

MONTGOMERY SOIL CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
October 13, 2023

Approved  
12-8-23

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held virtually on the GoToMeeting platform on Friday, October 13, 2023.

**People Present:**

Robert Butz, Chairman  
Robert Butts, Vice Chairman  
Tim McGrath, Treasurer  
Doug Tregoning, Supervisor  
Chris Miller, Associate Supervisor  
Joe Lehman, Associate Supervisor  
Tom Linthicum, Associate Supervisor  
Kelly Nichols, UMD  
Mike Scheffel, OAG  
Sam Engler, District Conservationist (NRCS)  
John Zawitoski, District Manager (MSCD)  
Kathleen Sigwart, (MDA/MSCD)  
Karen Walker, Office Service Coordinator (MSCD)

The District Chairman, Robert Butz, called the meeting to order at 8:00 a.m. and invited Mike to present the report for the Office of Agriculture.

**Agency Reports:**

**OFFICE OF AGRICULTURE** – Mike Scheffel presented the report for the Office of Agriculture, which each supervisor received along with associated documents prior to the meeting. His intent during the meeting was to review a couple of items listed within his report. The first item concerned Bill 18-22, Noise Control – Leaf Removal Equipment. On September 26, 2023, the Council adopted this bill with the amendment that exempts “agricultural producers located on agriculturally assessed properties where farming or agricultural use and activities are permitted under Article 59, Section 3.2.6 of the Zoning Ordinance.” Mike shared the challenge will be phasing out the sale of gas-powered blowers in the next 2-3 years.

Mike then shared information on the Office of Legislative Oversight (OLO) Report on the Status of the Transferable Development Rights (TDR) and Building Lot Termination (BLT) Programs. OAG recently met with the Planning Department staff, and OAG and the Planning staff have the same mindset and vision. However, the Planning Leadership position is not known. OAG will continue to monitor the process and hope that the leadership shares the same vision.

The Office of Agriculture recommends that the County Government revisit the Farm Alcohol Production (FAP) Zoning Text Amendments 18-03 and 18-14 with the following amendments: the minimum lot size requirement for all types of FAP be amended to 25 acres; owners be required to grow five acres of ingredients used in the alcohol production process either on site or on abutting or confronting property they own or rent. The idea is to create a level playing field and there have been conversations with councilmembers that see validity in the changes.

Mike wanted the Board to be aware of the OAG meeting with DNR on community solar. On September 25, 2023, the OAG met with DNR to learn more about the Certificate of Public Convenience and Necessity (CPCN)

required for all solar projects over 2 MW and up to 5 MW in size, which now fall under the State's definition of community solar. DNR staff indicated that in reviewing an application for such a project, the State gives weight to local ordinance, and they recommended that the County intervene as a party in the process so that its solar ordinance is properly represented. Mike shared details and noted the PSC can completely disregard any local governing zoning restrictions. Mike noted there are two 5 MW solar projects in the works. The Chairman inquired about the location for the two projects and Mike responded one is for Doug Baugher on Route 28 and the other is for Robert Hawkins Sod Farm. Tim inquired about the property that he sold on Riggs Road and Mike responded it followed the County guidelines and is a 2 MW community solar project. There was a lengthy discussion on this matter, and Mike will forward details to Tim for a potential client wanting to do community solar.

The National Farmer's Day Luncheon and Proclamation was the last item that Mike reported on, and he noted it was a good event. It was held on October 10, 2023, and a lot of farmers attended and got facetime with the councilmembers.

**Upcoming Meetings and Events:** Agritourism luncheon at Burnt Hill Farm: October 25, 2023; Western Montgomery Economic Forum: October 27, 2023; Council Econ. Dev. Committee work session on agritourism: November 6, 2023; Montgomery County Farm Bureau Board of Directors meeting: November 7, 2023; Montgomery Soil Conservation District Board of Supervisors meeting: November 10, 2023; Montgomery County Farm Bureau Banquet: November 14, 2023; Agricultural Preservation Advisory Board meeting: November 14, 2023.

