

SUSSEX COUNTY SOIL CONSERVATION DISTRICT

Board of Supervisors Meeting

August 26, 2015- 4:30 PM

District Office- 186 Halsey Road, Suite 2, Newton (Hampton Township)

NEXT MEETING: October 28, 2015 – 4:30 p.m. - District Office

SUPERVISORS PRESENT: Barbara Rosko, Fred Hough, Matthew Fox, Philip Deacon and James Kilduff

SUPERVISORS ABSENT: None

OTHERS PRESENT: Clifford R. Lundin-District Manager, Dan Mull, District Conservationist- USDA-NRCS.

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.

OATH OF OFFICE: District Manager Clifford R. Lundin, a NJ attorney, administered the Oath of Office to Supervisors Kilduff and Hough. In June 2015, the SSCC had appointed both Supervisors to an additional 3 year term on the District for the period of July 1, 2015 through June 30, 2018. The members congratulated both Mr. Kilduff and Mr. Hough. Mr. Lundin noted that the District continues to search for a supervisor candidate from the agricultural community to replace Mr. Hough who wishes to retire from active involvement.

ROLL CALL: A call of the roll showed that Mrs. Rosko, Mr. Kilduff, Mr. Hough, Mr. Deacon and Mr. Fox were present. A quorum was established.

REORGANIZATION:

A) Officers:

- 1) **Chairman:** Mr. Lundin opened the floor for nominations for the position of chairman for the period of July 2015 through June 30, 2016. Mr. Deacon moved, seconded by Mr. Hough 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 1st Vice Chairman for the period of July 1, 2015 through June 30, 2016. Mr. Hough moved, seconded by Mr. Fox to nominate Mr. Deacon as 1st Vice Chairman. There were no other nominations. The nomination was unanimously approved on voice vote.
- 3) **2nd Vice-chairman:** Chairman Rosko opened the floor for nominations for the position of 2nd Vice Chairman. Mr. Hough moved, seconded by Mr. Fox to nominate Mr. Kilduff as 2nd Vice Chairman for the period of July 1, 2015 through June 30,

2016. 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 1, 2015 through June 30, 2016. Mr. Hough declined to be re-nominated. Mr. Hough moved, seconded by Mr. Deacon to nominate Mr. Fox for the position. There were no other motions. The motion was unanimously approved on voice vote.
- B) General Counsel: Mr. Deacon moved, seconded by Mr. Kilduff to designate Mr. Lundin as General Counsel for the District for the period of July 1, 2015 through June 30, 2016. The motion was unanimously approved on voice vote.
- C) Special Counsel/Attorney: Mr. Deacon moved, seconded by Mr. Kilduff to appoint William Haggerty as Special Counsel/Attorney for the period of July 1, 2015 through June 30, 2016 at a rate of \$110.00 per hour, total not to exceed \$12,500.00. This appointment is made as a Professional Service and is awarded without competitive bidding. The professional services resolution is attached. The appointment was approved by the following roll call vote: Mr. Hough- yes, Mr. Deacon- yes, Mr. Fox- yes, Mr. Kilduff-yes and Chairman Rosko- yes.
- D) Auditor: Mr. Deacon moved, seconded by Mrs. Rosko to appoint Thomas Ferry of the firm of Ferraioli, Wielkotz, Cerullo and Cuva, PA as Auditors for the period of July 1, 2015 through June 30, 2016 at a maximum rate of \$175 per hour, total contract not to exceed \$5,500.00. This appointment is made as a Professional Service and is awarded without competitive bidding. The professional services resolution is attached. The appointment was approved by the following roll call vote: Mr. Deacon- yes, Mr. Fox- yes, Mr. Hough-yes, Mr. Kilduff-yes and Chairman Rosko- yes.
- E) Engineer: Mr. Deacon moved, seconded by Mr. Kilduff to appoint Joseph Sedivy, P.E. as Engineer for the period of July 1, 2015 through June 30, 2016 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 professional services resolution is attached. The appointment was approved by the following roll call vote: Mr. Deacon- yes, Mr. Hough- yes, Mr. Fox- yes, Mr. Kilduff-yes and Chairman Rosko- yes.

