

MONTGOMERY SOIL CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
January 12, 2024

Approved  
2-9-24

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held virtually on the GoToMeeting platform and in person on Friday, January 12, 2024.

People Present:

Robert Butz, Chairman  
Robert Butts, Vice Chairman  
Linda Lewis, Supervisor  
Tim McGrath, Treasurer (Virtual)  
Doug Tregoning, Supervisor (Virtual)  
Tom Linthicum, Associate Supervisor  
Adam Lyons, (MDA)  
Kelly Nichols, (UMD)  
Mike Scheffel, (OAG)  
Natalia Salazar, (OAG)  
John Zawitoski, District Manager (MSCD)  
Karen Walker, Office Service Coordinator (MSCD)

The District Chairman, Robert Butz, called the meeting to order at 9:01 a.m., and asked for the meeting to begin with the agency reports.

**Agency Reports:**

**EXTENSION** – Kelly Nichols - U of MD Extension provided her report and noted the Agronomy Update Meeting is scheduled for February 21<sup>st</sup> at the Urbana Firehall from 9 am to 3p.m. Kelly provided an update on the Nutrient Management Advisor Position recruitment for Montgomery County. Unfortunately, Extension could not find a candidate and indicated they readvertised for the position and noted Amanda Laudwein will serve on an interim basis as the plan writer for Montgomery County.

**OFFICE OF AGRICULTURE** – Mike Scheffel presented the report for the Office of Agriculture. Below are items that Mike addressed.

- Office of Legislative Oversight (OLO) Report on the Status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) Programs – The OAG will continue to monitor the process of the Planning Department providing recommendations to the County Council on these programs.
- Recommendations to revise farm alcohol production Zoning Text Amendments 18-03 and 18-14 – The AAC and Agricultural Preservation Advisory Board have both written letters recommending specific increased lot size and crop acreage requirements for farm alcohol production. The County Council is aware of these recommendations and the OAG will remit the letters to them at the appropriate time.
- ZTA 23-08 (TDRs and Cemeteries), ZTA 23-09 (Incidental Outdoor Stays) – The public hearings for both ZTAs are scheduled for 1/16/2024. ZTA 23-08 is proposing to allow existing cemeteries to expand onto properties encumbered by TDR easements. ZTA 23-09 is proposing to allow incidental outdoor stays on AR zoned properties engaged in agritourism.
- Vacancies announced for APAB, AAC, RRAC – The OAG has received the names of the applicants for the APAB and AAC and will be setting up interviews for the candidates shortly. Tom Linthicum, Mason Hopkins, and John Jamison applied as farmer members for the RRAC. The AAC nominated Billy

Willard, Sr. to be the AAC representative, staff to the RRAC was made aware and accepted the nomination.

- Vacant Agricultural Preservation Program Administrator position – The position posting closed on November 27, 2023, interviews were held on January 4, 2024 and the candidate selected is expected to begin in early February.
- OLO RESJ Statement for ZTA 23-09 was provided to the Board as a PDF attachment to his report.
- The MNCPPC released its report on solar in the AR zone: A link to this report has been incorporated into the minutes and attached below:  
<https://montgomeryplanning.org/wp-content/uploads/2023/12/Impact-Report-of-Montgomery-County-Solar-Collection-Systems-in-the-AR-Zone-December-2023.pdf>

Mike briefly explained some of the recommendations outlined in the report:

- **IMPROVE COORDINATION WITH UTILITY COMPANIES.** Montgomery Planning strongly urges more coordination with and better responsiveness and infrastructure from utility companies to allow additional connections and capacity to the utility grid.
- **INCREASE SOLAR SIZE LIMITATION.** Montgomery Planning recommends exploring the removal of the 2-megawatt size limitation for community solar projects. The 2-megawatt size limitation was included due to the state cap for community solar projects at the time. Since the creation of these standards, the state has increased the cap for community solar projects to 5 megawatts. If all other standards are met, including maintaining the prohibition of community solar projects on Class I and II soils, Montgomery Planning does not see the need to restrict the size of solar projects to 2 megawatts. This would provide potential applicants the option of going through our local process and standards or the state process and standards for community solar projects of up to 5 megawatts.
- **CONVERT SOLAR COLLECTION SYSTEMS TO LIMITED USE.** Currently, Solar Collection Systems that are rated at more than 200% of on-site energy use and that generate less than 2 megawatts are a Conditional Use in the AR zone, which is a rather costly and lengthy process, requiring public hearings with both the Planning Board and the Hearing Examiner. Given the limited number of applicable standards in the Montgomery County Zoning Ordinance for Solar Collection Systems, Montgomery Planning recommends that the County Council explore making this use a Limited Use, with review by the Department of Permitting Services at building permit in coordination with the Office of Agriculture and Montgomery Planning to ensure that the applicable development standards are adhered to and the Forest Conservation Law is followed.

