

MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING

December 8, 2023

4/12/24

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, December 8, 2023.

People Present:

Robert Butz, Chairman
Robert Butts, Vice Chairman
Tim McGrath, Treasurer
Doug Tregoning, Supervisor
Linda Lewis, Supervisor
Chris Miller, Associate Supervisor
Kelly Nichols, (UMD)
Mike Scheffel, (OAG)
Sam Engler, District Conservationist (NRCS)
John Zawitoski, District Manager (MSCD)
Julianna Burns, (MDA/MSCD)
Karen Walker, Office Service Coordinator (MSCD)

The District Chairman, Robert Butz, called the meeting to order at 9:59 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, and noted several items will remain on the report until they are legislatively addressed. Below is the summary of items that Mike addressed.

- Office of Legislative Oversight (OLO) Report on the Status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) Programs. No change on this item.
- The Office of Agriculture recommends that the County Government revisit Farm Alcohol Production (FAP) Zoning Text Amendments 18-03 and 18-14 with the following amendments: 1) A minimum lot size requirement for all types of FAP be established at 25 acres; currently, a 25-acre minimum lot size is required for farm breweries and farm distilleries in all six zones where FAP is allowed and for wineries in the RE-1 and RE-2 zones. 2) The five-acre production standards currently required of wineries and cideries be extended to all other types of FAP businesses. OAG has received no formal action on this item.
- The November 6th, Economic Development Committee Work Session on Agritourism- The work session was held at the Ag History Farm Park and its intent was for the County Council to hear about progress that has been made in the agritourism industry since the 2019 Agritourism Study and how the Council can support the industry. Representatives from several government agencies (OAG, Planning, Revenue Authority, Visit Montgomery, and MDA) and agritourism businesses (Butlers Orchard/Doc Waters Cidery, Lone Oak Brewery, Windridge Vineyard, Waredaca Brewery, and Dressage at Sundown) presented information. It was a well-attended productive meeting.
- OAG attended the Solar Summit at MDA on 11/27/2023. Mike had sent out links for all the materials from the summit presentations prior to the Board Meeting and he noted that more solar projects are likely to emerge. Community solar projects that have an output of 2–5 megawatts can override local

zoning laws but not an agricultural easement. The most important item that Mike learned in reference to community or industrial solar was land leasing and land records. Mike noted that if a cooperators has a lease but it's not in the land records, the cooperators doesn't have a leg to stand on and solar can be installed and the lease has no validity. As a protection for the farmer leasing land, the lease needs to be in the land records. Doug inquired about the size of a 2 megawatts operation. Mike shared it's 10-12 acres for 2 megawatts and estimated 20-25 acres for 5 megawatts. There was a lengthy discussion on the challenges with solar and it was noted that a new power plant was not an option. The Chairman noted property with Class 1 or 2 soils should not be taken out of production.

- ZTA 23-08 (TDRs and Cemeteries). Mike shared there are four conditional use cemeteries in the AR zone that could theoretically expand. The cemeteries are the Garden of Remembrance, Monocacy Cemetery, Pet Cemetery, and All Souls Cemetery. Three of the four cemeteries would be authorized to expand with this ZTA. There was some discussion on all the cemeteries. All Souls Cemetery has the largest plot and Mike noted that this is spot zoning. Mike shared that Monocacy has had some land donated and if the ZTA passes they will probably expand.
- ZTA 23-09 (Incidental Outdoor Stays). This ZTA would allow incidental outdoor stays as an accessory agricultural use on a property that is engaged in agritourism. The stays would be limited to 4 nights per week and there could be up to 10 structures on the property. The structures would not be considered dwelling units as they would not meet all three criteria: cooking, sanitation and sleeping. The structures would only be allowed to meet 2 of the 3 criteria. There was some discussion on the 3 criteria and Mike noted the units would include sanitation and sleeping. There was a lengthy discussion on this matter and Mike noted that Montgomery County Farm Bureau and MAP do not support this ZTA as drafted. Supervisors tentatively agreed to provide some form of written testimony for the Public Hearing. John and Chairman Butz will draft testimony for the Board to consider. The public hearings for both ZTAs are scheduled for 1/16/2024.
- Vacancies Announced for APAB, AAC, RRAC – Mike has been in contact with several persons, and he hopes to fill the vacancies.
 - AAC [OnBoard2 | Montgomery County MD](#) Closes 12/11
 - APAB [OnBoard2 | Montgomery County MD](#) Closes 12/11
 - RRAC [OnBoard2 | Montgomery County MD](#) Closes 12/15