**EXTENSION** – Kelly Nichols - U of MD Extension - presented her report and shared that she would put some information on nutrient management in the chat. She is excited to announce the Nutrient Management Advisor position has been posted and asked the group to please let folks know about the opportunity and to apply now. The hope is to have an Advisor on board by the end of the year. There are 9 vacant Advisor positions across the state and Montgomery County is included. In the meantime, there are two Advisors, Krista Mitchell and Kamil Rosales, providing assistance to Montgomery. Kamil is assigned to Carroll County but is committed to come to Montgomery County one day per week, generally on Tuesdays. Robert Butts commented Kamil did his Nutrient Management Plan and he was great to work with. John wanted to make Kelly aware that a cooperator just recently got their Nutrient Management Plan updated so they can participate in the Manure Transport Program. John shared that the plan would need to be revised again in February. Kelly and John will work together to ensure the cooperator receives a revised plan. Kelly noted soil probes are available if anyone needs to borrow one.

Kelly mentioned that CEWA completed the first week and it was a little challenging, but the students and the teachers all had a great time. She thanked the board for supporting the CEWA program.

The last items that Kelly reported on were in reference to pesticides. Recently, UME Ag Agents met with MDA's Pesticide Division in reference to pesticide updates. She noted for next year, there is a new pesticide manual and shared it's a core manual that is national. Along with the new manual, there will be a new pesticide exam. She was not sure how much would be changing, and she wanted to provide a heads up for anyone who wanted to take the exam next year. She shared if anyone needs to take the exam to let her know. She also shared the pesticide exam is available online for both private and commercial applicators. There is a fee to take the exam but she was uncertain of the cost. (Update: the cost is \$27 per exam.)

Lastly, she noted that EPA has made some changes in the certification process and is now requiring states to follow the new changes. She noted there are not too many changes in Maryland. If you are using restricted use pesticides, you need your own license. She shared there are a couple of exceptions for private applicators and family members. Registered Technicians are required to have their own license and can no longer work under the supervision of licensed personnel. For Private Applicators, there are new categories for fumigation including soil and grain. Kelly noted the changes will not start until July 2026, but she wanted to get the information out.

After Kelly's presentation, Tim McGrath commented the soil probes for horse pastures are worthless. He shared information on an item that he purchased and both Kelly and John said that if he provides the product information, they will investigate purchasing the items for the offices.

**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. Since this was a virtual meeting, the Chairman only recorded votes for nay. A motion was made by Tim McGrath and seconded by Doug Tregoning, and since there were no nays, the motion passed approving the September 15, 2023 Board of Supervisors minutes.

Chairman Butz then invited Karen Walker to present the financial reports. Before addressing the financials, Karen asked caller 01 be identified for attendance tracking. It was noted that Robert Butts was caller 01 on the call. Karen then reported that the check book and bank statement have been reconciled. The report includes the payment for the hotel reimbursement for Tim McGrath and Robert Butz who attended the MASCD Summer meeting. Karen then addressed two invoices needing Board approval for payment. The first was for the Annual NACD dues and the second was a \$1,643 invoice for the District's D&O insurance policy renewal. Karen explained that Montgomery SCD normally provides NACD dues for the Gold Level (\$775), of which MDA contributes a large portion (\$700) for the Annual NACD dues. The D&O insurance is covered by the Water Quality Protection Charge Operating Funds. Karen noted funds are available to address both items and requested a motion to pay the expense and to file the financial report. The Chairman inquired if there were any questions. Having no questions, a motion was made by Doug Tregoning and second by Tim McGrath, and since there were no nays, the motion passed approving to pay the D&O Insurance (\$1,643), pay the Annual NACD dues at the Gold Level (\$775) and to file the September MDA financials.

