

DRAFT  
MONTGOMERY SOIL CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
MINUTES  
January 13, 2017

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held at Ag History Farm Park, 18410 Muncaster Road, Derwood, MD Friday, January 13, 2017.

People Present:

Robert Butz, Chair  
Pam Saul, Treasurer  
Robert Stabler, Board Member  
Wade Butler, Board Member  
Tim McGrath, Associate Supervisor  
Robert Butts, Associate Supervisor  
Jeremy Criss, Office of Agriculture (OAG)  
John Zawitoski, Office of Agriculture (OAG)  
Mike Scheffel, Maryland Department of Agriculture (MDA)  
Township Chevy Chase, Representatives:  
    David Walton, Permitting Manager  
    Dedun Ingram, Land Use Committee Co-Chair  
    Leonard Scensny, Town Resident  
Rick Brush, Montgomery County Department of Permitting Services  
David Plummer, District Manager  
James Myers, District Conservationist  
Karen Walker, Administrative Assistant

The Chair, Robert Butz called the meeting to order at 9:00 a.m. and asked everyone to provide an introduction for the representatives of the Town of Chevy Chase. The representatives of the Town of Chevy Chase is requesting a Memorandum of Understanding (MOU) with the Montgomery Soil Conservation District granting them the authority to provide erosion and sediment control oversight. The representatives shared the details and concerns held by the administrators of the Town of Chevy Chase. Currently, there are two fees because the Town has a process in addition to the County's requirement, and the proposal presented would eliminate the fee for Montgomery County Department of Permitting Services and give the responsibility and oversight to the town. Chevy Chase has the necessary personnel to provide the service and representatives have met with the Maryland Department of Environment to ensure that the proper steps are followed. After the representatives left, the Division Chief, Rick Brush, of the Montgomery County Department of Permitting Services, Land Development Division, joined the meeting. David provided a summary to Rick regarding the Chevy Chase representatives' presentation and discussion. Rick shared his perspective on the request and felt that the workload/projects are relatively simple. Rick shared that the City of Rockville and the City of Gaithersburg have MOU's with the District in reference to pond approval authority.

## **AGENCY REPORTS**

### **EXTENSION**

Chuck provided the report for Extension and he noted that soil temperatures have been above freezing and it has been rather warm. Frederick County is looking to hire an Ag Educator to replace Stan Folks position. The position will serve the cluster but the work location will be in Frederick.

Next, Chuck announced that the Agronomy update will be on February 22<sup>nd</sup> and it will be held at the Urbana fire hall as usual. Chuck encouraged everyone to attend the meeting and to contact Doug Tregoning. Chuck also shared there will be an Estate Planning Workshop on January 18<sup>th</sup> and it will be held here at the Agricultural History Farm Park. He also mentioned his beginning farmer workshops which are being held on Wednesday evenings in February here at Agricultural History.

### **MDA**

Mike provided the report for MDA and noted that there was a teleconference in reference to the MACS program. MACS wanted all Districts to be aware of the required documents associated with the program. The Technical Advisory Committee (TAC) will be having a meeting in headquarters on April 4, 2017. There was a big discussion on the Governor's budget proposal and Mike shared details on items that are in the proposal. David provided an example and details with a current operator's project that is to receive co-cost-share (both EQIP and MACS). David is cautious that with the uncertainty of MACS funding that the operator would not receive the MACS funding. A letter to the Governor addressing the MACS funding was included in the handout packet. After a great deal of discussion, a motion was made by Robert Stabler and seconded by Pam Saul and passed approving the letter to be sent to the Governor.

### **OAG**

Jeremy provided the report from Office of Agriculture and noted that the report had been emailed earlier. Listed below are the items that Jeremy shared with the Board of Supervisors. Included in the report was the draft MOU with Montgomery County Government and the Montgomery Soil Conservation District.

#### **1. ZTA 16-02 Agricultural Zone-Transferable Development Rights Requirements:**

The MNCPPC staff released a new draft ZTA in December 2016.

The comments are due back to MNCPPC on January 23, 2017.

