

MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
May 12, 2023

Approved
6/9/23

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held Friday, May 12, 2023, in person and virtually on the GoToMeeting platform.

People Present:

Robert Butz, Chairman
Robert Butts, Vice Chair
Tim McGrath, Treasurer (virtually)
Linda Lewis, Supervisor
Doug Tregoning, Supervisor
Joe Lehman, Associate Supervisor (virtually)
Chris Miller, Associate Supervisor
Tom Linthicum, Associate Supervisor (virtually)
Adam Lyon, MDA (virtually)
Kelly Nichols, Extension
Jeremy Criss, OAG
Mike Scheffel, OAG
Natalia Salazar, OAG
Sam Engler, District Conservationist (NRCS)
John Zawitoski, District Manager (MSCD)
Karen Walker, Office Service Coordinator (MSCD)

The District Chairman, Robert Butz, called the meeting to order at 9:00 am and invited Adam Lyon, to present the MDA Agency report.

Agency Reports:

MDA- Adam Lyon, the MDA Regional Coordinator reported the biggest upcoming event on MDA's agenda is the annual Regional Meeting that is scheduled to start at 9:30 on May 16th. The meeting will be held at Sandy Point State Park for all state resource conservation employees and the District Managers. The new MDA Secretary, Kevin Atticks and Susie Delbert are scheduled to attend and there will be a variety of topics presented and nutrient management is included this year and will provide updates.

Adam announced MDA is offering a new tree planting incentive. Adam noted that this program is an add incentive for planting trees that is eligible on any approved NRCS standard and practice that is being provided cost share assistance. In addition to the 100% cost share, MDA will contribute an additional \$2 per tree for the following approved practices: hedge row, windbreaker, tree shrub establishment and riparian buffers. This new program is another avenue that the State is utilizing to achieve the 5 million new tree plantings required to be planted by 2031 under State Law. Adam shared the sign up for the small acreage cover crop program has been announced and the program is designed to aid farmers with less than 10 acres. Bill Tharpe is overseeing this program.

Adam shared the MOUs for the Trust Fund and the General funds have been sent out and the goal is to have them officially enacted on July 1st. Adam is hopeful that Montgomery agrees with the MOU's. Adam then reported that the new Secretary has visited several SCDs and noted his visitations shows just how engaged the Secretary is in getting familiar with agriculture and conservation across the entire state.

EXTENSION – Kelly Nichols - U of MD Extension, presented her report and provided updates on field scouting and noted that cereal leaf beetles and slugs are active and noted slugs are particularly a challenge to manage in crop fields.

Kelly then provided an update on the Nutrient Advisory position and shared there were several well qualified candidates interviewed on Wednesday and she is hopeful that the position will be filled, and a person will be on board by mid-summer. She announced an update for MDA pesticide program and noted the pesticide continuous recycling program is unfortunately ending. The company contracted to support the program has not worked out for the past 2 years. Jeremy shared details on the recent agricultural tire recycling initiative with the MD Environmental Service and noted that he can provide Kelly with his contacts at the MD Environmental Services.

Doug asked Kelly if the Fusarium head blight risk was still low, and she provided the status for the last several days. It was noted with the scheduled weekend rain there will be an expected change. There was a discussion on the wheat and rye plantings and Robert asked how many more weeks do we need to worry about this issue. Kelly shared that currently we are at the medium range for risk, and that wheat would likely be finished flowering in a week. Robert noted the wheat he has seen in the wheat fields looks good.

OFFICE OF AGRICULTURE: Jeremy presented the report for OAG and a copy of the report will be attached to the approved MSCD minutes. Jeremy presented his report and noted there is no update on the first 2 items listed. Jeremy informed the Board that the OAG will continue to monitor **Bill 40-21- Individual Water Supply and Sewage Disposal Systems - Amendments (McCartney-Green) and Bill 18-22 Noise Control – Leaf Removal Equipment – Amendments.**

After Jeremy presented his report, Doug asked if Jeremy has a real concern about Farm Alcohol Production (FAP). Jeremy responded that the definition of farming must be examined first and noted that FAP is one of several accepted farm accessory agricultural uses providing that farming is the primary use. Jeremy went into great details of a Farm Market and provided percentages of the farming usage. There was a lengthy discussion on this matter whereby both Supervisors and Associates provided comments on their experiences in FAP. Questions were raised about if there were farm breweries under 25 acres that are operating and how would the proposed changes affect them? Jeremy responded that the County currently has some breweries that are under 25 acres, and they will be grandfathered as non-conforming uses and not subject to the proposed changes.