**DISTRICT ACTIVITIES REPORT AND PROGRAM UPDATE** – Sam Engler, District Conservationist, presented the September Activities Report. Sam noted the report shows 5 conservation plans have been completed, but there were 3 additional plans that were completed prior to this meeting, bringing the total to 8 completed plans. Discussion and approval of the 8 plans will be addressed in the proposed District Board Closed Session. Sam noted that next month there may be several completed conservation plans ready for Board action as staff will have greater access to farms once the crops come off. He noted several designs have been done and the staff have attended numerous meetings. He shared he would address any questions the Supervisors may have on the report. The Chairman asked if there were any questions on the Activities Report and there were no questions.

Sam then provided a couple of NRCS updates. Sam participated in a program call and NRCS is hoping to have 2024 contracts by the end of the month. He shared that they are using the Act Now process and in summary, if the applications and design have been obtained, applicants can start sooner. Additionally, they discussed new practices for this year but it's really a change in the scenario. For instance, we have nutrient management and now manure injection is included. The newest and interesting practice is for livestock shelter structures. The

structures are prefabricated or shade kits that help with prescribed and rotational grazing. Sam was not sure about the details for the livestock shelters (how much NRCS will pay, the number of animal units, etc.).

After Sam shared information on the new practices, he shared the new payment for Conservation Stewardship Program (CSP). Sam noted the minimum payment this year is \$4,000.00 and previously it was \$1,500, which is a significant increase. CSP is a 5-year contract, and the maximum payout would be \$20,000. The program only calls for installing 2 practices per year. Sam shared the NRCS is planning some type of training or PowerPoint presentation for CSP so producers can better understand the program and take advantage of the funding. Sam said once the presentation is done, he would present it at a Board Meeting or the Winter Meeting. John shared that MSCD will help promote CSP with a mailer and an announcement on the MSCD website.

## **DISTRICT MANAGERS REPORT: NEW BUSINESS**

**MASCD Board of Directors Meeting 10/24-** There is a MASCD Board of Directors (BOD) Meeting on October 24<sup>th</sup> and it will be in person with the option to attend virtually. Chairman Butz noted that he is scheduled to attend virtually, and John shared the in-person meeting is usually held at MDA headquarters. John mentioned and shared the details on one of the business items that will be discussed, the Job Approval Authority (JAA) process, and noted a survey went out that he completed and returned to MASCD. Sam shared that Job Authority is an issue across the state and the intent is to work on formalizing/standardizing the process statewide.

**MASCD Summer Meeting 7/8-7/10 (2024)-** There is a significant change in the meeting date for next year's summer meeting. At the general meeting, there was discussion about the lateness of the summer meeting and it conflicting with the start of the school year. Hyatt had a cancelation July 8, 9, and 10<sup>th</sup>, so MASCD grabbed those dates. Obviously, this week is 4<sup>th</sup> of July week, and it may affect attendance. This meeting will land on Monday Tuesday and Wednesday. John asked the Supervisors to let him know if they have any potential conflicts with this meeting.

**MDA MACs Funding CAP Memorandum-** There has been some confusion among Districts as to the State of MACS Funding Caps for MDA's Cost Share Program. MDA's policy on funding limits is on a per-farm basis. A farmer may own or operate numerous farms and be eligible for funding. One deed is equal to one farm. If ownership changes, eligibility will begin again, regardless of whether a funding cap had previously been achieved. Cost share for a single project cannot exceed \$75,000 (excluding animal waste). Multiple projects can't exceed \$150,000. MACS is considering raising the per-project cap to \$150,000 but this requires a regulatory change. MACS sent this memo to all Districts as a reminder. A copy of this memo was included in the supervisor's meeting packet as New Business Item C.