- F) Custodian of Public Records: Mr. Deacon moved, seconded by Mr. Kilduff to appoint Clifford R. Lundin as the Custodian of Public Records for the period of July 1, 2015 through June 30, 2016, 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, Mr. Kilduff-yes and Chairman Rosko- yes.
- G) Pension Certifying Officer: Mr. Deacon moved, seconded by Mr. Kilduff to appoint Catherine Williams as the Pension Certifying Officer for the period of July 1, 2015 through June 30, 2016. Mr. Lundin is to serve as the Supervising Pension Official. The appointment was approved by the following roll call vote: Mr. Hough- yes, Mr. Fox- yes, Mr. Deacon- yes, Mr. Kilduff-yes and Chairman Rosko- yes.
- H) Open Public Records Act Fees: Mr. Kilduff moved, seconded by Mr. Fox to establish the following photocopy fees pursuant to the Open Public Records Act for the period of July 1, 2015 through June 30, 2016: Letter size- \$0.05 per copy and Legal size- \$0.07 per copy, color \$0.25 per copy. The Board noted that this is the maximum charge permitted by state regulation. The motion was approved on the following roll call vote: Mr. Fox- yes, Mr. Hough- yes, Mr. Deacon- yes, Mr. Kilduff-yes and Chairman Rosko- yes.
- I) RC&D representatives: Mr. Deacon moved, seconded by Mr. Fox to appoint Chairman Rosko as the District's representative to the North Jersey RC&D council for the period of July 1, 2015 through June 30, 2016. 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, Mr. Kilduff-yes and Chairman Rosko- yes.
- J) Official Newspaper: Mr. Hough moved seconded by Mr. Fox and properly carried to designate the NJ Herald and NJ Sunday Herald as the official newspapers of the Board for all legal notices.
- K) Official Depositories: Mr. Hough moved, seconded by Mr. Fox to designate the following banks as official depositories for District funds: Sussex Bank; Lakeland Bank; Llewelyn Edison Bank; and the NJ Cash Management Fund. Motion approved on voice vote. Mr. Deacon recused himself from action.

MINUTES:

On motion of Mr. Deacon seconded by Mr. Kilduff and properly carried on roll call vote, the Board approved the minutes of the regular meeting of June 24, 2015. The motion was

approved on the following roll call vote: Mr. Kilduff-yes, Mr. Hough- yes, Mr. Fox-yes, Mr. Deacon-yes and Chairman Rosko-yes.

CORRESPONDENCE:

On motion of Mr. Deacon, seconded by Mr. Fox and properly carried, the attached correspondence list was reviewed and approved for the files.

TREASURER'S REPORT:

Monthly Report: On motion of Mr. Fox, seconded by Mr. Hough and properly carried, the Treasurer's Report was approved, subject to audit, by roll call vote as follows: Mr. Kilduff- yes, Mr. Fox-yes, Mr. Hough-yes, Mr. Deacon-yes and Chairman Rosko-yes. The Treasurer's Report included the following: Income Statement for the Two Month Period ending August 31, 2015, Cash Disbursements-Check Register for the period of June 24, 2015 to August 26, 2015, Cash Receipts Journal for the period of June 24, 2015 to August 26, 2015, Cash Account Balance Report as of August 26, 2015, Consulting Engineer-Cash Disbursements Journal for the period from July 1, 2015 through August 26, 2015, General Ledger Trail Balance as of August 26, 2015 and Balance Sheet dated August 31, 2015. The Board reviewed the financial condition of the District. For the first 2 months of FY2016, the District is showing a positive balance of approximately \$7,800.00. No accounts are significantly over-expended at this point.

Amend FY2015 Budget: Mr. Lundin distributed the attached draft amendment to the FY2015 budget. The budget transfers funds to cover any excesses and contains the final year end expenditure totals through June 30, 2015. Mr. Deacon moved, seconded by Mr. Fox to adopt the amendment to the FY2015 budget. The budget was approved by roll call vote as follows: Mr. Kilduff- yes, Mr. Fox-yes, Mr. Hough-yes, Mr. Deacon-yes and Chairman Rosko-yes.

FY2015 Audit: Mr. Lundin reported that the Board's auditing team had been at the District office on August 24 to review the financial data. There was no indication of any significant issues. The District is in receipt of the in-kind services report from the SSCC. In-kind services were reported in the amount of \$31,000.00. The District is still awaiting the in-kind report from the NRCS. Mr. Mull will check on the status. The auditors hope to have a draft report to the Board by its next meeting. Mr. Lundin noted that the auditors had asked for proof that the District had requested the NJ Business Registration Certificates from its vendors. The District has not typically requested such certificates. Mr. Lundin reported that he had checked the law and we are required to obtain the certificates for any vendor from whom cumulative purchases exceed \$3,500.00 per year (15% of the bid threshold.) Very few of our vendors exceed that amount.

