

Agricultural Advisory Committee

Minutes from 5/20/14 Meeting

Attendees: Ben Allnutt, Chuck Schuster, David Weitzer, Charlotte McGehee, Debbie Benson, Michele Cropp, Linda Lewis, Patrick Brown, Paula Linthicum, Jane Evans

Staff: Jonathan Casey, Chris Gillis (Councilmember Leventhal's office), Josh Foust (Councilmember Berliner's office), Jeremy Criss, Cathy Matthews (Upcounty regional services director),

Guests: Jane Seigler, Ellen Bogage

Meeting was called to order at 7:07PM.

1. Introductions

With guests present, brief introductions were made.

2. Approval of the AAC Minutes from April 15, 2013

The minutes were approved. (*Evans/Lewis*)

3. Update on the FY15 Operating and Capital Budgets as follows:

Mr. Criss gave the group a brief update on the decisions made by the County Council regarding Operating and Capital Budgets. First of note: the total personnel costs associated with the MLS Manager II position (the position currently held by Jeremy Criss) was approved for migration back to the Operating Budget reducing expenses charged to the Capital Budget. Next, the vacant Business Development Specialist I position (once held by Kristin Fisher) was approved to be filled and funded out of the Operating Budget. In addition, the Operating Funding for increasing technical assistance to farmers (as suggested in the FAME report) was approved. The funds will pay for a part-time contractor Agronomy Educator assigned to UM-Extension for Montgomery County only. The appropriation of a \$400,000 State Grant-Rural Legacy Program was approved representing the 7th grant agreement between DNR and the County. Finally, new funding of \$320,000 was allocated to MSCD for technical assistance to farmers. This money came from the Water Quality Protection Funding and will be used to reinstate the Resource Conservationist position once held by Brian Taylor. The WQPC funding will also fund 2 FTE for the Resource Conservationists, and .2 FTE for the Program Manager. This outcome will eliminate the need for the MSCD to provide \$20,000 in private contributions to the County DED in the future. The WQPC money will also fund the Best Management Practices Incentives Program. The AAC acknowledged Council Member Roger Berliner for the vital role he played in re-allocating the WQPC funding to these areas. A letter thanking him for his efforts was written and will be sent. The farming community was pleased with all of these outcomes.

4. Update on Farm Equipment Share Program Discussions with MCFB and MSCD- Insurance Requirements.

The New Farmers Pilot Program had 33 participants this year. The program's success is largely due to Chuck Schuster's commitment to it. He recounted the recent "Chef Tour" that included visits to produce farms like Lewis Orchards that took place the previous day. An indication of the program's success is that these new farmers are beginning to ask questions about access to markets and farmer's markets where they can sell their crops.

The New Farmers Pilot Program accomplished a lot in its first year and still had surplus funding. It was decided the extra money be used to buy farm equipment that would become part of the county's Equipment Share Program. Such a program would require a bit of management and the Farm Bureau has stepped up to the plate. They have committed to spend 5k over 2 years to maintain the equipment in the program. The Soil Conservation District has also agreed to help with the program. They will be in charge of running the day to day (validate that farmers made fee and provided proof of insurance to transport equipment) and they will also be responsible for insurance coverage. Additionally, Chuck Schuster will help with training those who would like to use the equipment. There are still questions surrounding how the program will run. The Soil Conservation District has

resolved some of the questions but not all of them. The first year of the program will likely be full of trial and error as the kinks are worked out. Farmers inquired about the level and amounts of insurance required for equipment use. The farmer using the equipment will need to have proper insurance that will cover transport. Questions were asked about how much insurance was needed and the response was that General Liability insurance will cover what is needed. Before equipment is used by the next farm, it has to be inspected by SCD. The program will require Chuck and Jeremy to jump in when needed. Only members of the Farm Bureau will be permitted to use the equipment. Paula Linthicum asked who is liable in an unfortunate accident. Chuck Schuster responded that farmers will be trained and they will sign a disclaimer that will not allow them to sue the Farm Bureau, the County government or the Soil Conservation District.

Side note – If you are pulling farm equipment with a Farm tag, you have to have a DOT license. If you pull something with a tractor, you don't need DOT.

5. Update on Farmland Preservation Easement Purchase Period February-April 1, 2014 –

The County has the funding for roughly 14 BLTS. Base BLT price is 222,000 per BLT and the Maximum BLT Price is \$254,000. John Zawitoski has received BLT applications for 23 BLTs and believes that 20 may be eligible and ranked. The APAB will recommend ranking on May 20, 2014.