Upcoming meetings and events: **Agricultural Advisory Committee meeting:** January 16, 2024; **Montgomery County Farm Bureau Board of Directors meeting:** February 6, 2024

**MARYLAND DEPARTMENT OF AGRICULTURE (MDA)** – Patuxent Area Coordinator, Adam Lyon, presented the MDA report and noted performance evaluation for all of the State employees along with updated position descriptions will be conducted following the Board meeting today. Adam expressed that all state staff are doing a good job and noted there are no concerns in reference to performance evaluations. Adam then outlined that Conservation Buffer is scheduled to roll out on January 19<sup>th</sup> and that Sarel Cousins will be administering this program. One major benefit of enrolling in the Conservation Buffer program is that it has fewer requirements than the Federal CREP Program. Adam then explained to the Board MDA's new policy for updating expired Conservation Plans. It utilizes a process like BMP verification to field verify the status of an expired plan for the purpose of keeping the plan in Conservation Tracker as the District works

towards formally updating the plan. MDA understood that there was a real need for a more flexible Plan renewal policy for certain expired conservation plans to help meet the WIP Goals. This new policy would pertain to farms consisting of the same operator, same rotation/ag operation with no noted resource concerns. MDA is preparing for another outbreak of HPI and is looking for staff members willing to serve in a temporary detail.

**SECRETARY/ TREASURER'S REPORT** – Chairman Robert Butz addressed the approval of Board minutes. He indicated all Supervisors have received a copy of the minutes and asked if there are any requested changes or corrections. Having no changes or corrections for the minutes, the Chairman requested a motion for approval. A motion was made by Linda Lewis, seconded by Robert Butts, and passed, approving the December 8, 2023, Board of Supervisors minutes.

Chairman Butz invited Karen Walker to present the financial reports. Before the report was presented, she indicated that she was working on finalizing payments for Supervisors. She explained that Supervisors only received one payment in 2023 and she has set a goal to have Supervisors' payments ready by the February meeting. The time period for this payment will be from June 2023 to January 2024, and she will send an email to the Supervisors confirming their activity. Karen shared that she is working with Pam Saul to provide the filing of the 1099Ss and all the requirements for the IRS for last year's taxable year. No Supervisors will receive a 1099 for year 2023 as their payments were under the \$600 threshold. As far as District expenses there was only one expense and one donation request for the board to address. The donation request is for the University of Maryland Soil Judging Team and the District has supported the team in the past. The request is to help offset the cost to attend the National Soil Judging Contest and the estimate cost per student is \$1,100.00. Next, Karen wanted the Board to approve the expense to pay for the annual MDA audit and noted there is a cost increase. Last year the cost for the annual audit was \$1750 but the cost increased this year to \$2000.00. John provided details on the state law regarding the annual audit and noted it may be time to look for another provider that may not be as expensive. Karen shared that she would check with Pam Saul to see if she is able to conduct an audit on behalf of the District. Karen then reported that the check book and the bank statement have been reconciled and she recommends the approval of the Board to file the report. She noted it could be one motion to address the audit invoice, UMD donation and to file the December MDA financial report. A motion was made by Linda Lewis and seconded by Robert Butts and passed approving to file the December MDA Financial report, provide \$1,100 to the UMD Soil Judging team and to pay the annual audit expense of \$2,000.

**DISTRICT ACTIVITIES REPORT AND PROGRAM UPDATE** – District Conservationist, Sam Engler, was not available for the meeting and John reviewed the activities report with the Board. John explained that the District staff has been very busy updating conservation plans with about 13 in progress and 5 ready to be approved by the Board during the closed Executive Session.

