

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
NOVEMBER 22, 2022**

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

**Trustees Participating:**

William Allen, Chair  
Cricket Goodall, Vice Chair  
Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture  
Alex Butler, representing Comptroller Peter Franchot  
Joanna Kille, representing Treasurer Dereck E. Davis  
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning  
Gilbert "Buddy" Bowling  
Catherine Cosgrove  
Gary Dell  
Elizabeth Hill  
Joseph Wood  
J. Bruce Yerkes

**Trustees Absent:**

**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  
Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture  
Megan Benjamin, Baltimore County Program Administrator  
Beth Beales, Caroline County Program Administrator  
Carla Gerber, Kent County Program Administrator  
J.P. Smith, Jr., Carroll County Program Administrator  
Mr. and Mrs. Hobson, Carroll County landowners  
Donna Landis-Smith, Queen Anne's County Program Administrator  
Summer Roen, Calvert County Staff  
Will Lefort, Appraiser, Department of General Services  
Julie Enger, Appraiser, Department of General Services  
Steve McHenry, MARBIDCO  
Allison Roe, MARBIDCO  
Stacy Kubofcik, MARBIDCO

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.

**MALPF Board Open Meeting Minutes November 22, 2022**

**I. APPROVAL OF MINUTES**

A. Approval of Open Minutes from October 25, 2022.

Motion #1: To approve minutes from October 25, 2022.  
Motion: Yerkes Second: Dell  
Status: Approved

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

N/A

**III. ANNOUNCEMENTS**

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 members of the Board and Staff participated in a field trip to Winbak Farm in Cecil County. It is a Standardbred breeding farm, and everyone learned a lot about the operation and the equine industry in general. Field trips will resume in the spring of 2023.

Ms. Cable asked the Board if they wanted to continue holding the meetings virtually, or if there was interest in holding any in person meetings in 2023. The Board expressed their support for remaining virtual, and commented on the benefits that it has provided the last few years.

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**

1. 18-20-01 Breton Bay Farm Partnership, LLC ~174.16 acres

Request – St. Mary's County:

Request approval to exclude up to 2 acres for an unrestricted lot.

Recommendation:

Staff recommends approval.

Ms. Cousins introduced the item.

Motion #2: To approve up to 2-acres for an unrestricted lot, as presented.  
Motion: Bowling Second: Dell  
Status: Approved

**B. WITHDRAWN**

**C. CARROLL COUNTY**

1. 06-89-02 Hobson, Louis & Karen ~110.6 acres  
King, John & Mary (contract buyers)

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Request – Carroll County:

Request approval of a land exchange that will add ~2.2 acres into the easement area, in exchange for creating a 1-acre non-subdividable residential building envelope, which will remain encumbered by the MALPF easement.

Recommendation:

Per the terms of COMAR 15.15.11.03.C (2), Staff recommends approval of the request, with the following conditions:

1. All regulatory requirements have been met.
2. Transactional and survey expenses shall be split among the Hobsons and Kings.
3. Corrective easement shall be completed to add the new acreage to the easement and document the non-subdivideable building envelope.
4. The ~2.2 acre tax parcel 12 to be added to the easement shall be consolidated into existing tax parcel 195.
5. The previously approved owner's lot for the Hobsons must complete the preliminary release process and be subdivided at the county level from the farm prior to the sale of the property from the Hobsons to the Kings, otherwise the owner's lot right will be void.

Ms. Cable introduced the item. Mr. Smith was available to address the Board, and Mr. and Mrs. Hobson were on the phone, listening to the discussion. Ms. Cable outlined the multi-step request, including the status and impact of how the transaction would continue when the Hobsons sold their farm to the Kings. Mr. Smith informed the Board that the Hobsons were already working on the necessary steps to complete the owner's lot release. Mr. Smith said the County was supportive of the request, as it would result in another farm owner in the county.

Motion #3: To approve the request of a land exchange that will add ~2.2 acres into the easement area, in exchange for creating a 1-acre non-subdividable residential building envelope, which will remain encumbered by the MALPF easement, incorporating Staff recommendations, as presented.

Motion: Bowling Second: Hill  
Status: Approved

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

**A. BALTIMORE COUNTY**

1. 03-23-03 Barrett, Heubeck, Alexander, & Bristow ~63.02 acres  
(includes unpaid acres)

Request to approve the application designating ~1.45 acres as a permitted uses envelope surrounding an existing truck storage for trash hauling business, including access. If the area ceases to be used as truck storage for a trash hauling business, the area could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county.

2. 03-23-06 Diane Rogge ~15.0 acres  
(includes unpaid acres)

Request to approve the application designating a 1.0-acre floating non-subdividable building envelope for a future dwelling. Location of envelope will require Foundation approval at the time of request.