Authorization to Utilize Valley National Bank: The Board previously maintained deposit accounts at the Llewelyn Edison Bank in Augusta. The bank has been sold and the branch

office closed. In checking the rates, the best CD rates in the area are currently being offered by Valley National Bank. Mr. Fox moved, seconded by Mr. Hough, to authorize the Chairwoman and Manager to sign all necessary papers to establish accounts in Valley National Bank. Motion passed on the following roll call vote: Mr. Kilduff- recuse, Mr. Fox-yes, Mr. Hough-yes, Mr. Deacon-recuse and Chairman Rosko-yes.

OLD BUSINESS

Chapter 251:

Monthly Report: On motion of Mr. Deacon, seconded by Mr. Kilduff and properly carried, the attached 251 Project Card Summary Sheet dated August 26, 2015, the Project Status Report dated August 26, 2015 and the Performance Bonds Remaining Report as of August 30, 2015 were approved. The motion included authorization for the chairwoman to certify the 16 plans listed under the report heading: "Projects Certified 6/24/2015 to August 26, 2015." Since the June meeting, the District has received 15 new applications and 10 applications for recertification. The number of active projects has increased to 313. Since the June meeting 9 projects were completed and 1 project was placed in dormant status.

District Quarterly report: On motion of Mr. Fox, seconded by Mr. Hough and properly carried the Board approved the District Chapter 251 Quarterly report for the months of April through June 2015.

Exempt Municipality Quarterly reports: The Board reviewed the Quarterly Reports submitted on behalf of Green Township and Andover Township. On motion of Mr. Deacon, seconded by Mr. Kilduff and properly carried the Board approved the Exempt Municipality Quarterly reports for the months of April through June 2015.

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

- 1) Maggio Site: WT-154. The District continues to receive complaints from neighbors. A site inspection will be conducted in the coming weeks.
- 2) Uncertified site- Vernon- 1 Silver Spruce Drive. An application has been received and certified. The Stop Work Order has been vacated.
- 3) Uncertified site-Vernon- 3 Silver Spruce Drive. The Stop Work Orders remains in effect. No new fill has been added but the site remains unstable. The property appears to be in foreclosure.

- 4) Grauerholz Site- Sparta. The Stop Work Order remains in effect. The property owner has retained an engineer to prepare the necessary SESC plan. The order will be lifted upon certification of the plan. Mr. Lundin spoke to the engineer for the owner on August 25, 2015. The plan is expected within the week.
- 5) Berardi Site- 20 Catalina Drive- Byram. The property is scheduled for inspection within the next week. The Stop Work Order will be vacated if the site is stable and the tracking pad is in place.
- 6) 284 Aggregates- WT-057M. The certification expired in December 2014. An application was been submitted approximately 2 weeks ago. Mr. Lundin will conduct a site visit prior to the recertification of the plan. It may be necessary to involve the District's engineer to verify the area of disturbance shown on the application.
- 7) Wantage Solar: WT-145. This site was issued an ROC on 9/20/2014. Wantage has notified the District of stormwater issues. A scheduled site meeting was cancelled by Wantage. The District is awaiting the rescheduling of the meeting.
- 8) Branchville Sewers- BR-023. The District has received complaints relative to an uncertified site located on Kemah/Mecca Lake Road, which is receiving excess material from the Wantage sewer project. The site is an agriculture use (Christmas tree farm.) The District has warned Branchville as well as contacted the property owner.
- 9) Bahr/Anderson- Mudtown Road, Wantage. WT-131. The District has discussed this site on multiple past occasions. A FROC was issued on 1/10/12. Mr. Lundin reported that the neighboring property owners have now initiated litigation relative to the project. The District is not included as a party at this point.
- 10) Smith Single Family- 161 Rose Morrow Road, Wantage. Mr. Lundin reported that a certified letter had come in from the property owner expressing dissatisfaction with the District's fees and the District's refusal to issue a final ROC for the site, until actual growth was evident. After consultation with the Chairwoman the issue was amicably resolved by waiving one of the bond extension fees.

Agriculture-NRCS:

Monthly Report: Mr. Mull presented the attached NRCS report for August 2015. There are currently 51 active Farm Bill contracts within Sussex County representing financial assistance in the amount of \$880,127.09 on 2,697.3 acres. These consist of 5 AMA contracts, 34 EQIP Contracts and 12 WHIP contracts. There are 3 remaining pending AMA applications, 9 RCCP applications and 27 EQIP applications under review for

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Old Business- Agriculture (continued)

FY2015. NRCS is also accepting new applications for FY2016. There were no pending farm conservation plans for approval Mr. Mull also reported that the SSCC-CAP employee assigned to this area will not be replaced. Mr. Kilduff moved, seconded by Mr. Hough and properly carried to approve the report.