The MCFB, AAC, APAB, and MAP will be providing comments on this draft ZTA. Park and Planning revised the zoning text for farm tenants to provide clarity on the TDR policy. The ZTA was designed to reinstate the TDR retention policy. Jeremy asked Wade to pay particular attention to the ZTA as it will have an impact on him. Jeremy shared background information on the ZTA.

#### **2. The OAG Farm Coloring Book:**

The Office of Agriculture is developing a Montgomery County Farm Coloring Book that will be used as a farm promotion publication and a coloring book. Please let us know if you would like your farm to be included in this publication.

3. **Bill 37-16 Taxation-Development Impact Tax-Transportation and Public Schools:**

The County Council approved Bill 37-16 on November 15, 2016. The Council approved a Resolution that contains the new tax rates. Farm Tenant Dwellings are exempt from the Transportation Improvements Tax=\$21,822. The tax rate for Child lot=\$22,654. The AAC sent a letter thanking the Council for exempting farm tenant dwellings.

The letter included how Frederick County exempts farm lots for both children and Grandchildren from their Development Impact Tax-David Gordon.

Hans Reimer responded with interest in learning when the tax is imposed.

4. The County Council elected Roger Berliner as the new Council President and Hans Reimer as the Council Vice President.

5. **Montgomery County Farm Transition Estate and Planning Workshop:**

Doug Tregoning will be coordinating this workshop on January 18, 2017 from 9:00-2:00pm. Please contact Doug at 301 590-2809 if you are interested in attending.

6. Doug Tregoning represented the MCFB at the State Bill Hearing on December 7, 2016. There were two local bills scheduled MC 10-17 (Reducing the Archery Safety Distance from 100 yards to 50 yards in the Urban Area) and MC 21-17 (Sunday Deer Hunting with start and end times). Jeremy shared that currently there is all day hunt for youth, archery and guns. Wade shared MAP position is to keep all three full days and there may be a late filed bill for an additional 11 days of Sunday hunting.

**ROCKVILLE: 240-777-6550**

**ANNAPOLIS (toll free): 301-261-2461**

**BILL NO: MC 10-17**

**DATE: December 7, 2016**

**SUBMITTED BY: Chair on Behalf of  
Montgomery County Government**

**CONTACT PERSON: Sara Morningstar**

**ASSIGNED TO: Montgomery Co. Delegation**

**POSITION: Support**

**Montgomery County – Archery Hunting – Safety Zone  
MC 10-17**

The current safety zone for archery hunting of deer in Montgomery County is 100 yards from a house, church, or other building, or a camp occupied by human beings. It was reduced to 100 yards from 150 yards in 2014. The 2016 recommendation would be to reduce the safety zone to 50 yards. Calvert, Carroll, Frederick, Harford and St. Mary's Counties have a 50-yard archery hunting safety zone. At least one jurisdiction requires that the hunting be done from a tree stand- the general practice for deer hunting with a bow is done from an elevated position.

**Montgomery County – Sunday Hunting  
MC 21-17**

<http://www.montgomerycountydelegation.com/MC21-17.html>

For the purpose of authorizing the Department of Natural Resources to allow a person to hunt deer on certain property during a certain time period on certain Sundays in Montgomery County, subject to certain provisions of law; establishing that the authority of the Department to allow deer hunting on certain Sundays does not apply in Montgomery County; making certain conforming changes; providing for the termination of this Act; and generally relating to Sunday deer hunting in Montgomery County.

7. **Changes to the Deer Donation Program:**

The OAG has modified the Deer Donation Program so hunters can now take deer to be donated to K & S Kuts 12415 Prices Distillery Road Damascus, MD and the County will pay for the processing costs. This will provide another location for deer to be donated in addition to the drop off cold box in Poolesville.