**Ag Complaint/Resolution (DPS, MNCPPC & OAG)-** Several Supervisors and both OAG and the District received calls about complaints involving clearing of a property border hedgerow on a farm in the Ag Reserve. Given the accused party is an existing cooperator, the District has reached an accord with the County to provide the technical assistance necessary to achieve compliance with Erosion & Sediment Control. The cooperator has agreed to follow the guidance of the District until the stabilization of the disturbed area is complete. The cooperator has also agreed to engage the District before undertaking any additional activities or projects that will cause a land disturbance, enabling the District to provide assistance on the front end. The Chairman wanted clarity and noted that if the cooperator had come in and worked with the District it would not have been a problem. Mike shared that it would not have stopped the complaint, but we could have told them the operator is working with the District and is in compliance. The Chairman shared this is scrub/shrub clearing season and we should use this situation as a channel to let landowners know the proper protocol for clearing hedgerows and to work with the District. John noted some of the confusion arose from the complainant claiming that the landowner was clearing trees. Tree clearing wasn't what had occurred, it really was grubbing and removing hedgerows and woody vegetation. Anything under 6 inches in DBH isn't considered a tree and removal would avoid conflict with Forest Conservations Laws.

**National Farmer's Day Luncheon/Proclamation 10/10-** On Tuesday, the District along with the OAG participated in the Council's commemoration of National Farmers Day. Mike shared details on the event under

the OAG report. While at the event, John took the time to speak with Jane Siegler, representative to the MD Horse Council, who offered to help the District develop an outreach effort to help identify roll off dumpsters for the equine industry that will help meet the WIP animal waste management goals.

**Agritourism in Montgomery County Event** - On October 25<sup>th</sup> from 11 to 1 pm, there will be an agritourism event featuring MDA Secretary Kevin Atticks at Andrew Baker's (Old Westminster Winery) farm located at 25001 Burnt Hill Road. The event will focus on Old Westminster Winery's polyculture project, the dedicated team behind it, and their vision for the future of value-added agriculture. They are looking for insight and to explore avenues for collaborative projects and technical assistance. If you would like to attend but haven't yet received an invitation, please let John know and he will reach out and RSVP on your behalf. Chairman, Robert Butz and Associate Supervisor, Chris Miller would both like to attend.

**Council Work Ag Tourism Session at AHFP 11/6** - On November 6<sup>th</sup>, the County Council will hold a work session at the AHFP to discuss the state of agritourism in Montgomery County. This will provide an excellent opportunity to hear about the opportunities as well as the challenges with ag tourism in the County. As with most council work sessions, councilmembers could have questions and will seek input from those who attend the work session. The works session will begin at 9:30 am and John encourages all Supervisors to attend. Mike said to come with ideas on things that need to be changed. This is an opportunity to speak in the political arena on ideas that need to happen. The Council is open to everything.

**November Board Meeting/Change Board Action** - Our next regularly scheduled Board meeting is Friday, November 10<sup>th</sup>, which is Veterans Day Holiday. County, State and Federal Offices are all closed on this day. Due to the holiday, pushing the meeting to the following Friday, November 17<sup>th</sup> would be an option, as would be cancelling the November meeting and just meeting on the scheduled December 8<sup>th</sup> Board meeting. John explained that the November 17<sup>th</sup> date can serve as a place holder and if there is nothing pressing, we could cancel and meet on December 8<sup>th</sup>. The Chairman asked for the November 17<sup>th</sup> date to be a place holder and as we get closer to that date, decide if a meeting should be held. John noted that the meeting could be virtual. The Chairman wanted to be respectful of people's time and noted that in the December meeting we try to host a holiday celebration and it would be a good time to meet in person. John shared that holiday celebration can happen in the December Board Meeting.

**DM/DC Statewide Meeting NRCS-MDA 10/20** – John did not have any details on this item and there is no agenda published yet. John noted that there hasn't been a statewide meeting in some time. John thinks there will be a discussion on NRCS and FSA sharing space. Sam was unaware of anything apart from FSA being included in the statewide meeting. John noted the meeting will be virtual and said he could provide the link to any Supervisor wanting to attend.