Cooperators: Mr. Lundin indicated that one application has been received for conservation assistance over the past month. The property involves a 6 acre site off Route 521 in Hampton Township owned by Joseph L. Trugani. Mr. Deacon moved seconded by Mr. Hough and properly carried to approve the application and forward the same to the NRCS.

Contract with NRCS for Agricultural Verification Services:-FRPP Easement Monitoring: Mr. Lundin outlined the terms of a tentative agreement between NRCS and the District. The District will provide FRPP Easement Monitoring services to NRCS for 9 sites in Bergen, Morris and Warren County in exchange for payment of \$4,441. All work must be completed by September 11, 2015. Mr. Kilduff moved seconded by Mr. Hough to authorize the chairwoman to sign the agreement. Roll Call vote as follows: Mr. Kilduff-yes, Mr. Fox-yes, Mr. Hough-yes, Mr. Deacon-yes and Chairman Rosko-yes.

Complaint to SSCC re Agricultural Operation in Newton/Fredon. Mr. Lundin reported that Mr. Frank Minch of the SSCC had requested that he perform a reconnaissance inspection of a site located on the Newton/Fredon border. Mr. Lundin was able to verify some of the complaints of a neighboring property owner. A state specialist has been assigned to visit the operator.

State Soil Conservation Committee (SSCC) Report: Mr. Minch was not present to provide a report. In addition, Mr. Lundin was unable to attend the SSCC meeting on August 10, 2015. Mr. Lundin did report however, that the SSCC has adopted the revised Auditing Standards manual. He has not yet had the opportunity to review the manual.

Mr. Lundin also reported that he had been contacted by Mr. Minch relative to a letter sent to the SSCC by the local District 24 legislators. In the letter the legislators expressed concern relative to the fee schedules utilized by the Sussex, Warren and Morris districts and the relationship to the services provided. A discussion followed. Mr. Lundin was directed to contact the legislative offices to attempt to address the specific concerns.

Mr. Lundin distributed copies of the attached "trend reports" prepared by the state committee. In the last quarter, 251 activities statewide appear to be increasing. A discussion followed.

Education:

Sussex County Farm and Horse Show/NJ State Fair- July 31 to August 9. Several of the Supervisors reported that they had visited the District's display in the Ernie Kosa/ Sussex County Building.

2016 Conservation Poster Contest: Mr. Lundin reported that NACD has released the topic for the 2016 Conservation Poster Contest. The theme is: "We all need trees."

Meetings:

Policies and Procedures Committee: Mr. Lundin reported that the Policies and Procedures Subcommittee meeting will meet on September 22, 2015 at the Freehold District offices.

NJACD Annual Conservation Partnership Conference: This conference will be held on October 27, 2015 at the Burlington Eco-Complex. All supervisors are encouraged to attend.

NACD 2016 Annual Meeting: This meeting is scheduled for February 1-4, 2016 in Reno Nevada.

North Jersey RC&D: Mrs. Rosko reported that the RC&D Council had hired a new executive director, Marcus Gray effective September 1, 2015. Mr. Gray currently is the executive director of the New River-Highlands RC&D council in Virginia. The next meeting of the RC&D council is scheduled for September 16, 2015 in Hackettstown.

Other:

NJACD Dues: The Board had previously authorized Mr. Lundin to engage in additional discussions with the NJACD relative to a possible reduction in the District's dues for 2014 and 2015 due to the District's income shortfall in FY2014 and FY2015. Mr. Lundin reported that the NJACD has offered to waive the 2014 dues if the District participates for 2015. Mr. Fox moved, seconded by Mr. Kilduff to pay the dues for 2015. The motion also directed Mr. Lundin to prepare a letter to the NJACD specifically outlining the District's issues and suggesting the need for additional services to be provided to the districts. Roll Call vote as follows: Mr. Kilduff- yes, Mr. Fox-yes, Mr. Hough-yes, Mr. Deacon-no and Chairman Rosko-yes.

NEW BUSINESS:

September Meeting: Mr. Deacon moved seconded by Mr. Hough and properly carried to cancel the September 23, 2015 meeting of the Board.

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August 26, 2015- (continued)

PUBLIC SESSION:

Chairman Rosko opened the meeting to the public at 5:50 p.m. There being no one desiring to speak, the meeting was closed to the public at 5:50 p.m.

EXECUTIVE SESSION:

There was no need for an executive session.

ADJOURN:

The Meeting was adjourned at 5:50 p.m. on motion of Mr. Hough seconded by Mr. Deacon and properly carried.

Respectfully submitted for Matthew Fox, Secretary/Treasurer

By Clifford R. Lundin, District Manager