

MALPF Board Open Meeting Minutes April 25, 2023

3. 06-93-05e Childs, Ellen and Thomas ~ 68.351 acres

Request – Carroll County:

Request for a 3-year extension to the validity of the preliminary release previously approved for a child lot for the original Grantor's daughter, Ellen Childs. If approved, it will extend the preliminary release which is set to expire in May of this year.

Recommendation:

Under COMAR 15.15.06.05.B.2, Staff recommends approval for the extension.

Ms. Cable introduced the item. Mr. Smith was available to answer questions from the Board.

Motion #4: To approve the request for a 3-year extension to the validity of the preliminary release previously approved for a child lot for the original Grantor's daughter, Ellen Childs, as presented.

Motion: Cosgrove Second: Goodall
Status: Approved

B. ST. MARY'S COUNTY

1. 18-97-03Ax1e Russell, Glen E. & Melissa ~ 24.82 acres

Request – St. Mary's County:

Request approval for a corrective easement to exclude one acre that was approved as an owner's lot while under District in October, 1997, prior to the establishment of the MALPF easement in 1998.

Recommendation:

Per the terms of COMAR 15.15.11.06.A.(1), staff recommends approval of the request subject to required regulatory conditions.

Ms. Cousins introduced the item, explaining the history of the easement property and the error that was made at the time the easement was established. In addition to amending the legal description, Staff recommends allowing the owner to retain the pre-existing right that was erroneously included in the easement and accounted for in the appraisal. The current or future owner would be allowed to construct a dwelling, with prior location approval by the Foundation, as a non-subdivideable building lot.

Motion #5: To approve a corrective easement to exclude one acre that was approved as an owner's lot while under District in October, 1997, prior to the establishment of the MALPF easement in 1998. The corrective easement will also include the right for a future non-subdivideable building envelope, with location approval required by the Foundation, as presented.

Motion: Cosgrove Second: Wood
Status: Approved

2. 18-00-03a Raley, Jr., James K. ~ 87.966 acres

Request – St. Mary's County:

Request approval to install a free-standing array of solar panels on the easement property owned by Mr. Raley, Jr. to produce approximately 79% of the current electric utility consumption of this farm (house and greenhouse). The panels will be installed next to the greenhouse and other farm buildings with access from an existing farm lane.

Recommendation:

Staff recommends approval. The 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).

MALPF Board Open Meeting Minutes April 25, 2023

Ms. Cousins introduced the item. Mr. Raley was available to answer questions from the Board. 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 fact that the easement was partially funded by NRCS and needs NRCS approval. Mr. Raley shared that he has applied to a USDA grants program to help pay for the installation of the solar panels. Ms. Cable asked him to provide further information, so that MALPF can share that with the NRCS, and inform them of the deadline for the USDA grant.

Motion #6: To approve installation of a free-standing array of solar panels on the easement property that will produce approximately 79% of the current electric utility consumption, conditioned upon approval by the NRCS, as presented.

Motion: Kille Second: Cosgrove
Status: Approved

C. QUEEN ANNE'S COUNTY

1. 17-88-09C Wye River Enterprises, Inc. ~ 378 acres
(Shirley Severa)

Request – Queen Anne's County:

Request approval of an agricultural subdivision to divide the easement property along existing tax parcel lines, dividing the easement into a ~238.78 acre area (Parcel 23) and a ~138.6 acre area (Parcel 181).

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. Corrective easements shall be completed.

Ms. Cable introduced the item. Ms. Smith was available for any questions from the Board.

Motion #7: To approve an agricultural subdivision to divide the easement property along existing tax parcel lines, incorporating staff recommendations, as presented.

Motion: Hill Second: Herr-Cornwell
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

- A. Cecil County revised easement ranking system.

Recommendation:

Staff recommends approval.

Ms. Cousins presented the item.

Motion #8: To approve Cecil County's revised easement ranking system, effective for the FY24 application cycle, as presented.

Motion: Goodall Second: Connelly
Status: Approved

MALPF Board Open Meeting Minutes April 25, 2023

B. St. Mary's County Re-Certification Request.

Recommendation:

St. Mary'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. Cousins presented the item. Ms. Herr-Cornwell provided the Department of Planning's agreement and recommended approval.

Motion #9: To approve recertification request from St. Mary's County land preservation program under COMAR 34.03.03.

Motion: Dell Second: Wood
Status: Approved

C. Anne Arundel County Re-Certification Request.

Recommendation:

Anne Arundel 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. Mr. Gorski was available for questions from the Board.

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

Motion: Yerkes Second: Wood
Status: Approved

D. Carroll County Re-Certification Request.

Recommendation:

Carroll 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. Mr. Smith was available for questions from the Board.

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

Motion: Dell Second: Wood
Status: Approved

E. FY24 Easement Application Cycle Recommendations.

Ms. Cable presented the Board with the final approved budget for MALPF for FY24, and proposed the following structure for the FY24 application cycle, regarding numbers of applications accepted, based on the higher level of funding (State and County combined is \$94,697,833):

A. Maximum number applications to be submitted to DGS for appraising: 20

B. Counties with a high volume of applicants are allowed to submit up to 25 applications by the July 1st deadline, provided that at least 5 of the 25 applications are still eligible to potentially receive a Round 2 offer in the FY 2023 cycle.

C. Counties submitting more than 20 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 20 applicants by July 31st. This gives the Counties through the July Board meeting to learn if any additional FY 2023 applicants receive easement offers.

Motion #12: To approve the recommended structure of accepting FY23 applications, as presented.

Motion: Herr-Cornwell Second: Kille
Status: Approved

MALPF Board Open Meeting Minutes April 25, 2023

VII. INFORMATION AND DISCUSSION

- A. FY 2023 Quarterly Inspection Report.
- B. Legislative Update.

Ms. Turner provided the Board with the status of bills that passed during the 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 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 10:03 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:	Hill	Second:	Kille
Status:	Approved		

The Closed Meeting of the Board was held from 10:14 a.m. to 11:45 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, Cathy Cosgrove, Gary Dell, Joe Wood, Alex Butler, representing Comptroller Brooke E. Lierman, J. Bruce Yerkes. and Elizabeth Hill.

The following Board members were absent: Gilbert "Buddy" Bowling

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

TOPICS DISCUSSED:

- A. Approval of March 28, 2023, Closed Session Minutes
- B. Status Report of Pending Legal Issues

MALPF Board Open Meeting Minutes April 25, 2023

- C. Queen Anne's County- Final Lot Release Eligibility
- D. Dorchester County- Violation Review
- E. FY 2023 Offers
 - 1. Baltimore County
 - 2. Dorchester County
 - 3. Frederick County
 - 4. Garrett County

Respectfully Submitted:



Michelle Cable, MALPF Executive Director

