

**Montgomery County Agricultural Advisory Committee  
Meeting Minutes  
September 20, 2022**

**Attendees:**, Lori Larson, Doug Lechluder, Patrick Jamison, Ben Butler, Aliza Silver, Jane Evans, Pete Driscoll, Eleanor Leak, Angie McNally, Debra Tropp, Amanda Cather, John Brewer, Russ Allnutt

**Guests:** Adam Darkins, Tim McGrath, Ellen Gordon, Jimmy Coolihan

**Staff:** Jeremy Criss, Greg Wims, Natalia Salazar

***Bolded type indicates the meeting agenda provided to the Committee.***

**Call the meeting to Order-** 7:08 pm

**Approval of the July 19, 2022, AAC minutes-** *Please note the AAC did not meet in August due to the County Agricultural Fair.* Approved as corrected. (Evans/Driscoll)

**Bill 40-21- Individual Water Supply and Sewage Disposal Systems - Amendments (McCartney-Green)**

*The Bill 40-21 will be discussed during the October 24, 2022, Transportation and Environment Committee. The OAG remitted to the agricultural groups an amended copy of the Bill 40-21 that removes all of the sections that would be burdensome to property owners. The OAG suggests that the agricultural groups need to schedule a meeting with the County Council President Gabe Albornoz to request this Bill be delayed until next year when the new County Council begins.*

This bill was introduced in November 2021 and the public hearing was November 30, 2021. All agriculture groups were opposed to this bill with mandatory requirements for pumping out septic tanks every 5 years and which included a whole section on penalties. The T&E Committee will discuss it on October 24.

Since Tom Hucker didn't win the primary, he will be migrating off the Council at the end of this year. The Bill was introduced last year at the request of the County Executive.

We are concerned that this bill lacks education while including penalties. Howard and other counties encourage and educate their residents and provide incentives rather than setting penalties. We suggest we measure the success of that type of program first.

The bill also requires that owners of any new septic systems must grant easements for DEP or DPS to come to their property any time to inspect the septic systems. It has been suggested that agriculture groups schedule a meeting with the Council President to delay the meeting until the new Council in 2023. There should be no harm in delaying since this was introduced last year.

Tim asked why having minimum standard requirements at the point of sale is insufficient. This is a good point for us to bring up in our meeting with the Council President.

DEP wants to be on the property. They want watershed implementation credits, and this could help them report the nutrients that have been removed from septic tanks and disposed of in municipal sewers. They want to demonstrate that municipal sewers are better for releasing nutrients.

There was a motion to request that Jeremy set up a meeting with the President of the Council, to request that consideration of the bill be delayed until next year and that our Chair Doug Lechluder represent our interests at said meeting. (Evans/Leak) Motion passes.

**Bill 18-22 Noise Control – Leaf Removal Equipment – Amendments- This Bill 18-22 was introduced back in June and the Public Hearing is scheduled for September 20, 2022. Please see the attached letter from the AAC opposing this Bill 18-22.**

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220920/20220920\\_9.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220920/20220920_9.pdf)

This bill was introduced in June and the public hearing was today. Jeremy wrote a draft letter, which is included in our packet. The letter expresses our opposition to the bill. Electric equipment is not practicable for our businesses. The correct action would be to exempt agricultural producers from the bill.

Doug noted that this is a noise ordinance bill, not related to pollution. The AR zone is out in the country. Is it really appropriate that the T&E Committee will be reviewing this bill?

The AAC is opposed to Bill 18-22, but is offering an amendment to exempt agricultural producers, since we believe the bill will likely pass.

### **Office of Legislative Oversight on the Status of TDRs and BLTs -**

***The OAG staff and MNCPPC are working with the Office of Legislative Oversight to gather data and information to update the TDR and BLT programs. The OLO staff has presented draft sections of the final report and the OAG is providing comments and additional information. The OAG believes the findings from this report will show that the County Government and MNCPPC have not proposed new receiving capacity for TDRs for the past 10 + years.***

The County Government has been de-emphasizing the use of both TDRs and BLTs for many years. Chair of the PHED Committee, Hans Riemer, took issue with what Jeremy said and asked for the Office of Legislative Oversight to study the status of the TDR/BLT program. The last time there was a TDR status report was 2008. Normally, the TDR program is updated every 5 years. The data analysis portion of the study should be completed over the week or two and then the Office of Legislative Oversight will be drafting the report that explains current status and next steps. The League of Women Voters is supportive of OAG's efforts.

