

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
FEBRUARY 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
Alex Butler, representing Comptroller Brooke E. Lierman
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
J. Bruce Yerkes

Trustees Absent:

Gary Dell
Elizabeth Hill

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
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
Jackie Brathuhn, Carroll County Staff
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
Joy Levy, Howard County Program Administrator
Bill Amoss, Harford County Program Administrator
Jennifer David, Calvert County Program Administrator
Summer Roen, Calvert County Staff
Shannon O'Neil, Frederick County Staff
Beth Ahalt, Frederick County Staff
Julie Enger, DGS Appraiser
Will LeFort, DGS Appraiser
Timothy Riley, Q-Loop

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.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from January 24, 2023.

Motion #1: To approve minutes from January 23, 2023.
Motion: Yerkes Second: Herr-Cornwell
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 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. QUEEN ANNE’S COUNTY

- 1. 17-19-07 Hayman, Mary Boyles ~ 142.96 acres
Coleman, Shirley

Request – Queen Anne’s County:
Request approval of agricultural subdivision to divide the property to create a ~62.499-acre parcel and a ~80.461-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 buyer, Allen Boyles.
- 3. Corrective easements shall be completed.

Ms. Cable introduced the item. Ms. Landis-Smith was available to address the Board.

Motion #2: To approve agricultural subdivision request, incorporating staff recommendations, as presented

Motion: Wood Second: Yerkes
Status: Approved

- 2. 17-15-04 Cannon, John & Laura ~ 138.607 acres

Request – Queen Anne’s County:
Request approval to exclude up to 2 acres for an owner’s lot.

Recommendation:
Staff recommends approval.

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Ms. Cable introduced the item. Ms. Landis-Smith was available to address the Board. Ms. Cable noted that while the request from the owner was for a 1.5 acre lot, the Board is being asked to approve up to the full 2-acre size in case there are any changes to the lot size or configuration when the engineering work is being completed.

Motion #3: To approve the owner's lot, up to 2.0 acres, as presented.

Motion:	Goodall	Second:	Herr-Cornwell
Status:	Approved		

B. WITHDRAWN

C. FREDERICK COUNTY

1. 10-83-02A Waverly Farm LLC, ~ 198 acres

Request – Frederick County:

Request approval for an overlay easement for installation of an underground telecommunications system by Qloop Communications Services, LLC (Qloop).

Recommendation:

Staff recommends approval of the request pursuant to COMAR 15.15.16 and subject to review and approval of the overlay document, and any other documents deemed necessary to comply with approval by MALPF Staff and the Office of the Attorney General.

Ms. Turner introduced the item. Ms. O'Neil, Ms. Ahalt, and Mr. Riley were available to address the Board.

Motion #4: To approve the overlay easement for an underground telecommunications system, incorporating staff recommendations, as presented.

Motion:	Bowling	Second:	Cosgrove
Status:	Approved		

2. 10-08-12 Gruber, Doris ~ 123 acres

Request – Frederick County:

Request approval of an overlay easement for a right-of-way over an existing driveway that services 1) Lot 201, a pre-existing dwelling to be released as a child's lot (child's lot), and 2) Lot 6 as shown on the attached plat, which was subdivided from the farm before the easement was established (Lot 6).

Recommendation:

Staff recommends approval of the request pursuant to COMAR 15.15.16 and subject to review and approval of the overlay document, and any other documents deemed necessary to comply with approval by MALPF Staff and the Office of the Attorney General.

Ms. Turner introduced the item. Ms. O'Neil and Ms. Ahalt were available to address the Board.

Motion #5: To approve the an overlay easement for a right-of-way over an existing driveway that services 1) Lot 201, a pre-existing dwelling to be released as a child's lot, and 2) Lot 6 (a lot that was never part of the easement), incorporating staff recommendations, as presented.

Motion:	Bowling	Second:	Wood
Status:	Approved		

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D. CARROLL COUNTY

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

Request – Carroll County:

Request approval of a Forest Conservation Easement (FCE) over ~0.36 acres, as a requirement of the creation of the owner's lot.

Recommendation:

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. Cable introduced the item. Mr. Smith and Ms. Brathuhn were available to address the Board.

Motion #6: To approve the ~0.36 acre Forest Conservation Easement, incorporating staff recommendations, as presented.

Motion: Bowling Second: Wood
Status: Approved

2. 06-19-09 Russell, Robert ~ 147.014 acres
Dell, Douglas & Lindsay

Request –Carroll County:

Request approval to exclude up to 2 acres for an owner's lot.

Recommendation:

Staff recommends approval.

Ms. Cable introduced the item. Mr. Smith and Ms. Brathuhn were available to address the Board.

Motion #7: To approve the owner's lot, up to 2.0 acres, as presented.

Motion: Yerkes Second: Bowling
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. Howard County

1. 13-23-02 Winkler, Jeffery W. & Rhonda P. ~58.4596 acres
(includes unpaid acres)

Request to approve a change of ownership of current application, all terms of originally approved application remain unchanged.

Motion #8: To approve the Howard County request as presented.

Motion: Bowling Second: Goodall
Status: Approved

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VI. PROGRAM POLICY

A. Allocation of Funds Report- FY23

Ms. Cable presented the report, explaining the distributions of funds.

Motion #9: To approve the FY 2023 Allocation of Funds Report, as presented.

Motion: Kille Second: Connelly
Status: Approved

B. Legislative Update

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

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 #10: To adjourn the regular session at 10:09 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: Yerkes Second: Cosgrove
Status: Approved

The Closed Meeting of the Board was held from 10:22 a.m. to 11:47 a.m. on February 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; and

(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, Alex Butler, representing Comptroller Brooke E. Lierman, 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 J. Bruce Yerkes.

The following Board members were absent: Elizabeth Hill

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

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TOPICS DISCUSSED:

- A. Approval of January 24, 2023, Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2023 Round One Offers

Respectfully Submitted:



Michelle Cable, MALPF Executive Director