8. **MOU between the MSCD and the County-OAG-** The OAG staff has further revised the MOU between the MSCD and the County Government that was presented to the MSCD on November 18, 2016. The MOU contains reference to all MOUs and funding that the County receives and then processes on behalf of the MSCD for staff and programs. Jeremy would like the Supervisors to review the draft and then forward the document to the Montgomery County attorney. Robert Butz asked if Jeremy recommended that the Board sign off on the MOU and Jeremy said yes. Jeremy shared that no action needs to be done today but the District was established in 1945 and there has been no MOU. Robert Butz shared with the Board of Supervisors that there is a need to make a final decision.
9. **FY 18 Mandatory Savings Plan for the County OAG-** In December 2016, the OAG was required to submit a 2% savings plan for the General Fund portion of the appropriation for FY18. Outlined below you will see the breakdown of how the 2% savings was applied to each of the agricultural agencies of the OAG.

MSCD	\$6,680	General Fund Operating Expenses
OAG	9,195	
UM-Extension	<u>4,055</u>	
Total	\$19,930	= 2% of the General Funds allocated to OAG

10. **FY17 Second Quarter Analysis submitted to OMB January 12, 2017**

The OAG was required to submit a second quarter analysis to the OMB that shows the current level of expenditures and the projected expenditures through the remainder of the Fiscal Year ending June 30, 2017. This analysis also required us to show projected salary lapse from vacant positions. The OAG will need direction from the MSCD on the process to fill a vacant MSCD position. Jeremy noted that the District Manager position is not funded 100% by Montgomery County. MDA does provide and will continue to provide cost share for the District Manager position. Jeremy requested written notice with an end date from David to start the process on filling his position. The Board wanted a closed meeting to discuss the matter.

Lastly, Jeremy noted that there are two vacancies on the Ag Advisory Committee. Wade asked if funding was available for the Ag Preservation Program. John Z responded and noted that there is no sustainable sourcing. The Ag Transfer Tax was the source but it's not sustainable. He also shared that there are not that many tracks available. Jeremy shared more details on the funding and noted that the County Council is aware that funding is an issue.

**Upcoming Meetings and Events:**

Montgomery Soil Conservation Board of Supervisors-January 13, 2017 @ 9:00 am

Farmer + Chef Speed Sourcing Happy Hour-January 16, 2017 @ 4:00 pm

Farm Transition Estate and Planning Workshop-January 18, 2017 @ 9:00 am

Agricultural Advisory Committee-Wednesday January 18, 2017 @ 7:00 pm

**Please note AAC meetings for 2017-Jan, Feb, March, and April will be on the 3<sup>rd</sup> Wednesdays of the month and not the 2<sup>nd</sup> Tuesdays.**

Small Farm Business Workshop-Break into Wholesale Market-January 23-24, 2017

Taste of Maryland Ag Dinner-February 2, 2017

Montgomery County Farm Bureau Board of Directors-February 7, 2017 @ 7:00pm

Montgomery Soil Conservation Board of Supervisors-February 10, 2017 @ 9:00am

Agricultural Preservation Advisory Board-February 14, 2017 @ 7:00pm

Annual Farmers Market Training-February 16, 2017 @ 9:30 am

**MEMORANDUM OF UNDERSTANDING**  
**Between MONTGOMERY SOIL CONSERVATION DISTRICT**  
**And MONTGOMERY COUNTY GOVERNMENT**

This Memorandum of Understanding (hereinafter “MOU) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the Montgomery Soil Conservation District, an independent political subdivision of the State of Maryland (hereinafter “the District”) and Montgomery County, Maryland a body corporate and politic of the State of Maryland (hereinafter “County”). This MOU will provide guidance for the partnership between the County and MSCD in accordance with the Annotated Code of Maryland, Agriculture – Title 8- Soil Conservation Subtitle 2, Subsection 8-203(d) of the Annotated Code of Maryland.