Upcoming Meetings and Events: Agricultural Preservation Advisory Board will not meet in December; Agricultural Advisory Council meeting: December 19, 2023; Montgomery County Farm Bureau Board of Directors meeting: January 2, 2024; and Montgomery Soil Conservation District Board of Supervisors meeting: January 12, 2024.

EXTENSION – Kelly Nichols - U of MD Extension - presented her report and shared October was a busy month with everyone being involved with CEWA. It was a lot of fun and she passed out a sampling of thank you letters from the schools that participated in the program. Kelly shared more than 3400 students came through the program and she appreciates Doug's leadership and guidance and hopes he returns as a CEWA volunteer. Kelly thanked the Board and the MSCD staff for their continued support of the CEWA Program.

Kelly shared information on upcoming meetings for those who may need pesticide or nutrient management credits or attend the meetings for educational value. The evening pesticide recertification is scheduled for December 13th at 6:00 p.m. at the Mt. Airy carnival grounds and not the fire hall. It's a 2-hour meeting. The Forage Conference is scheduled for January 18th and on January 24th there will be a manure meeting and both events will be at New Midway Fire Hall. The Agronomy Update meeting is scheduled for February 21st in Urbana. Kelly provided a reminder to all attending pesticide training to receive credits to log in and pay the \$7 for the pesticide renewal. If the website doesn't work, try again, or contact MDA to obtain the form.

Nutrient Management Advisory Positions - Interviews have been conducted for the 10 open positions across the state and offer letters have gone out or will go out soon. Kelly is optimistic there will be a full-time person in place by January 2024. Currently, Kamil from Carroll County is still providing assistance and the plan is to hire temporary contract plan writers to get through the winter months. If you need a plan, let Kelly know. Additionally, she shared a full year nutrient management plan is required to participate in the MDA Cover Crop Program.

After Kelly presented her report, John mentioned AIR season is around the corner and he would like to meet with her and together provide a training or webinar to help farmers with this reporting requirement.

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 October 13, 2023, Board of Supervisors minutes.

Chairman Butz invited Karen Walker to present the financial reports. Karen noted there wasn't a November meeting, and she is submitting two reports for approval. She was happy to report the checkbook and bank statement were reconciled for both October and November. There is an upcoming expense that she would like John to discuss with the Board. The expense is for the annual Envirothon dues with a request for additional funding to support the National Envirothon in 2027. Karen explained funds are available and noted last year the District provided \$1,500 for its annual dues. John took the opportunity to address the matter and shared the additional funding request is in reference to the chance for the Maryland Envirothon to host the National Envirothon Competition. There was a lengthy discussion on the matter, and it was decided to only address the annual Envirothon dues at the same level from the previous year. The Board will reconsider the request for additional funding when there is certainty that Maryland will host the event in 2027 and the Maryland Envirothon provides a projected budget detailing the need for additional funding from the District.

The next item to be addressed was the attendance to the 2024 Winter MASCD Legislative Meeting. Karen noted the hotel deadline ends soon and requested a decision from the Board of Supervisors. After further discussion on the meeting attendance, Karen will make hotel reservation and meeting registrations for the Chairman, Vice Chairman and District Manager to attend the 2024 MASCD Winter Meeting. Karen recommended approval of all financial matters that were discussed. A motion was made by Linda Lewis, seconded by Doug Tregoning, and passed, approving to pay the annual Envirothon dues \$1500; 3 hotel reservations; and 3 MASCD meeting registrations for the 2024 MASCD Winter Legislative Meeting, and to submit the 2 MDA financials reports (October and November).

DISTRICT ACTIVITIES REPORT AND PROGRAM UPDATE – Sam Engler, District Conservationist, presented the Activities Report and noted he would go into more details in the closed session. There are 3 Requests for Assistance (RFA), 15 Conservation Plans in progress, and 5 completed Conservation Plans for approval.