**DISTRICT MANAGERS REPORT: NEW BUSINESS**

**Written Testimony ZTA 23-09** – During the December Board Meeting, the Board discussed providing written testimony concerning ZTA 23-09. During the discussion it was noted that John would work with Chairman Butz to draft testimony for the January 16<sup>th</sup> public hearing. Provided as an attachment is the draft testimony John and Robert put together. If the Board agrees with the draft, John will put the letter into final form and submit to the County Council before close of business today. A motion was made by Linda Lewis and seconded by Robert Butts and passed, approving the draft letter for written testimony for ZTA 23-09.

**Supervisor Appointment – Farm Bureau Rep.** – John explained that the State Soil Conservation Committee provided notice to the District and Farm Bureau that Robert Butts' appointment as Farm Bureau representative on the District Board will expire on March 1, 2024. John reached out to Robert to see if he wished to be considered for reappointment. Robert wrote back and indicated that he was not going to seek reappointment. Robert indicated that he had some other interests he wanted to pursue and felt this was a good time for one of our associates to step up in a leadership role. John indicated that he would work with Farm Bureau to review

interested candidates and assist in the coordination for the appointment. Once we have a better idea who the candidates will be, the District can make a formal recommendation to the SSCC. Both Associate Supervisors Tom Linthicum and Chris Miller are interested in applying and John is working with Todd Greenstone to put the nomination package together. John thanked Vice Chairman Robert Butts for all his service.

**Urban Ag Cooperative Project (MCPS/Koiner Fd)** – The District has been asked to provide assistance with a MCPS Urban Ag Project for students in cooperation with the Charles Koiner Foundation. This project consists of developing several growing areas on the Loiederman Middle School property. MCPS first approached DPS because of the associated land disturbance and found that meeting County DPS E&S and forest conservation requirements would likely be a project killer. The Koiner foundation, who would be the farming manager, is already a cooperator with the District and given that the land use is agricultural, the District is well positioned to provide assistance with E&S through the Conservation Planning Process. This is an excellent urban ag project that the District can provide assistance with as well as provide another educational outreach event for students. John noted there is a concern with the location of the raised beds due to a potential soil contamination issue and has asked for Extension’s assistance in evaluating risk factors as well as remediation techniques if necessary. Tom suggested using tables instead of raise beds.

**Impact Report Solar Collection Systems (AR Zone)** – In December, the MNCPPC completed a report and analysis of Solar Collection Systems in the Ag Reserve. John has provided a copy of the report in the Supervisors’ packets. We know there will be amendments forthcoming to the County zoning for solar collection systems as well as new legislation in the upcoming 2024 State Legislative Session. Mike noted that solar is the biggest legislation item and this led to a lengthy discussion.

**Pending Legislation: Small Pond Fees for SCD)** – As we get ready for the upcoming Legislative session, there is one piece of legislation the State Association is pursuing involving the ability for SCD to charge fees for doing small pond reviews. This legislation became necessary due to an opinion by the OAG that the current law that allows SCDs to charge for Erosion and Sediment Control does not include small pond review and approval, even though E&S is part of the review process. This legislation would allow (with limitations) SCD’s to charge for this review. While this legislation is important for SCDs, the amount to be considered must be associated with an amount needed to conduct the review. Unless a District has a high volume of small pond reviews, securing enough funding to hire a PE, which is required to conduct the reviews, would likely be insufficient, and District would likely have to secure engineering services on an ad hoc basis. For MSCD, our arrangement (and pending arrangement) with the City of Gaithersburg to provide funding for our engineering position is superior to charging on a project-by-project basis. While this legislation may not be beneficial to our District, it may provide help to Districts that have no other avenue to provide this service. John explained the challenges and noted Delegate Wims may be willing to be a sponsor on the House side. Robert Butz suggested that Sara Love might also be willing to be a cosponsor.

**MDA Soil Health Fund** – John explained that the Maryland Department of Agriculture will accept applications for its Healthy Soils Competitive Fund from January 3 to March 6, 2024. If you have an innovative conservation idea for your farm, this program is for you! It provides financial assistance to qualifying farmers who want to adopt a range of soil health or agroforestry practices. It aims to support farmers and operators who are ineligible for other programs. John noted a copy of the program’s flyer was provided in the agenda packet.