6. Good turnout of 55 people for the Public Workshop for High Tunnels and Greenhouses scheduled April 29, 2014.

Jeremy thanked those who attended the workshop. Among them were AAC members Linda Lewis, Debbie Benson and Chuck Schuster.

7. Good turnout of 45 people for the May 7, 2017 Montgomery County Food Council – Meet your Agricultural Producer event at the Agricultural History Farm Park.

Jeremy thanked those who participated in the Montgomery County Food Council – Meet your Ag. Producer event. Presentations were done by David Heisler (on integrated pest management), Greg Glen and Linda Lewis (on their farm operations). Jeremy reported that the presenters did a great job and were very well received.

8. Proposed Amendments to Chapter 5 Animal Control – Equestrian Facilities – recommended by the AAC to address the conflicts in County Code Chapter 59 Zoning

Jane Seigler joined the AAC meeting to discuss this topic. She was instrumental in getting horses to be considered as part of livestock within the definition of Agriculture and equestrian facilities to be considered a “use” in zoning text. She has agreed to help facilitate the discussion between Animal Control and the County to iron out the inconsistencies in their respective documents as they relate to each other.

Jane has offered to help in the dialogue with Animal Control. Currently, those who charge a fee for any type of service must have a license. Jeremy thinks we should have a meeting with Animal Control to discuss how Chapter 5 can be aligned with Chapter 59-Zoning. We will be coming back to this item in a future meeting. Jane said it's a complicated situation with how Section 5 404 Animal Business Licensing is defined. It specifically lists equestrian facilities as needing a license but they don't define equestrian facility. They have a definition of riding stable as an equestrian facility. A change was made in the law and it reflected in the old language of a riding stable and not how equestrian facility is now defined. In the Zoning code an equestrian facility includes the people who just have horses in their back yard. There are a couple more things that don't make sense. Under the regulations the Manure pile definition needs to be revised.

9. Follow up discussion on the Rustic Roads Advisory Committee.

A letter to the County Executive from the Agricultural Advisory Committee, Agriculture Preservation Board and the Rustic Roads Committee was proposed. During the AAC April 15th meeting, Randy Stabler, who was very knowledgeable about the Rustic Roads Committee, recommended that the current Rustic Roads regulations should not be updated. He suggested that if the Rustic Roads Committee would like to draft a set of “guidelines” they should call them something other than guidelines. In accordance with Chapter 49 of the County Code, the word “guidelines” necessitates that the Executive Regulations must be developed. But without the word

“guidelines”, the RRAC can offer advice and best practices without interfering with the intentions of the current law. A letter will be written to the County Executive advocating that these set of guidelines be instead called a Manual – Rustic Roads Manual. This should clear up any confusion existing between the law and the code.

10. Proposed Deer Damage Survey distributed to everyone to better understand if the County’s deer damage programs are reducing crop losses for farmers.

The County is trying to assess the effectiveness of the current deer damage programs. A survey has been distributed in many ways asking those filling it out to assess the amount of damage done to their crops by deer. Jeremy provided additional surveys for anyone who hadn’t yet filled one out. The Public Safety Committee will discuss deer management in light of the results of this survey.

11. Follow up on the SHA-Agricultural Tourism Signing Program

As a follow up to the April meeting, Mr. Criss followed up with SHA on some of the questions the AAC raised. Both Wade Butler and Ben Allnutt have been involved to see how the Agricultural Tourism Signing Program could benefit on-farm markets. The response Jeremy received was that SHA will work on the answers and get back to us. The group reiterated that signage promoting agricultural events/operations will need to be short and sweet so drivers passing by are able to read them. The County Department of Transportation contact for this program is Fred Lees. Trail Blazer signs on Country roads will need to be put up before the State puts up their signs. It was noted that both Charles and Frederick counties are already working on their signage.

12. Updated Farmers Markets for 2014 Season

A list of the 2014 Farmers Markets was shared with the committee. There are 26 farmers markets in Montgomery County. Their locations and hours were included in the spreadsheet.

13. Discussion on Draft Legislation

Chris Gillis from Councilmember Leventhal’s office was present to discuss draft legislation that would reduce pesticide use in Montgomery County. Mr. Gillis briefly outlined the objectives of the legislation which included protecting children and limiting environmental degradation. With little impact to farmers and the average homeowner, the legislation targets schools, parks and other public areas where children are outdoors. On these properties, the use of cosmetic pesticides would be banned. The draft legislation was provided to the group for comment.

