be submitted to DGS for appraising: 8.
- B. Counties with a high volume of applicants are allowed to submit up to 13 applications by the July 1, 2024, deadline, provided that at least 5 of the 13 applications are still eligible to potentially receive a Round 2 offer in the FY 2024 cycle.
- C. Counties submitting more than 8 applications must submit a preliminary ranking of all the applicants, up to the full 13, by July 1st, and provide a final ranking of the top 8 applicants by July 31st. This gives the Counties through the July Board meeting to learn if any additional FY 2024 applicants receive easement offers.

For a 2-year FY25/26 cycle:

- A. Maximum number applications to be submitted to DGS for appraising: 16.
- B. Counties with a high volume of applicants are allowed to submit up to 21 applications by the July 1, 2024, deadline, provided that at least 5 of the 21 applications are still eligible to potentially receive a Round 2 offer in the FY 2024

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- cycle.
- C. Counties submitting more than 16 applications must submit a preliminary ranking of all the applicants, up to the full 21, by July 1st, and provide a final ranking of the top 16 applicants by July 31st. This gives the Counties through the July Board meeting to learn if any additional FY 2024 applicants receive easement offers.
- D. The next round of applications would be submitted in July 2026, for the FY27 application cycle (current estimate for FY27 budget is \$46,711,319).

Ms. Cable presented the item, reviewing the pros and cons of the single-year application cycle or a merged two-year application cycle. There were no new pros/cons presented that had not been provided in the past two Board meetings for discussion. Ms. Cable informed the Board that once the budget passes for FY25, the Board must decide at the April meeting.

VII. INFORMATION AND DISCUSSION

N/A

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 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 #5: To adjourn the regular session at 10:03 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:	Kille	Second:	Herr-Cornwell
Status:	Approved		

The Closed Meeting of the Board was held from 10:17 a.m. to 11:05 a.m. on March 26, 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 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, Elizabeth Hill, and Joe Wood.

The following Board members were absent: Laura Gutierrez, representing Comptroller Brooke E. Lierman, Gary Dell, Gilbert "Buddy" Bowling, 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, Elizabeth de Mozenette, Rama Dilip, Kim Hoxter, Amanda Massoni, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services, Renee


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Dyson, Assistant Attorney General, Maryland Department of General Services, and Cara Frye, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Withdrawn
- B. Status Report of Pending Legal Issues
- C. FY 2024 Round One Offers
- D. Amendment to Easement Configuration and Option Contract

Respectfully Submitted:



Michelle Cable, Executive Director