**BACKGROUND**

Pursuant to the Agricultural Article of the Maryland Code, the District is an independent political subdivision of the State of Maryland; and

The District is charged with the responsibility for soil conservation and water quality protection under the State of Maryland’s Total Maximum Daily Load policy and the Watershed Implementation Plan for the agricultural sector of Montgomery County; and

The County supports the future prosperity of a vibrant agricultural and rural economy in conjunction with the protection and enhancement of soil, water, and other natural resources for the benefit of all citizens; and

The County is authorized by law within the Agriculture Article, Title 8: Soil Conservation, Subtitle 2, Subsection 8-203(d) of the Annotated Code of Maryland to provide “... from local governments, financial or other aid to supplement State funds allocated to provide personnel, space, and other items for soil conservation districts” for the purpose of cooperating with and assisting the work of the Soil Conservation District organized in their respective counties under the Agriculture Article of the Annotated Code of Maryland”; and

In accordance with Chapter 2B-1A of the County Code the Office of Agriculture will administer programs associated with the Soil Conservation District and the County’s FY17 Budget approved by the Council, appropriated a total of five hundred thirty four thousand eight hundred forty eight dollars (\$534,848) for District commitments to provide a variety of soil conservation technical assistance and financial resources to the agricultural community in Montgomery County; and

The County and the District acknowledge that other MOU’s exist between the Maryland Department of Agriculture (MDA) which have financial bearing on this MOU between the District and the Office of Agriculture. The MOU’s referenced are: FY17 Chesapeake Bay Trust Fund MOU which provides cost share assistance for District positions and MDA-444T-FY17 which provides operating support to the District.

**TERMS OF AGREEMENT**  
**THE COUNTY AGREES TO:**

1. Make available to MSCD such services of personnel, facilities, and financial assistance as may be required to aid the District in the implementation of their responsibilities under the law. Such assistance will be provided in accordance with annual budget procedures. The County will consult with the District whenever substantial changes in assistance are contemplated and will notify the District in advance whenever changes are to be made.
2. The County acknowledges that approximately \$534,848 of County Funding was budgeted for the MSCD in the Office of Agriculture's FY17 budget and also included in its FY18 budget. This amount, is considered a base budget for the District, not subject to annual fluctuation or review unless the County Executive or County Council implements a budget savings plan that requires a mandatory percent reduction or a specific dollar amount reduction of OAG's current and/or future year budgets. Under a budget reduction requirement, all of OAG's budget, inclusive of County Funds for MSCD, will be reduced proportionally to meet the budget savings plan.  
 The break out of Council approved County funding provided to the MSCD for FY17 is:
  - a. Personnel Costs (4 positions): \$422,467
    - i. 1.9 work years funded from the general fund (.9 w/y District Supervisor, 1 w/y administrative)
    - ii. 2.1 work year funded from the water quality protection fund (2 w/y resource conservationists, .1 w/y District Supervisor)
  - b. Operating Costs: \$112,381
    - i. \$105,701 funded from the water quality protection fund
    - ii. \$6,680 funded from the general fund
3. Refer to the District any issues related to soil conservation and natural resource improvement on agricultural land, and include the District in the countywide effort to achieve water quality goals under the TMDL and WIP processes.
4. Assist the District in staff retention by providing salary supplements to non-county employees as funds are available through the County/District partnership for cost-shared positions and in accordance with the Chesapeake Bay Trust Fund MOU between MDA and the District.
5. Ensure that the employees assigned to the District receive compensation in accordance with the Montgomery County Personnel Regulations, Section 10, Employee Compensation.

**THE DISTRICT AGREES TO:**

1. Provide assistance to County landowners or lessees of property within Montgomery County for the purposes of planning soil conservation and natural resources protections designed to enhance and improve the quality of our environment.
2. Promote the benefits of sound soil and water quality resource management to businesses, students, and the general public through a variety of outreach and educational programs.

3. Analyze any soil, erosion and sediment problems associated with agricultural land and provide guidance to address and mitigate the condition.
4. Provide Montgomery County farmers and landowners with access to and assistance with a variety of technical and financial assistance through programs designed to establish public/private partnerships for the cost-sharing of best management practices.
5. Manage for the County an equipment rental program which makes machinery available to the public for use in a variety of agricultural applications.
6. Provide various department or agencies of the County with soils information, interpretations and other technical assistance in soil, water, and resource management to aid in land use planning, treatment and management. Such assistance includes, but is not limited to conservation planning assistance for public lands and agricultural preservation programs; TMDL tracking and progress, cooperation and implementation on fill dirt policies, etc.
7. Be a partner in the County's Office of Agriculture, and will work to promote the goals and objectives of this new County Office.
8. Conduct an environmental education program.