The AAC was encouraged to see that the legislation currently exempts the agricultural community. However, the legislation still poses a threat to agricultural practices that use integrated pest management (including pesticides) to control weeds. It was mentioned that the Turf and Sod producers also need to be considered as exempt as an agricultural use. The ag community was concerned with this legislation and began pointing out many contradictions and problems with the current verbiage in the provided draft.

It was noted that under state law, noxious weeds must be controlled. This raises a conflict between current code and this proposed legislation. The appropriate time would need to be spent on this legislation so that it is consistent with current State and County code.

There are exemption clauses in the bill. One such clause says if there is no alternative or no economically feasible way to control weeds, then pesticide use will be permitted.

Many voiced huge concerns with the introduction of a bill such as this one. Michele Cropp wondered about the economic feasibility. With difficult to kill weeds like thistle, removing them by hand could take a long time and a lot of money. Concerns over who would oversee and approve exemptions were raised. Paula Linthicum pointed out that whoever would be enforcing the bill would need to be very qualified. Chuck Schuster and others were concerned about the integrity of a soccer field or open play area where kids are running around. He hypothesized that without pesticides the quality of the field would decline making it more prone to causing injuries. Chris interjected that the intention of the bill is to protect children. He described that some pesticides cause childhood

cancers and have other negative health impacts. To that, Michele Cropp responded that the risk is only “potential” and that there has been no conclusive evidence linking negative health impacts in children to pesticide use. Paula Linthicum stated that as one of the many people in this room whose livelihood depends on agriculture, this is a dangerous bill.

Jane Seigler pointed out that there isn't a full understanding of agricultural terms in the current draft. This would certainly need to be worked out. Chuck Schuster wondered if this bill was counterproductive to the County's efforts to clean the bay. Without products like 2-4-D there is more soil erosion and more ends up in the Bay.

Ellen Bogage who represents the Green Industry added her arguments: Those in the industry (including horticulturalists, grounds keepers, farmers, etc.) utilize integrated pest management. Such programs include a variety of means and methods to limit unwanted pests. One of those is pesticide use which represents only one “tool” in an integrated pest management “toolbox.” Additionally, she noted that those in the green industry implement organics as much as possible.

When Council-members were asked “Why is this bill here?” they answered with several reasons:

1. They are concerned about the overuse of pesticides. Ellen explained this concern is an education issue. The appropriate action that would reduce the incorrect application or overuse of pesticides is proper education.
2. Council-members are worried that current laws governing pesticide use are not enforced properly. An appropriate solution to this issue would be to implement certification plans to make sure those using pesticides and enforcing use are properly qualified to do so.
3. Council-members were concerned about overexposure to pesticides. Ellen argued that again, this is not an issue requiring a ban. Those practicing an IPM are not overusing pesticides.

Ellen closed by explaining the solution isn't banning pesticides – rather it is a multi-faceted solution that includes education, certification, enforcement and IPM. She concluded that those in the green industry are happy to pursue all of these solutions.

Paula Linthicum explained that the people misusing pesticides aren't farmers who are licensed to use them – rather it is the average homeowner. Any legislation attempting to regulate pesticide use needs to be focused on this group rather than those in the green industry. Others were in agreement.

Jeremy Criss added that farmers are required to have nutrient management programs on their farms. Farmers can be self-certified once they have been trained or they can hire a qualified contractor. Farmers can also get a Private Applicators license that allows them to apply pesticides on their farm. Jeremy explained that the county can be more restrictive than the state. The ag group would like homeowners to be more restricted.

Michele Cropp referred to lines 6-10 that define a children's facility. Missing from that definition are things like corn mazes and pumpkin patches. She explained that when the first few sentences have flawed thinking, the document loses its credibility. Others pointed out more incorrect definitions or issues with the document itself. This highlighted the need for many more revisions, draft or not.

Linda Lewis worried about the timeline of the proposed legislation. She reminded everyone of the Minimum Wage Bill that negatively impacts the agricultural community and the quick timeframe on which it was passed. Her fear, which was shared by many others, was that this bill would be passed without adequate discussion and revision. The question of the timeframe came up and Chris Gillis said he would report back with answers.

14. 2013 Annual Report for the Agricultural Advisory Committee

The 2013 Annual Report, listing the AAC's accomplishments was provided to the group.

15. Next meeting of the AAC is scheduled for July 15, 2014.

Cathy Matthews was present to give an update on an event called Food Data Jam Hack-a-thon. Jeremy will be attending this event and he will send out more information.

The meeting was adjourned at 8:56PM (*Cropp/Schuster*)