

Agricultural Preservation Advisory Board

Regular Meeting Minutes

January 10, 2023

Board: John Fendrick, Michael Jamison, Nicholas Deluca, Chuck Gingrich

Staff: Mike Scheffel

Guests: Ray Ogden (contactor for Bill and Andrea Bush), Andrea Bush, Bill Bush, Don Katzenberger, Susan Katzenberger

The meeting was called to order at 7:01 pm.

Introduction of guests.

1. Approval November meeting minutes

Fendrick made motion to approve the minutes with one correction, Jamison seconded, motion passed.

2. AEP Easement Program

a. Andrea and Bill Bush – request for reconstruction of primary dwelling

Andrea and Bill Bush purchased 16027 Partnership Road in December of 2021. The Bush's live on the neighboring property at 16021 Partnership Rd and run and equestrian operation.

The farm the Bush's purchased was put under a County ag easement by Robert and Betty Davis in 1990. When the easement was settled, there was a 1-acre deduction in the payment for the existence of a primary dwelling (trailer). The Bush's request is to raze the trailer, bring the property into compliance with current County codes and reconstruct the primary dwelling for use as their farm managers residence.

A site plan was provided by Ray Ogden and was shared during the meeting, it showed the location of the proposed rebuilt primary dwelling and the location of the DPS approved sand mound septic fields.

The Board reviewed the documents provided and after brief discussion, Fendrick made a motion to approve the request, Gingrich seconded, and the motion passed.

3. Maryland Agricultural Land Preservation Foundation

a. Susan and Don Katzenberger – request for on-farm brewery

Susan and Don Katzenberger purchased the Moxley farm in March 2020 and the farm is encumbered by a MALPF easement, #15-13-01. The Katzenbergers are requesting permission to construct a farm alcohol production facility on the property.

The Board reviewed a draft site plan prepared for the brewery. It shows using an existing farm building for the tasting room and building an agricultural building used as the production facility on an adjacent parcel not encumbered by MALPF.

The Board asked questions about the proposed plan and how it would work with MALPF's restrictions, Scheffel reviewed what are the permitted uses on MALPF easements and how this fits into what the Foundation calls Process value added.

After reviewing the draft site plan and hearing from the Katzenbergers, Deluca made a motion to allow Scheffel to work with the Katzenbergers on this request and address the Foundations questions, Jamison seconded, motion passed.

b. County matching funds commitment letter

Scheffel shared the letter from the Department of Finance which stated the County can commit up to \$1,333,333 in matching funds for the FY23 grant cycle to MALPF

c. Update on Driscoll Easement

Scheffel told the Board that Pete had been contacted by MALPF and settlement would be scheduled soon.

4. RLP Easement Program

a. FY22 Grant Update

The easement documents and purchase contract have been fully executed and were awaiting one more document, after Scheffel receives the final document, he can remit the request for payment to DNR.

b. FY23 Grant Update

Scheffel has been in discussion with the applicant for the grant and is actively gathering the required information.

c. FY24 Grant

Scheffel described what will be occurring in the Office of Agriculture in 2023 and there is a new governor for Maryland. Based on the amount of uncertainty, Scheffel recommended not remitting an application for the FY24 grant cycle.

5. Legislative activities

a. OLO – TDR/BLT Discussion

The Office of Agriculture has been asked to send the CAO responses to the recommendations to the report. In general, the OAG liked the report and the recommendations and only disagreed with one, a minor recommendation dealing with the base price of BLTs.

The OLO report has been scheduled for a PH committee hearing on February 13th.

b. RRFMP Work session #1, January 5, 2023

The RRFMP has its first of three work sessions, this work session reviewed the plan in general and went over some broad ideas of the MP update.

The OAG will be monitoring the work sessions and will attend as requested.

6. Other business

a. Poolesville well issue

The MDE tested wells in Poolesville in August of 2022 and released the results of the tests in December of 2022 and as a result of the tests, the town held a community meeting on January 3, 2023.

The tests showed levels of PFOS/PFAS in wells 2 and 3 of the town, the levels of the chemicals are in the parts per trillion. There was a WUSA 9 story released as a result of the tests where biosolids and farmers use of them was to claimed to be the reason for the PFOS/PFAS being found in the wells.

The agricultural community believes it is premature to blame one product for the PFOS/PFAS being in the water as these chemicals are in many common household products.

The OAG will continue to monitor this situation.

b. Meetings with new council members

The OAG, members of MAP and MCFB met with the new council members to introduce the ag leaders to the council members and to discuss issues of concern.

Scheffel told the Board these were beneficial meetings and hoped they would help the new council members and staff.

Meeting adjourned at 8:22 pm.