

**SUSSEX COUNTY SOIL CONSERVATION DISTRICT**

Board of Supervisors Meeting

July 23, 2014- 4:30 PM

District Office- 186 Halsey Road, Newton (Hampton Township)

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**NEXT MEETING:** September 10, 2014 – 4:30 p.m. District Office

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**SUPERVISORS PRESENT:** Barbara Rosko, James Kilduff (late), Fred Hough, Philip Deacon and Matthew Fox.

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**SUPERVISORS ABSENT:** None

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**OTHERS PRESENT:** Clifford R. Lundin-District Manager, Jillian Jaworski, USDA-NRCS, John Irving of Miller Brothers.

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Chairman Rosko called the meeting to order at 4:30 p.m. declaring that adequate notice had been provided in accordance with the NJ Open Public Meetings Act. The members joined in in a salute to the flag.

**ROLL CALL:** A call of the roll confirmed that a quorum of four Supervisors was present. Mr. Kilduff arrived at 4:38 p.m.

**MINUTES:**

On motion of Mr. Deacon, seconded by Mr. Hough and properly carried, the Board approved the minutes of the regular meeting of June 25, 2014.

**REORGANIZATION:**

A) Officers:

- 1) **Chairman:** Mr. Lundin opened the floor for nominations for the position of chairman for the period of July 2014 through June 2015. Mr. Hough moved, seconded by Mr. Fox to nominate Mrs. Rosko. There were no other nominations. The nomination was unanimously approved on voice vote.
- 2) **Vice Chairman:** Chairman Rosko opened the floor for nominations for the position of 1<sup>st</sup> Vice Chairman for the period of July 2014 through June 2015. Mr. Hough moved, seconded by Mr. Fox to nominate Mr. Deacon as 1<sup>st</sup> Vice Chairman. There were no other nominations. The nomination was unanimously approved on voice vote.
- 3) **2<sup>nd</sup> Vice-chairman:** Chairman Rosko opened the floor for nominations for the position of 2<sup>nd</sup> Vice Chairman. Mr. Hough moved, seconded by Mr. Deacon to nominate Mr. Kilduff as 2<sup>nd</sup> Vice Chairman for the period of July 2014 through June 2015. There were no other nominations. The nomination was unanimously approved on voice vote.

- 4) Secretary/Treasurer: Chairman Rosko opened the floor for nominations for the position of Secretary/Treasurer for the period of July 2014 through June 2015. Mr. Deacon moved, seconded by Mr. Fox to nominate Mr. Hough for the position. There were no other motions. The motion was unanimously approved on voice vote.
- B) Special Counsel/Attorney: Mr. Deacon moved, seconded by Mr. Fox to appoint William Haggerty as Special Counsel/Attorney for the period of July 1, 2014 through June 30, 2015 at a rate of \$105.00 per hour, total not to exceed \$12,500.00. This appointment is made as a Professional Service and is awarded without competitive bidding. The appointment was approved by the following roll call vote: Mr. Hough- yes, Mr. Deacon- yes, Mr. Fox- yes and Chairman Rosko- yes.
- C) Auditor: Mr. Deacon moved, seconded by Mr. Kilduff to appoint Thomas Ferry of the firm of Ferraioli, Wielkottz, Cerullo and Cuva, PA as Auditors for the period of July 1, 2014 through June 30, 2015 at a maximum rate of \$175 per hour, total contract not to exceed \$5,400.00. This appointment is made as a Professional Service and is awarded without competitive bidding. The appointment was approved by the following roll call vote: Mr. Deacon- yes, Mr. Fox- yes, Mr. Hough- yes, and Chairman Rosko- yes.
- D) Engineer: Mr. Deacon moved, seconded by Mr. Fox to appoint Joseph Sedivy, P.E. as Engineer for the period of July 1, 2014 through June 30, 2015 at a rate of \$80.00 per hour, total not to exceed \$12,500.00. This appointment is made as a Professional Service and is awarded without competitive bidding. The appointment was approved by the following roll call vote: Mr. Deacon- yes, Mr. Hough- yes, Mr. Fox- yes and Chairman Rosko- yes.
- E) Custodian of Public Records: Mr. Deacon moved, seconded by Mr. Fox to appoint Clifford R. Lundin as the Custodian of Public Records for the period of July 1, 2014 through June 30, 2015, pursuant to the Open Public Records Act. The appointment was approved by the following roll call vote: Mr. Hough- yes, Mr. Fox- yes, Mr. Deacon- yes and Chairman Rosko- yes.
- F) Pension Certifying Officer: Mr. Deacon moved, seconded by Mr. Fox to appoint Catherine Williams as the Pension Certifying Officer for the period of July 1, 2014 through June 30, 2015. The appointment was approved by the following roll call vote: Mr. Hough- yes, Mr. Fox- yes, Mr. Deacon- yes and Chairman Rosko- yes.