3. WITHDRAWN

Motion #4: To approve the Baltimore County request as presented

Motion: Goodall Second: Bowling  
Status: Approved



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D. GARRETT COUNTY

1. 11-23-02 Four Mile Ridge Sportman's Association, LLC ~119.3  
(excludes withheld acres)  
Request to approve the application withholding ~28.9 acres from the easement that is currently used as a wind energy operation. The ~28.9 acres will require a Declaration of Restrictions that documents one development right with the acreage.
2. 11-23-09 Sisler, Richard & Diane (life estate tenants) ~108.9 acres  
Sisler, Timothy (Remaindermen) (excludes withheld acres)  
Request to approve the application withholding ~2.1 acres for two separate future homesites. The ~2.1 acres will each require a Declaration of Restrictions that documents one development right per each withheld area.
3. 11-23-10 Sisler, Richard & Diane (life estate tenants) ~258.2 acres  
Sisler, Timothy (Remaindermen) (excludes withheld acres)  
Request to approve the application withholding ~2.1 acres for two separate future homesites. The ~2.1 acres will each require a Declaration of Restrictions that documents one development right per each withheld area.
4. 11-23-11 Smith, Jason ~193 acres  
(excludes withheld acres)  
Request to approve the application withholding ~7 acres for two separate future homesites (a 1-acre area and a 6-acre area on the other side of a public road). The ~7 acres will each require a Declaration of Restrictions that documents one development right per each withheld area.
5. 11-23-12 Steyer, Harold & Virginia (life estate tenants) ~65.07 acres  
Steyer, Michael (remainderman) (excludes withheld acres)  
Request to approve the application withholding 3.5 acres for a future homesite. The ~3.5 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion #7: To approve the Garrett County requests as presented

Motion: Dell Second: Herr-Cornwell  
Status: Approved

E. DORCHESTER COUNTY

1. 09-23-05 Luthy, John & Deborah ~64.75 acres  
(excludes withheld acres; includes unpaid acres)  
Request to approve the application withholding three non-contiguous areas (~9 acres of two marsh islands and another ~0.87 acres). As these areas are non-contiguous and therefore ineligible to be part of the MALPF easement, no declaration of restrictions are required.  
An additional 2.71 acres are being requested to designate as a building envelope around existing dwelling and accessory structures that will not be included in the payment calculation for the MALPF easement.
2. 09-23-08 Squirrel Hollow Limited Family Partnership ~279.57 acres  
(excludes withheld acres)  
Request to approve the application withholding 2 acres for a future homesite. The ~2 acres will require a Declaration of Restrictions that documents one development right with the acreage.
3. 09-23-11 Charles Biskach, Jr. ~137.09  
(excludes withheld acres)  
Request to approve the application withholding 0.13 acres of non-contiguous land. As the area is non-contiguous and therefore ineligible to be part of the MALPF easement, no declaration of restriction is required.
4. 09-23-13 Benjamin Tull & Denise Dickerson-Tull ~304 acres  
(includes unpaid acres)  
Request to approve the application designating 2.82 acres as a building envelope around existing dwelling and accessory structures that will not be included in the payment calculation for the MALPF easement.

Motion #8: To approve the Dorchester County requests as presented  
Motion: Hill Second: Herr-Cornwell  
Status: Approved



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**VI. PROGRAM POLICY**

**A. Closing FY22 Easement Application Cycle**

Ms. Cable presented the item, requesting the close of the FY22 Easement Application Cycle, subject to/with the exception of authority to proceed with any recommendations made on pending application matters addressed during today's Closed Session.

Motion #11: To approve closing the FY22 Easement Application Cycle, as presented

Motion: Kille                      Second: Cosgrove  
Status: Approved

**B. MARBIDCO – SANG Easement Project Assignment Request (Doney – Frederick County)**

Request – MABIDCO/Frederick County:

Request approval of the assignment to MALPF of a ~21.4 easement in Frederick County, to be acquired by MARBIDCO through their Small Acreage Next Generation (SANG) Program, which will provide funding for the purchase of the farm property by the SANG applicants, Richard and Emily Doney

Recommendation:

Per the terms of COMAR 15.15.01.19, Staff recommends approval of the assignment, with the following conditions:

1. All regulatory requirements have been met.
2. The deed of easement and assignment documents shall be reviewed and approved by MALPF staff and attorneys.
3. A baseline inspection and report shall be completed by Frederick County staff, and reviewed by MALPF staff, prior to MARBIDCO scheduling settlement with the Doney's.

Ms. Cable presented the item, with Mr. McHenry, Ms. Roe, and Ms. Kubofcik available for questions from the Board. Mr. McHenry provided the Board with a history of the Next Generation Program, including the SANG Program. Ms. Cable informed the Board that this assignment request is likely the first of many from MARBIDCO. The process created here will be used to facilitate future assignment requests.

Motion #12: To approve accepting the assignment of the MARBIDCO-SANG Doney easement, incorporating staff recommendations, as presented

Motion: Herr-Cornwell                      Second: Hill  
Status: Approved

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

Motion #13: To adjourn the regular session at 10:18 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: Cosgrove                      Second: Herr-Cornwell  
Status: Approved

**MALPF Board Open Meeting Minutes November 22, 2022**

The Closed Meeting of the Board was held from 10:27 a.m. to 10:42 a.m. on November 22, 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):

(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.

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 Robert McCord, Maryland Department of Planning, Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Alex Butler, representing Comptroller Peter Franchot, Gilbert "Buddy" Bowling, Elizabeth Hill, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: Cathy Cosgrove, Gary Dell.

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, and Patrick Martyn, Assistant Attorney General, Maryland Department of General Services.

**TOPICS DISCUSSED:**

- A. Approval of October 25, 2022 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY22 Easement Option Contract withdraw.

Respectfully Submitted:



Michelle Cable, MALPF Executive Director