**BOTH PARTIES AGREE AND UNDERSTAND:**

1. The County and the District will cooperate in implementing the State Sediment Control Law. The District has delegated authority for this program to the County in observance of the importance of focusing District efforts on the conservation and protection of our agricultural and rural land resources. In return, the County agrees to support, in accordance with the terms described in this MOU, the District's agriculture and conservation programs.
2. Either party, as mutually agreed upon will provide or arrange for such additional services, facilities, equipment, materials and arrangement as may be required to achieve common objectives.
3. That in accordance with Title 8, subtitle 3, section 303(b) of the Annotated Code of Maryland, the district may employ a secretary, technical experts, and other permanent and temporary officers and employees as they require, whereby the Board of supervisors shall determine their qualifications, duties, and compensation. The supervisors may delegate to the chairman, to any supervisor, or any employee powers and duties as they deem proper.
4. Nothing in this MOU shall be construed to restrict the ability of the District to secure additional funding from sources other than as provided in this MOU.



- 5. Neither the County nor the District will be bound by any obligation in this MOU which will involve the expenditure of funds in excess of the amounts available to it.
- 6. This MOU shall be effective on the date by which it is signed by the County. It may be terminated at any time by mutual agreement, provided either party gives ninety (90) days' notice in writing to the other party and both parties are in agreement to its termination.
- 7. This MOU may be reviewed annually on a mutually acceptable date.

Signature Page to Follow

Signatures:

MONTGOMERY SOIL CONSERVATION DISTRICT

MONTGOMERY COUNTY, MARYLAND

By: \_\_\_\_\_  
Robert Butz, \_\_\_\_\_

By: \_\_\_\_\_  
Timothy L. Firestine, CAO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Recommended:

Recommended:

By: \_\_\_\_\_  
\_\_\_\_\_, District Manager  
Soil Conservation District

By: \_\_\_\_\_  
Jeremy V. Criss, Director  
Office of Agriculture

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM  
AND LEGALITY BY THE  
OFFICE OF THE COUNTY  
ATTORNEY

By: \_\_\_\_\_

Date: \_\_\_\_\_

## **SECRETARY/ TREASURER'S REPORT**

The minutes of the November 18<sup>th</sup> meeting were received and reviewed and there were no noted changes. A motion was made by Pam Saul and seconded by Robert Stabler and passed approving the November Minutes.

Next, Karen shared the financial report with the Board of Supervisors and noted that the check book and the bank statement match for both November and December. Because the December meeting was cancelled, and funds were available in each account, Karen moved forward and paid the \$1,500 invoice to TGM LLC for the MDA audit and the 2017 MASCD/Envirothon \$1,000 challenge.

Karen shared that the District has received a request for donation from the UMD Soil Judging Team and MPT Farm and Harvest. Karen shared that the District generally provides the UMD a \$100 for the Soil Team and David had sent an email to the supervisors in reference to \$1,000 donation for the MPT Farm and Harvest. Karen also noted that the MSCD staff usually attends the Agronomy meeting and the meeting cost is \$15 per person. A motion was made by Wade Butler and seconded by Pam Saul and passed approving the November and December Financial Reports and the following payments: TGM Group \$1,500; \$1,000 MASCD/Envirothon challenge; \$100 donation for the UMD Soil Judging Team and \$1,000 support for the MPT Farm and Harvest. After receiving approval on all the financial matters, Karen shared that the Board of Supervisors will be receiving their first payment in the February Board of Supervisors Meeting. The Supervisors will receive payment from June 2016 thru December 2016. Karen will email each Supervisor their record of Board Meeting attendance and they should include any activity that they attended on behalf of the District.