SECRETARY/ TREASURER’S REPORT - Chairman, Robert Butz, then addressed the approval of the minutes and indicated that all have received a copy of the minutes and asked if there are any changes or corrections. Having no changes or corrections for the minutes, the Chairman noted given this is a hybrid meeting, he would just call for nays. Hearing no nays, the April 14, 2023, Board of Supervisors minutes were approved.

The Chairman invited Karen to present the financial statements. Karen reported that both the checkbook and bank statement are reconciled. The Chairman asked if there were any changes or corrections for the financial report. Having no changes, the Chairman requested a motion for approval. A motion was made by Linda Lewis and seconded by Doug Tregoning and passed approving to file the April MDA Financial Report.

DISTRICT ACTIVITIES REPORT AND PROGRAM UPDATE: District Conservationist, Sam Engler, walked the Supervisors through the Activities report and noted MSCD has received 2 Request for Assistance (RFA). One RFA is for a small goat and chicken operation and the other RFA is for a new composting operation. Sam indicated that there are 9 conservation plans in progress and 3 completed conservation plans for approval. Sam noted that staff have attended several training courses and noted our new employee engineer, Charley, is up and running. After Sam shared information on the Activities Report, Chairman Butz intervened and suggested this may be a good time for John to explain the protocol for handling producers’ information

during an open meeting. John noted that last month he attended the District Managers roundtable and the discussion involved Board Meetings and Closed Sessions. John provided details of the Open Meetings Law (OML) and Executive Session and noted MSCD started having Executive Sessions/Closed meetings so information about a Cooperator is not disclosed during the open meeting and subsequently reported in the District Board minutes. John provided in depth details and noted before the close of the open session, the presiding office (i.e., Board Chair) must read a "closing statement" that cites the part of the OML and applicable exception allowing the Board to enter closed session. Doug asked who is allowed to be in the Closed Session. John responded it should be only those directly associated with the items being discussed (i.e., District Manager, District Conservationist, MSCD Staff and Supervisors). John shared that while he has completed the OML training, a change in the OML now requires a board supervisor to receive the OML training and Doug indicated he would take the on-line training.

After the discussion on the OML, Sam shared he is wrapping up EQIP applications and 16 were received from Montgomery and 2 of the applications have become contracts. There is \$350,000 available in funding for Howard and Montgomery. The Chairman noted that the Activities Report will no longer require a motion for approval. The Activities Report is an information report like the agency reports.

DISTRICT MANAGERS REPORT: NEW BUSINESS

Open Meetings Law & Executive Sessions: This has been discussed under the District Conservationist Report and Doug Tregoning will take the OML training.

Engineering Update (MDE/DEP/DPS/NRCS): Charley has been on board for about a month, and he is doing a great job. The meetings with MDE/DEP/DPS/NRCS went very well, and Charley did an excellent job preparing. Charley is detail oriented, and he found conflicts in the MDE Policy and MDE is appreciative of Charley's input on the Statewide Policy document. John shared there is a need to meet with the City of Gaithersburg and formalize a formal agreement. All agreed that there should be some kind of charge for the service the District would provide. John will get back with the Board after meeting with the City of Gaithersburg.

MDA/MSCD WIP Meeting (5/23 at 11 am): This virtual meeting for the District Manager, District Conservationist and have asked for at least one supervisor to sit in on this meeting.

SSCC State WIP Update: John explained that within the Supervisor Packets a presentation MDA provided to the SSCC concerning the State WIP progress. John is working with local animal waste haulers to identify roll off dumpsters to report as RI's enabling the District receive animal waste WIP goal credits.