G) Open Public Records Act Fees: Mr. Deacon moved, seconded by Mr. Fox to establish the following photocopy fees pursuant to the Open Public Records Act for the period of July 1, 2014 through June 30, 2015: Letter size- \$0.05 per copy and Legal size- \$0.07 per copy, color \$0.25 per copy. The motion was approved on the following roll call vote: Mr. Fox- yes, Mr. Hough- yes, Mr. Deacon- yes and Chairman Rosko- yes.

H) RC&D representatives: Mr. Deacon moved, seconded by Mr. Hough to appoint Chairman Rosko as the District's representative to the North Jersey RC&D council. The motion also included designating Mr. Lundin as alternate representative. The motion was approved on the following roll call vote: Mr. Hough- yes, Mr. Fox- yes; Mr. Deacon- yes and Chairman Rosko- yes.

**CORRESPONDENCE:**

On motion of Mr. Deacon, seconded by Mr. Hough and properly carried, the attached correspondence list was reviewed and approved for the files. Special attention was given to the highlighted items.

**APPLICATION OF MARINA ENERGY- FF-271**

Mr. Deacon moved, seconded by Mr. Hough and properly carried to amend the order of the agenda to address item g under Chapter 251 relative to application number FF-271. Mr. Irving is in attendance on behalf of the applicant, Marina Energy. Mr. Lundin explained that this is an application to disturb approximately 40 acres of a 67 agricultural tract located off Meyers Road in Frankford for a solar farm. The applicant is under severe time constraints and must be in operation by the December 31, 2014. The application was submitted to the District on June 9, 2014. The District reviewed the application and provided comments on June 10, 2014. In reliance on the legislative determination that solar panels are not "impervious" the original application did not include any stormwater controls. Pursuant to SSCC guidance, the District referred the stormwater aspects of the development to the SSCC engineer, John Showler. Mr. Showler and Mr. Lundin toured the site on June 20, 2014. Mr. Showler prepared a comment letter that was transmitted to the applicant on June 24, 2014. The applicant responded with comments on July 2, 2014. The revised plans were forwarded to Mr. Showler for review. Mr. Showler reviewed the plans and provided comments on July 14, 2014. Conference calls were held with the applicant's engineer on July 16 and July 18. The plans were resubmitted on July 21. We are awaiting Mr. Showler's comments on the revised proposal.

Mr. Irving requested that the District consider granting interim relief to allow work to commence. All other approvals have been received and all equipment is mobilized at the site. The Board reviewed the plans in detail. After extensive discussion with the applicant, Mr. Deacon moved, seconded by Mr. Hough to approve the latest proposal on an interim basis so as to allow work to begin at the site. The approval extends to subwatersheds 1 and 2 only, as well as to the access roads needed to access that area of the site. Prior to any disturbance all SESC measures included in the most recent submission shall be installed for the impacted areas of the site. The District retains the authority to require additional measures based upon field observations. In the event that any sediment laden stormwater is found to be leaving the site the District Manager is authorized to issue a Stop Work Order. Upon the receipt of the SSCC comments, the applicant's engineer shall immediately amend the SESC plan to comply with the same. The District will inspect the site on a weekly basis. Motion approved on the following roll call vote: Mr. Deacon-yes, Mr. Hough- yes, Mr. Kilduff- yes, Mr. Fox- yes and Mrs. Rosko- yes.

The Board returned to its regular agenda.

**TREASURER'S REPORT:**

Monthly Report: On motion of Mr. Deacon, seconded by Mr. Kilduff and properly carried, the Treasurer's Report was approved, subject to audit, by roll call vote as follows: Mr. Hough-yes, Mr. Deacon- yes, Mr. Kilduff- yes, Mr. Fox- yes and Mrs. Rosko- yes. The Treasurer's Report included the following: Income Statement for the One Month Period ending July 31, 2014, Cash Disbursements-Check Register from June 25, 2014 to July 23, 2014, Cash Receipts Journal from June 25, 2014 to July 23, 2014, Cash Account Balance Report as of July 23, 2014, Consulting Engineer-Cash Disbursements Journal from July 1, 2014 through July 23, 2014, General Ledger Trial Balance as of July 23, 2014 and Balance Sheet dated July 31, 2014.