## **APPROVALS, RATIFICATIONS AND REQUESTS FOR ASSISTANCE**

Unfortunately, the activities report was not in the handout packet. David made copies for the Supervisors to review. Jim presented one Request for Assistance (RFA) and three Conservation Plans for the Board's Approval. Brandy is working with an operator on High Tunnels and two other plans are for general conservation and technical assistance. The third Conservation Plan was for an equine operation that Shelly has been working with on Roof Runoff and Rotational Grazing. The RFA is for an operator that is in the Ag Reserve and they want to set up a brewery operation. Jeremy shared details about the project and Rick Brush shared information. Robert Stabler said that the work that has been done is an improvement for the community. David shared what steps are required from the operator to move forward with the RFA. Jim noted that in the absence of the December Board meeting, another Conservation Plan was approved in December. A motion was made by Pam Saul and seconded by Wade Butler and passed approving all three conservation plans. After discussion on the brewery operation, a motion was made by Robert Stabler and seconded by Pam Saul and passed approving the RFA.

Copies of the Activities Report made and distributed. There was a big discussion on the conservation planning that was listed on the report. In addition, Jim shared that there are several projects under construction and two projects have been completed. Jim shared that the NRCS engineer is planning a site visit to address the feasibility on two projects. Jim announced that February 17<sup>th</sup> is the deadline for the 2<sup>nd</sup> round of EQIP sign up. USDA has an initiative to do things via the internet and Jim has been trying to promote this initiative. Next week is the last sign up for EQIP first round. There are 12 applications in for Montgomery County.

**NEW BUSINESS**

Town of Chevy Chase was discussed in the beginning of the meeting.

MASCD Winter Meeting-Hotel reservations have been made and meeting registration was completed.

MSCD “Issues” information sheet- the 2016 Agriculture Issues was in the handout packet. It was agreed that the main issue for 2017 is MACS funding. David will update the sheet and e-mail it to everyone to get their input.

MOU with Montgomery County-was in the handout packet and the Supervisors are to review the draft and offer any suggestions they see to move the document forward.

Election of Officers – Robert Butz nominated Wade Butler to be Vice-Chair; Robert Stabler nominated Robert Butz to be Chair; Wade Butler nominated Pam Saul to be Treasurer. All agreed to the nominations and Robert Butz is Chair, Wade Butler is Vice Chair and Pam Saul is the Treasurer. The District will send a letter to the State Soil Conservation Committee in reference to replacing George Lechluder, who is the Farm Bureau representative.

Equine Seminar- will be held here at the Ag History Farm Park on February 23, 2017. Shelly is working with Doug Tregoning and David Gordon on this event.

Letter to Governor- Was in the handout packet and David will send out an electronic copy for the Supervisors comments and changes.

**OLD BUSINESS**

Cover Crop-A spreadsheet detailing the acres for fall certification was in the handout packet.

District Manager Position-David officially announced to the Board that the Howard Soil Conservation District (Howard SCD) has offered and he has accepted the District Manager position with Howard SCD. Everyone wished him well and again Jeremy noted that David needs to provide a written letter of resignation noting his last date of service. David would like his farewell meeting to be included as part of the make-up holiday luncheon to be hosted at Waredaca Brewery on February 10<sup>th</sup>. Mr. Robert Butts will not be available for the event but the Board is welcome to use the facility. The Board agreed in lieu of not having the Holiday Celebration the funds would be available for this event. David does not want a big celebration and he would like “Simply Fresh” to cater the vent. David will provide a list of people that he would like to invite.

**CHAIR REPORT**

Robert Butz shared that he had no additional items and that he wanted to use the time to have a closed door meeting in reference to the soon to be vacant District Manager Position.

**ADJOURNMENT AND NEXT MEETING**

The meeting adjourned at 11:35 and the next scheduled meeting will be held on February 10<sup>th</sup>.  
The meeting is scheduled to be held at the Waredaca Brewery.

Respectfully submitted,

Karen Walker, Secretary

<b><u>MEETINGS ATTENDED</u></b>	<b><u>PERCENTAGE</u></b>
Butz	100%
Lechliden	0%
Butler	92%
Saul	100%
Stabler	92%
*McGrath	92%
*Butts	83%

\*Associate Members