The report reflects activities for the past 2 months. Two cooperators in the equine sector had the following projects completed: 3 watering troughs, 4 HUAs & fencing and critical area plantings. There are 3 cooperators with projects under construction: 2 ag buildings and watering troughs & HUAs. Staff have been attending meetings and training courses, including the recent Ag Chem training that was held in Howard SCD. John commented on one RFA and noted it will require a great deal of discussion in the closed session. John also remarked on the increased work effort and services provided by the District to the County for small pond projects, which are listed in the Activities Report. Charley is demonstrating his worth with the County and hopefully we can keep him on board. By the year-end, MSCD is projected to be working on 13 small pond projects with the County.

DISTRICT MANAGERS REPORT: NEW BUSINESS

Introduction of New MDA Planner- Julianna Burns joined the MSCD team on November 15th and she comes to us from Talbot SCD. Juliana shared her background and all in attendance provided introductions and welcomed Julianna on board.

1st Amendment Activists Issue/Concerns- Some Districts have fallen victim to activists entering their offices claiming they are there to conduct a first amendment audit and disrupting the entire office. It is an emerging issue and Mike noted that 99% of the audits are directed at police stations. Mike has heard from the County Attorney and noted signage needs to be posted identifying public spaces or area. The activists are allowed to exercise the first amendment rights in a public space and the lobby of the AHFP is unquestionably a public space. Mike explained that the attorney said after the signage is posted identifying the public space, calmly note to the activist the locations where they can exercise their 1st Amendment rights. If the activist does not comply, let them know they are trespassing and call the police. To address the issue, Mike will be ordering and posting restricted area employee only signs. The attorney suggested selecting a 1st Amendment auditor liaison to handle the matter. There was a lengthy discussion on this matter.

Montgomery Village Association Spillway repair. - The District has been engaged by DEP to evaluate a repair to a toe drain failure on the dam of Lake Marion. Montgomery Village Association is the owner of Lake Marion but under an agreement with the County, the County is responsible for the ongoing maintenance. Charley is working with the County and the Association to get the structure repair done and the approval for the repair will likely take longer than originally anticipated. This project will demonstrate the services that Charley provides for the County and further demonstrates the justification to keep him on board. Karen noted the MDA cost share for the position ends in FY25.

Nutrient Management Update - Karen sent out the details to Supervisors concerning the Nutrient Management Update. Because December 5th was the registration deadline, we sent out a notice to all supervisors and staff prior to today's Board meeting. There are two sessions: MDA Headquarters - December 19th, 2023 (this is now full) and the New Midway Fire Department (Woodsboro) - January 9th, 2024. John shared Julianna, Kat, and J. Harne will be attending the December 19th meeting in Annapolis and Brandy and Paul will be attending the January 9th session in Woodsboro. Kelly noted if you are not writing plans and want to meet the voucher licensing requirement, attendance to the Agronomy Update meeting is all that is required.

2024 Delmarva Soil Summit on February 6 & 7 - MASCD Executive Director Jen Nelson sent out a notice about 2024 Soil Summit and asked Districts to help promote it. It will be held on February 6th and 7th at the Wicomico Civic Center in Salisbury. If anyone is interested to let John know.

MASCD's 2024 Winter Meeting -January 22 & 23- The item was addressed under the Secretary report and hotel and meeting registrations will be made for 3 persons to attend the meeting.

Request from SSCC for 2024 Meeting Topics-The SSCC has made a request to all Districts for topics of interest to be discussed in the upcoming year with the SSCC. The 1st Amendment auditors are one issue that will be addressed. If you have any burning topics you think the SSCC should consider as a part of their workplan for 2024, please let John know before December 15th.