FY2014 Budget: Mr. Lundin presented a proposed amendment to the FY2014 budget for consideration. He indicated that it was necessary to amend the final FY2014 budget to reflect actual income and expenses. The amendment was approved on roll call vote on motion of Mr. Kilduff, seconded by Mr. Fox. Roll call vote as follows: Mr. Hough- yes, Mr. Deacon-yes, Mr. Kilduff- yes, Mr. Fox- yes and Mrs. Rosko- yes.

FY2015 Budget: Mr. Lundin presented a proposed FY2015 budget for Board consideration. The budget projects the need to utilize approximately \$65,000 of the Chapter 251 reserve. After review and discussion, the budget was approved on roll call vote on motion of Mr. Deacon, seconded by Mr. Fox. Roll call vote as follows: Mr. Deacon- yes, Mr. Hough-yes, Mr. Kilduff- yes, Mr. Fox- yes and Mrs. Rosko- yes.

**OLD BUSINESS**

**Chapter 251:**

Monthly Report: On motion of Mr. Deacon, seconded by Mr. Fox and properly carried, the attached 251 Project Card Summary Sheet dated July 23, 2014, the Project Status Report dated July 23, 2014 and the Performance Bonds Remaining Report as of July 31, 2014 were approved. The motion included authorization for the chairman to certify the plans listed under the report heading: "Projects Certified 6/25/2014 to 7/23/2014" Mr. Lundin reported that the number of new applications and recertifications/extensions appeared to be increasing. In the past month, the District has received 6 new applications, 1 recertification application and 1 Permit Extension Act extension request. The number of active projects is 318.

District Quarterly Report: Mr. Lundin presented a Chapter 251 quarterly report for the 4<sup>th</sup> Quarter of FY2014 and covering the period of April 1, 2014 through June 30, 2014. Mr. Kilduff moved seconded by Mr. Deacon and properly carried to approve the report.

Exempt Municipality Quarterly Report: The Board reviewed the Chapter 251 quarterly report submitted by Green Township for the 4<sup>th</sup> Quarter of FY2014 and covering the period of April 1, 2014 through June 30, 2014. Mr. Kilduff moved seconded by Mr. Deacon and properly carried to approve the report.

Problem sites: Mr. Lundin briefed the Board on the following sites:

- 1) 284 Aggregates- WT-057M. Mr. Lundin met at the site on July 14, 2014 with Michael O'Krepy, P.E. to express the District's concern with the amount of accumulated "fine" materials in the settling ponds and stored adjacent to the settling ponds. Mr. Lundin has requested an engineering certification that there is sufficient remaining storage in the ponds.
- 2) Whispering Woods- Vernon- VR-748, 748A and 748B. The Township has performed work on the detention basin 1 and on the storm drainage system. Mr. Lundin visited the site on July 23, 2014. The most egregious problems have been addressed. Basin 3 is stable but needs additional work. The eroding area along Murphy Court is minimally stable. The District will continue to monitor.
- 3) St Jude the Apostle Church Expansion- HY259: Corrective work is underway.
- 4) Wantage Solar Farm- WT-145. Mr. Lundin and Mr. Showler visited the site on June 20, 2014. Mr. Lundin also visited the site on July 23, 2014. The stormwater basin is stable, although there continues to be several eroding areas. The applicant's engineer indicates that the corrective work will be performed during the fall growing season.