MDA GF/CBT Agreements: We have received both MDA Funding agreements. MDA general fund is providing for the increased costs of the Annual Audit from \$1,500 to \$1,750. However, MDA held firm on the \$7,500 maximum per diem amount. The GF Agreement is \$218 dollars short of the requested amount. The District has local funds to cover the difference. John shared the CBT exclusively funds the DM and OSC position and provided details on the funding increase. John recommended the Board's approval for both agreements. The Chairman asked if there were any questions for either agreement. Having no questions, the Chairman requested a motion for agreement approvals. A motion was made by Linda Lewis and seconded by Robert Butts and passed approving MSCD to sign off on the MOU for the MDA General Fund and the Chesapeake Bay Trust Fund.

MASCD Awards: John explained all the District awards are due May 19 and the District submitted the following awards: Teacher of the Year: Lissa Vincent Richard Montgomery HS; MASCD Attendance Award; MASCD Newsletter Award; Cooperator of the Year Award, MASCD Conservation Education Award and the Farm Credit – District of the Year Award

MASCD Summer Meeting August 27-29: Karen will be reaching out to Supervisors individually to see if they will be able to attend all or some of the annual summer meeting.

OLD BUSINESS

Local Envirothon – County Competition: John reported that our local competition was held on April 27th and for the 3rd year in a row, Richard Montgomery’s Team Troupe won our local competition. This team has one returning member from last year along with her 4 teammates and will compete on June 15th and 16 at the State Competition in Garrett County. John shared that there is a potential to add 2 new schools will be added to the program for next year.

May 2023 Newsletter Published: John informed the Board that our May Newsletter containing our Annual Report has been published and there is a copy included in your meeting packets. John wanted to express his appreciation to Karen, J and Kat for their help in getting the newsletter ready for publication.

Lead Reclamation Update - In order to protect the private information of the landowner, and without going into property or landowner specific details, the lead reclamation project we have been asked to provide technical assistance is still being discussed by MNCPPC as there are concerns involving forest conservation. Some MNCPPC staffers believe that considering there will be no formal County E & S permit will be issued and that the District will be providing E & S approval and oversight through the Soil Conservation and Water Quality Plan, the project would not trigger forest conservation requirements. However, MNCPPC’s attorney wants to require FC for this project and questions the District’s authority to oversee this project. MNCPPC is having a meeting within their agency to discuss this further, and we hope to have a more definitive answer by the next Board meeting. If MNCPPC does require FC, the landowner may want to seek legal relief as we believe the project meets the requirements of the forest conservation law for receiving an ag exemption. During the closed session, the Board can discuss this matter in greater context.

Peach Tree Road Entrance Resolution: In order to protect the private information of the landowner, without going into property or landowner specifics, the District was able to work with the Rustic Roads program to resolve the issues and address the concerns they had with the establishment of a new farm entrance and access road.

MDA Small Acreage Cover Crop Program. John said Adam had mentioned this program and noted it provides financial assistance for producers who typically do not qualify for the traditional cover crop program.

Board Executive Session Summary from the April 14th 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: 10:30 Am **Place:** Multi Purpose 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, Engler

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

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

Each action Taken: Approval of 3 Conservation Plans

Board Chairman Statement about entering into a closed Session following the May 12th 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 proposed Lead Reclamation project.

Motion to Enter Closed Session made by: Linda Lewis

Motion seconded by: Doug Tregoning

Members in favor: Robert Butz, Robert Butts, Tim McGrath, Doug Tregoning, Linda Lewis

Opposed: None

Abstaining: None

Absent: None

ADJOURNMENT AND NEXT MEETING The Chairman having no correspondences to share, informed the Board the next scheduled Board of Supervisors Meeting will be in person in the small conference room at the Agricultural History Farm Park with the option to attend virtually on June 12, 2023, at 9:00 am. The open meeting was adjourned at 10:30 am.

Regards,



Karen Walker, Administrative Assistant

MEETINGS HELD

3 Butz
3 Butts
4 McGrath
4 Linda Lewis
3 Doug Tregoning
4 *Linthicum
4 *Joe Lehman
4 *Chris Miller

MEETINGS ATTENDED

75%
75%
100%
100%
75%
100%
100%
100%

*Associate Member