So far, these two topics have been brought up:

- Land use clearing for new production - process, permits, etc.
- Enforcement of MD Certified Sod at development sites

Taste of Maryland – Sponsorship Discussion - The 54th annual Taste of Maryland Agriculture Celebration is the State's premier agricultural event, bringing agricultural leaders together with state and national legislators. The event is scheduled for Thursday, February 1, 2024, 6:30 p.m. at Live! Casino & Hotel Maryland at Arundel

Mills in Hanover. The Willard family will be inducted into the Governor's Agricultural Hall of Fame at this event. In the past the District provided a Silver Level \$2,500 sponsorship for the program. The Silver Level sponsorship provides 5 tickets to attend the event. The Chairman said that it's nice to see Montgomery County farmers being recognized. There was a lengthy discussion on the matter and a motion was made by Doug Tregoning and seconded by Robert Butts and passed approving to provide a sponsorship at the Silver Level \$2,500. John said he would have the tickets available if anyone wanted to attend. Doug acknowledged Kelly and thanked her for the work effort involved in getting all the information together for the Taste of Maryland event.

MDA Conservation Plan Renewal Policy - John mentioned that at the 2019 MASCD Summer Meeting the Districts were asked for ideas and advice to help improve the efficiency of the WIP Goals. During the summer meeting discussion, it was stated that the Conservation Desktop software is inefficient for conservation planning efforts. Given MDA had placed a ten-year life span for a conservation plan, plan updates are required for plans 10 years or older in order to remain receiving credit in the Bay Model. John explained during this summer meeting that given the inefficiency of Conservation Desktop, a process for updating plans should be considered in a similar way BMPs are verified to remain in the Bay Model. While it took several years, MDA has adopted a new policy that will allow certain expired plans under specified circumstances to be field verified to remain in Conservation Tracker while an updated plan is being pursued. John explained that the MSCD has conservation plans scheduled to expire that can meet the eligibility requirement that will allow the new policy to keep the plans in Conservation Tracker and help to achieve our WIP Goals. John noted that District has also identified numerous resource improvements (RI) that will help the District meet its Animal Waste Management WIP Goals and there was a lengthy discussion on this matter.

DISTRICT MANAGERS REPORT: OLD BUSINESS

MDA – MACS Annual Status Reviews- John is pleased to report that MSCD has completed all the MACS Annual Status reviews, and all continue to meet the standards and maintenance requirements.

Gearing Up for 2024 Legislative Session- Visits- This item was discussed under NEW Business for the Winter Meeting.

NRCS State Engineer moves on to DC - Just as an FYI, Jaque Jones, State NRCS Engineer, has left his position and has joined the National Office. Sam shared there is a person in place for at least 120 days.

MSCD October Newsletter published - Included in your packets is our October newsletter that was published a week before Thanksgiving. We got this newsletter out as soon as we could. The office staff was tied up during October assisting with the CEWA Program. The next newsletter will be published in early February, following the Taste of Maryland event.

After John covered the Old Business items, Doug asked if there was a way to have all the Board information and materials sent out all at one time. There was discussion on how the meeting notice and agenda is sent out before the meeting and there are follow-up emails that contain attachments and reports that come at various times leading up to the meeting. John noted not all of the information is available at the time we post the meeting notice and agenda, a week ahead of the Board meeting as we are required to under the Open Meetings Laws. After the discussion, only the meeting notice and agenda will be provided 1 week prior to the meeting to follow the Open Meetings Law. On the Thursday prior to the Friday meeting, Karen will send out all attachments, including the Board meeting link. Friendly reminder calls will no longer be provided.

Board Executive Session Summary from the October 13th 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

Persons attending closed session: Zawitoski, Walker, Butz, Butts, Tregoning, McGrath, 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 8 Conservation Plans

Statement concerning entering into an Executive Session following the December 8th Open Board Meeting Session:

Board Chairman Statement about entering into a closed Session following the December 8th 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: Doug Tregoning

Motion seconded by: Linda Lewis

Members in favor: Robert Butts, 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 11:06 a.m. The next scheduled Board of Supervisors Meeting will be in person with the option to attend virtually on January 12, 2024, at 9:00 am.

Regards,



Karen Walker, Administrative Assistant

<u>MEETINGS HELD</u>		<u>MEETINGS ATTENDED</u>
8	Butz	87.5%
7	Butts	75%
9	McGrath	100%
8	Linda Lewis	87.5%
8	Doug Tregoning	87.5%
6	*Linthicum	75%
7	*Joe Lehman	87.5%
9	*Chris Miller	100%
*Associate Members		