Doug asked when the last TDR was used. Jeremy explained an example where developers have contacted OAG and OAG put them in contact with farmers or rural landowner who they believe

still own a portion of their TDRs. The data that will be released will indicate the total number of serialized TDRs from the sending area that resulted in additional density of 10,381 dwellings in the receiving areas. These TDRs and serialized numbers are then extinguished.

**Bill 13-22 Buildings-Comprehensive Building Decarbonation scheduled for Planning Housing and Economic Development Committee on October 17, 2022.**

*All agricultural groups provided letters to the County Council and the MAP provided in person testimony during the public hearing. The Council Member Hans Riemer has responded to the letters from the agricultural groups stating that agricultural and farming uses will be exempt from the Bill 13-22. Hans has instructed the Council Staff to draft this exemption for agricultural and farming uses.*

There's a PHED Committee work session on October 17. Jeremy is waiting to see if the proposed exemption for farming uses materializes. The agricultural groups have tried to get agriculture exemptions in other legislation and haven't always been successful. It would be helpful if Hans Riemer follows through with this exemption. Bob Cissel, representing Montgomery Agricultural Producers testified at the public hearing on July 26.

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220614/20220614\\_3E.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220614/20220614_3E.pdf)

**Rustic Roads Master Plan Update-**

*The OAG provided additional comments to MNCPPC on July 29, 2022, in response to the messages from MNCPPC dated July 15, 2022, outlining the progress and status of the Rustic Roads Master Plan Update.*

*The OAG is developing a Powerpoint presentation titled The Rustic Roads Through the Eyes of the Farmer that will feature pictures of Rustic Roads along with testimonials from farmers regarding their views of the Rustic Roads program and MCDOT maintenance and improvements. There are about 15 farmers that have responded so far.*

<https://montgomeryplanning.org/wp-content/uploads/2016/11/RusticRoadsFunctionalMasterPlan1996ocr300.pdf>

<https://montgomeryplanning.org/planning/transportation/highway-planning/rustic-roads/rustic-roads-master-plans/>

Jeremy has pulled together the comments from AAC and other agricultural groups. Lori Larson expressed frustration about a major snow emergency route MD Route 117 being included as a rustic road. Jeremy also included Rustic Road guidelines to trim vegetation. Apparently, there's a view out there that there's a calming effect when vegetation grows right up to the edge of the road pavement. Also, this implicates drainage as roads have become the channel where the water flows. The County DOT used to implement clearing and grubbing to clean the edges and

shoulders of the road and improve the culvert pipes along the side of the road; we no longer do that. These create unsafe situations for hydroplaning and frozen water on the road. Rustic roads statute states that the program can't be used to impede the safe movement of farm equipment. Jeremy doesn't believe the legislative intent of the law is being met; rather it's being ignored. Jeremy needs the farmers to convey how they feel. Jeremy asks that members of the AAC send pictures and testimonials about how this impacts their farming businesses and safety moving equipment along these rustic roads.

Bob Cissel and Michael Jamison hosted a meeting for MNCPPC staff to come out to the Agricultural Reserve and view the roads and take pictures to understand how big the farming equipment is. Patrick Jamison described this meeting. He mentioned that MD Route 117-Bucklodge Road is a snow emergency route, but Bob and Michael didn't seem to think that was going to change the recommendation to include Bucklodge Road as a Rustic Road.

If we witness issues with sections of various roads that need work done, please report that to Jeremy. He can work with the right folks in DOT to get the work assigned faster than if we were to call 311.

#### **County/State Staff updates-**

**The new OAG staff replacing Cathy Yingling will start on October 10, 2022.**

Cathy was a County Government employee assigned to UMD. The new staff was interviewed and extended an offer to begin on October 10. Today, the Executive Office where she works called Jeremy that they're sad that OAG is taking her. They asked OAG to delay her start until November 10 so that the Executive Office can find her replacement.

**The new UME staff Arnelle Ngalula Quashine for Alga Piechocinski's Faculty Tenure position started on September 12, 2022.**

Arnelle started with 4H last Monday.

**Rick Walter's Area Extension Director position was announced, two candidates were interviewed, and the UME announced there was a failed search for this position that will be announced again.**

**The Master Gardeners administrative position to replace Linda Walters was posted and the UME announced there was a failed search for this position that will be announced again.**

**The 4H job description for the position that was held by Santana Mays will be posted soon.**

She left for Baltimore County before the Fair. Her position hasn't yet been posted.

#### **FY 23 Operating Budget for the OAG:**

**The BDS position that Kristin Fisher once held and prior to 2010 was sent to OHR to be announced.**

A business development specialist. This position will be announced this Thursday.

**The MSCD Engineering Position-Technical assistance on small ponds was sent to OHR to be announced.**

This position will be announced on Thursday and the staff will be assigned to the Soil Conservation District.