**Staff Changes-** Ibraheem Jastaniah will be leaving MSCD and transferring to the Soil Conservation District in Charles County. Ibraheem's current home is located closer to the Charles County office and will save him driving time and increase his family time. The good news is MSCD will get another MDA Planner, Julianna Burns, that has the skill sets of a Conservation Planner II, the same as Ibraheem. John noted the time worked out for both MDA employees: Ibraheem will be closer to home and Julianna wanted to relocate to Montgomery. John shared that Ibraheem's last day will be November 15<sup>th</sup>, but John has made arrangements for Ibraheem to remain the lead on one project and Julianna will join MSCD on November 15<sup>th</sup>.

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

**Meeting with the City of Gaithersburg on Small Pond Reviews (SPR)** - John and Charley met to discuss how the District might be engaged to assist the City with their small pond reviews. They are facing a similar issue with delays in obtaining approvals for projects from MDE and would like the District to help alleviate the backlog. During the meeting, they discussed funding opportunities provided by the City to help cover the costs

of our Senior Engineer Position. The City has agreed to help fund the position to assist with their small pond workload and the District and City will be formulating a MOU to outline the funding contribution and the scope of Services the District will provide. It will be a 5-year agreement and it will address the funding gap when the State Aid received expires in FY26.

**2023 Cooperators Dinner Wrap Up Discussion** – John wanted to express his appreciation to the Board and our staff for another successful Cooperators Dinner. The night was fabulous, and John appreciated all the help from our staff, Chef Owens for a wonderful meal and the great staff at Lone Oak for making the event such a great time. John shared details on the savings and noted that we have been asked to consider hosting the event next year at the Ag Center at the Fair. The first and a few subsequent dinners were originally held at the fairgrounds. This might make a nice venue to consider next year. If the Board would like us to consider this, we will begin discussions with the Fair Board. All agreed that the Cooperators Dinner was a success and the Chairman noted Marty spoke with him as well and we should consider the Ag Center for the Cooperators Dinner.

**D&O Insurance Invoice & Payment** – This item was addressed and approved under the Secretary’s/Treasurer report.

**Large Composting Project Update** – The District is getting close to completing the site design for the large composting project the District is helping with. It’s approximately 5 acres for food scrap composting, the first for the County, and permitted by MDE. Once the site plan is finalized, the District will complete the more detailed design for the stormwater management component. Erosion and Sediment Control will be provided by the District, Stormwater Management will be reviewed by DPS and the District will provide an approved Erosion and Sediment Control plan needed for their NOI for MDE.

After John presented the District Manager’s Report, Chris Miller commented that it was an honor to host the MSCD Annual Cooperators Dinner at their location. He shared that it would be an honor to host it again.

**Board Executive Session Summary from the September 13<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 actually discussed:** Soil Conservation and Water Quality Plans completed and ready for Board Approval

**Each action Taken:** Approval of 7 Conservation Plans

**Statement concerning entering into an Executive Session following the October 13<sup>th</sup> Open Board Meeting Session:**

**Board Chairman Statement about entering into a closed Session following the October 13<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:** Tim McGrath

**Motion seconded by:** Doug Tregoning

**Members in favor:** Robert Butts, Robert Butz,

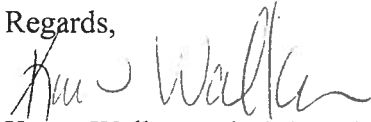
**Opposed:** None

**Abstaining:** None

**Absent:** Linda Lewis

**ADJOURNMENT AND NEXT MEETING** The Chairman had no correspondences to share. Due to Veteran’s Holiday falling on the scheduled Board Meeting, tentatively there will be no Board Meeting for the month of November unless an emergency arises. All will be notified by November 3<sup>rd</sup> if there is a need to have a meeting on November 17<sup>th</sup>. The open meeting was adjourned at 8:57 a.m.

Regards,



Karen Walker, Administrative Assistant

**MEETINGS HELD**

7 Butz  
6 Butts  
8 McGrath  
7 Linda Lewis  
7 Doug Tregoning  
6 \*Linthicum  
7 \*Joe Lehman  
8 \*Chris Miller

**MEETINGS ATTENDED**

87.5%  
75%  
100%  
87.5%  
87.5%  
75%  
87.5%  
100%

\*Associate Member