- 5) Uncertified site- Silver Spruce Drive, Vernon. Mr. Lundin provided an overview of this unapproved site. Photographic evidence from a July 23, 2014 inspection confirms a disturbance in excess of 5,000 square feet. The applicant has failed to respond to the District's non-filer letter. After extensive discussion Mr. Deacon moved, seconded by Mr. Hough and properly carried to send an additional District enforcement letter. If no response is received within 7 days, Mr. Lundin is authorized to issue a Stop Work Order.
- 6) Uncertified site- Maione- Wantage. Mr. Lundin reported on two uncertified disturbances on property owned by John Maione off Boulder Hills Boulevard in Wantage. The first is an uncertified extension of the roadway. The second, observed by Mr. Lundin, earlier this date, involves an approximate 5 acre grading project. After extensive discussion Mr. Kilduff moved, seconded by Mr. Deacon and properly carried to send an additional District enforcement letter. If no response is received within 7 days, Mr. Lundin is authorized to issue a Stop Work Order.
- 7) Bahr/Anderson dispute-Mudtown Road Wantage. Mr. Lundin reported that he had been served with an OPRA request by an attorney on behalf of one of the parties for a complete copy of the District file.
- 8) Sandyston/Southway issue. Mr. Lundin reported that Sandyston Township has appointed a new Construction Official, Robert Huber. Mr. Lundin is attempting to schedule a meeting with Mr. Huber in the next month.

**Agriculture-NRCS:** Ms. Jillian Jaworski was present on behalf of NRCS. Ms. Jaworski presented the attached NRCWS report for the month of July 2014. There are currently 41 active NRCS contracts within the county totaling \$978,665.69 in assistance for 1,450.6 acres. There are currently 3 AMA applications and 37 EQIP applications pending. Ms. Jaworski requested Board approval for a Farm Conservation Plan in relation to an EQIP application for a property located in Montague Township. On motion of Mr. Hough seconded by Mr. Deacon and properly carried, the Board accepted the NRCS report and authorized the chairman to sign the plan.

Mr. Lundin reported that the District has received one application for a conservation agreement from Scott Tucker for a 5.25 acre tract located in Frankford Township. The Board approved the request on motion of Mr. Fox seconded by Mr. Hough and properly carried.

**State Soil Conservation Committee (SSCC) Report:** Mr. Minch was unable to attend on behalf of the SSCC.

**H&H Grant:** Mr. Lundin reported that he had attended a training session on July 22, 2014 in Trenton relative to the reactivation of the data system. He noted that there are multiple data entry issues. There has been no resolution to the request to the state to compensate the Districts for the data lost in the crash of the Rutgers system.

**Education:**

- 1) NJ State Fair: The District will have a display in the Sussex County Building. The fair will be held from August 1 through 10.
- 2) NJ State Fair- Green Day- August 4. The District has agreed to provide the soil tunnel during the Fair's Annual Green Day on August 4.
- 3) SC Harvest, Honey and Garlic Festival. The District has been invited to provide a display and to utilize the soil tunnel during the annual event to be held on October 11-12. By consensus, the Board determined not to participate due to limited economics.

**Meetings:**

- 1) NACD 2014 Northeast Regional Meeting: Mr. Lundin distributed information relative to the NACD NE Regional Meeting scheduled for Newport Rhode Island from August 24-27, 2014. To conserve funds, the Board, by consensus determined not to send a delegate.
- 2) Annual NJ Conservation Partnership meeting. The meeting is currently tentatively scheduled for November 23-24 in a northern NJ location. The NJACD is exploring facilities in the Morris County area.
- 3) 2015 National Meeting: The 2015 NACD National Conference has been scheduled for February 1-4 in New Orleans.

**Common Waters Initiative:** Mr. Lundin participated in the quarterly meeting held on July 10, 2014 at the Poconos Environmental Education Center. The group has been unsuccessful in obtaining additional funding to continue the forestry assistance program. The group remains active in the watershed clusters and is in discussions with NRCS to conduct forestry outreach programs for NRCS programs. This proposal under the Conservation Innovation Program may utilize the soil districts in making the outreach to property owners.

**North Jersey RC&D:** Chairman Rosko and Mr. Lundin are scheduled to participate in a July 25, 2014 meeting with the Musconetcong Watershed Association relative to the possible merger.

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Old Business (continued)

**Upcoming Board Meetings:** Mr. Hough moved seconded by Mr. Kilduff and properly carried to cancel the meetings currently scheduled for August 27, 2014 and September 24, 2014 and to hold a combined August/September meeting on September 10, 2014.

**NEW BUSINESS:** None

**PUBLIC SESSION:**

Chairman Rosko opened the meeting to the public at 5:56 p.m. There being no one desiring to speak, the meeting was closed to the public at 5:56 p.m.

**EXECUTIVE SESSION:** None

**ADJOURN:**

The Meeting was adjourned at 5:57 p.m. on motion of Mr. Kilduff seconded by Mr. Fox and properly carried.

Respectfully submitted for Fred Hough, Secretary/Tres.

By Clifford R. Lundin, District Manager