#### **DISTRICT MANAGERS REPORT: OLD BUSINESS**

**MASCD Winter Meeting Update** – Provided in the Supervisors’ packets is the latest schedule/agenda for the Winter Meeting. The first day will be packed with meetings and reports concerning the business of the association, including a review of pending legislation. Legislator visits will be held on the second day of the conference, including a legislative breakfast the morning of the 23<sup>rd</sup>. John has been busy trying to get appointments with the Montgomery Delegation.

**Schedule of Legislator Visits (as of 1/12)** – Included in your Supervisor packets is the schedule for legislative visits so far. It has been a tough year for getting visits scheduled as the day MASCD scheduled for visits conflicts with committee meetings but so far we have appointments with 12 legislators from 9:30 am to 1 pm. We also have a legislative breakfast the morning of the 23<sup>rd</sup> from 7:30 am to 9 am.

**2024 Delmarva Soil Summit on February 6 & 7** – Just a reminder that the Delmarva Soil Summit is set for February 6<sup>th</sup> and 7<sup>th</sup> and the Wicomico Civic Center. There is still time to register if anyone is interested in attending. <https://delmarvasoilsummit.com/>

**MACS Flat Rate Update - Central Region** – MDA provided Districts that wanted the MACS program to consider updates for Flat Rates developed for their respective District regions earlier this past year, to submit proposed changes before the end of the calendar year. We worked with our Central Region partner Districts to provide revisions to the central region flat rate schedule. Rock and concrete costs seem to continue to rise.

**Board Executive Session Summary from the December 8<sup>th</sup> Closed Session**

In accordance with (§ 3-306) (c) (2) or § 3-104, the Montgomery Soil Conservation District Board of Supervisors held a closed session for the purpose **“To protect the privacy or reputation of individuals concerning a matter not related to public business.”**

**Time of closed session:** 10:02 a.m. **Place:** Small Conference Room – Agricultural History Farm Park

**Members who voted to meet in closed session:** Butz, Butts, Tregoning, McGrath, Lewis

**Persons attending closed session:** Zawitoski, Walker, Butz, Butts, Tregoning, McGrath, Lewis, Scheffel, Engler

**Authority under § 3-305 for the closed session (see statement above):** § 3-305(b)(2)

**Topics discussed:** Soil Conservation and Water Quality Plans completed and ready for Board Approval

**Each action Taken:** Approval of 5 Conservation Plans

**Statement concerning entering into an Executive Session following the January 12<sup>th</sup> Open Board Meeting Session:**

**Board Chairman Statement about entering into a closed Session following the January 12<sup>th</sup> MSCD**

**Open Meeting.** MSCD Chairman Robert Butz made the following statement: In accordance with (§ 3-306)(c)(2) or § 3-104: “Immediately following the Open Session Meeting, The Montgomery Soil Conservation District Board of Supervisors intends to enter a closed session. In accordance with (§ 3-306) (c)(2) of the Open Meetings Law, and for the purpose **to protect the privacy or reputation of individuals concerning a matter not related to public business**”; the Board by majority vote shall enter into the closed session to discuss and approve Soil Conservation and Water Quality Plans and to discuss landowner-specific - details involving a request for assistance from a county landowner.

**Motion to Enter Closed Session made by:** Robert Butts

**Motion seconded by:** Linda Lewis

**Members in favor:** Doug Tregoning, Robert Butz, Tim McGrath

**Opposed:** None

**Abstaining:** None

**Absent:** None

**ADJOURNMENT AND NEXT MEETING** – The Chairman had no correspondences to share. The open meeting was adjourned at 9:54 a.m. The next scheduled Board of Supervisors Meeting will be in person with the option to attend virtually on February 9, 2024 at 9:00 am.

Regards,



Karen Walker, Administrative Assistant

**MEETINGS HELD**

**MEETINGS ATTENDED CALENDAR YEAR 2024**

1	Butz	100%
1	Butts	100%
1	McGrath	100%
1	Linda Lewis	100%
1	Doug Tregoning	100%
1	*Linthicum	100%
0	*Joe Lehman	0%
0	*Chris Miller	0%

\*Associate Members