**Proposal to assign an FSA Executive Director for both Prince Georges and Montgomery County-This proposal is coming from the FSA leadership, and it would mean that Montgomery County farmers would no longer work with Missy Donnelly and that Montgomery County Farmers would continue to receive their FSA programs and services from the Derwood Office.**

The Farm Service Agency wants to have the Montgomery County office served by the same FSA Executive Director who works for Prince George's County. This means the farmers wouldn't have Missy Donnelly anymore; Missy would cover Frederick and Howard counties. Missy's boss FSA District Director came to Derwood and discussed this issue with Doug Lechlinder who serves on the FSA Committee for Montgomery and Howard counties. The FSA wants to do this because they can't get a hire for Prince George's County unless it was combined with another county and then they could get a higher paid position. Doug said they made it clear that it would make Montgomery County farmers sad. The FSA District Director assured them that it will take some time and will take back that the FSA committee, is opposed. Missy already has Frederick, and Montgomery and Howard. The FSA committee expressed that we want to keep Missy Donnelly.

Doug would like to write a letter if this is in our purview. Jeremy needs to ask the Executive Director of the Office of Intergovernmental Affairs for permission to advocate on this policy since it's a federal policy.

There was a motion to send a letter recommending that AAC ask to keep our group together with Frederick, Howard, and Montgomery with Missy Donnelly in charge. (Jamison/Butler) Motion passes. *Please note that since the AAC meeting, the FSA has decided to not move forward on this proposal.*

**Maryland Agricultural Community Discussion with US Senator Ben Cardin-September 19, 2022, at 1:30 pm Please see the attached announcement and Request for RSVP to participate. The Office of Agriculture is requesting suggested Federal Agricultural programs and/or policies to discuss during this meeting.**

It was a difficult call since it was attended by statewide agricultural representatives, and it covered many agricultural issues outside of those immediate to Montgomery County.

**Update on the FY22 Farm to Food Bank-F2FB Program- Please see the attached report outlining the progress of this program for FY22 where a total of 32 farmers are**

**participating by expanding local food production and selling the food to Manna Food Center for people in need at competitive prices.**

We're in our third year of this Farm to Food Bank-F2FB program. 32 farmers are now participating. The report about the total volume of food that goes to people in need and being sold at competitive prices was sent to the AAC. The program does not pay wholesale prices and not retail prices but offers prices somewhere in between. Ben Butler and Amanda Cather are both participants. Ben said it's a great outlet for them with the glut of the season. They purchased a wash pack line with the capacity building grant. Butlers have used it to harvest and pack clean vegetables to expedite the process to get the food out.

For the F2FB program, \$150k is for direct purchases of local food farmers produce and \$150k is for capacity building grants.

In June, Manna announced that they ran out of money for the direct purchasing. Jeremy asked to suspend the capacity building grants right now and move them over to the direct purchasing to equal \$300k. Jeremy worked with the County Executive to request a supplemental appropriation of \$150k for the capacity building grants to be used during the winter and prior to the 2023 growing season.

**Full County Council work session on the Thrive 2050 Plan on Thursday September 22, 2022, at 1:30 pm. There is a full County Council work session to discuss new chapters on the Environment, Economic Development and Racial Equity.**

**<https://www.montgomerycountymd.gov/COUNCIL/resources/Thrive2050/index.html>**

Jeremy provided some preliminary comments on the Environment and Economic Development portions. Racial equity is about access to land which is part of the capital improvement program. Last year, the PHED Committee released a report that showed the program has been slowed down. Jeremy will provide the comments to us when he completes them. *Please see the attached letter that was sent from the OAG dated September 28, 2022, that was sent to Executive Staff.*

**Survey from the Montgomery County Office of Broadband Programs for Agricultural Reserve resident without broadband**

**PLEASE COMPLETE THE SURVEY BY FRIDAY OCTOBER 7, 2022. For more information, there will be two online community meetings:**

- 7pm Wednesday September 21, 2022 <https://bit.ly/MoCoComMeet1>
- 7pm Tuesday September 27, 2022 <https://bit.ly/MoCoComMeet2>

**Map of occupied unserved rural Montgomery County properties – Blue have no broadband service; Yellow will be served by Verizon**

**Please tell us by Oct 7 if you are not in a yellow or blue area and do not have broadband service <https://bit.ly/Ruralsurvey>**

The County is applying for state grant money to extend broadband to rural and agricultural residents. Jeremy encourages AAC members to fill out the survey in the link above and send to anyone that does not have high speed internet service.

**Adjournment**

(Larson/Brewer) 8:31 pm