

**SUSSEX COUNTY SOIL CONSERVATION DISTRICT**

Board of Supervisors Meeting

October 28, 2015- 4:30 PM

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

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**NEXT MEETING:** December 9, 2015 – 2:00 p.m. Boathouse Restaurant- Stillwater

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

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**SUPERVISORS ABSENT:** None

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

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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.

**FLAG SALUTE:** The members joined in a salute to the flag.

**ROLL CALL:** A call of the roll showed that Mrs. Rosko, Mr. Kilduff, Mr. Hough and Mr. Deacon were present. A quorum was established. Mr. Fox arrived at 4:45 p.m. due to the closure of Halsey Road because of an auto accident.

**MINUTES:**

On motion of Mr. Deacon seconded by Mr. Hough and properly carried on roll call vote, the Board approved the minutes of the regular meeting of August 26, 2015. The motion was approved on the following roll call vote: Mr. Kilduff-yes, Mr. Hough- yes, Mr. Deacon-yes and Chairman Rosko-yes.

**CORRESPONDENCE:**

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

**TREASURER'S REPORT:**

**Monthly Report:** On motion of Mr. Hough, seconded by Mr. Kilduff and properly carried, the Treasurer's Report was approved, subject to audit, by roll call vote as follows: Mr. Kilduff- yes, Mr. Hough-yes, Mr. Deacon-yes and Chairman Rosko-yes. The Treasurer's Report included the following: Income Statement for the Four Month Period ending October 31, 2015; Cash Disbursements-Check Register for the period of August 26, 2015 to October 28, 2015; Cash Receipts Journal for the period of August 26, 2015 to October 28, 2015; Cash Account Balance Report as of October 28, 2015; Consulting Engineer-Cash Disbursements Journal for the period from July 1, 2015 through October 28, 2015; General Ledger Trail Balance as of October 28, 2015 and Balance Sheet dated October 31, 2015. The Board reviewed the financial condition of the District. For the first 4 months of FY2016, the District is showing a negative balance of approximately \$11,400.00. No accounts are significantly over-expended at this point. Chapter 251 revenues have not fully met expectations.

Amend FY2016 Budget: Mr. Lundin distributed the attached draft amendment to the FY2016 budget. The modification is necessary on recommendation of the District Auditor to add an income and an expense line in the amount of \$4,441.00 to reflect the Contract with NRCS. Mr. Kilduff moved, seconded by Mr. Deacon to adopt the amendment to the FY2016 budget. The motion was approved by roll call vote as follows: Mr. Kilduff- yes, Mr. Hough-yes, Mr. Deacon-yes and Chairman Rosko-yes.

FY2015 Audit: Mr. Lundin had previously distributed to the Board via e-mail a draft version of the audit. The draft contained no negative findings and no recommendations. The final audit will be presented to the Board at the December 9, 2015 meeting. Mr. Fox arrived at this point.

## **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 October 27, 2015, the Project Status Report dated October 28, 2015 and the Performance Bonds Remaining Report as of October 31, 2015 were approved. The motion included authorization for the chairwoman to certify the 10 plans listed under the report heading: "Projects Certified 8/26/2015 through 10/28/2015." Since the August meeting, the District has received 15 new applications and 9 applications for recertification. The number of active projects has increased to 317. Since the August meeting 7 projects were completed and 2 projects were placed in dormant status.

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

Exempt Municipality Quarterly report: The Board reviewed the Quarterly Report for the same quarter submitted on behalf of Green Township. The report from Andover Township has not yet been received. On motion of Mr. Deacon, seconded by Mr. Kilduff and properly carried, the Board approved the Exempt Municipality Quarterly Report for Green Township for the month of July 2015 through September 2015.

Board discussion /review of specific 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 was conducted by Mr. Lundin and Mr. Eckert on October 1, 2015. The inspection revealed that the approved soil erosion and

- sediment controls were in place. The continuing complaints appear to be primarily under the jurisdiction of the SC Health Department and the NJDEP.
- 2) Uncertified Site- Vernon- 17 Erik. The Township referred this site to the District. Mr. Lundin inspected the site on September 29, 2015 and found a disturbance in excess of 5,000 square feet. The site is also owned by Mr. Maggio and is being renovated as a single family home. A Notice of Violation was issued on October 1, 2015. Mr. Maggio initially disputed the level of disturbance. However, he has now promised to submit a plan in the immediate future.
  - 3) Uncertified Site-Vernon- 3 Silver Spruce Drive. The Stop Work Order remains in effect. The site suffered a slope failure/landslide during a rain event on or about October 1, 2015. The District sent a certified letter to the property owner on October 8, 2015 directing the owner to secure the site and retain an engineer. No response has been received. The property appears to be in the foreclosure process.
  - 4) Grauerholz Site- Sparta. A SESC plan was submitted to the District on September 2, 2015. The District reviewed the application and provided comments dated September 4, 2015. The District is still awaiting the revised plan. The Stop Work Order has been vacated.
  - 5) Berardi Site- 20 Catalina Drive- Byram. The property remains under a Stop Work Order. The property owner has violated the same. Since the last meeting, inspections were conducted on September 15, 2015, September 27, 2015, October 5, 2015 and October 20, 2015. Mr. Lundin requested the intercession of Mr. Deacon to speak to the builder. Work has apparently now ceased and the site is supposedly stable. The Stop Work Order will be vacated once the owner submits the necessary fee.
  - 6) 284 Aggregates- WT-057M. The certification expired in December 2014. A complete recertification application was finally submitted in late August. Mr. Lundin inspected the site, confirmed the area of disturbance and found all SESC controls to be in place. The owner has requested a payment schedule for the fee. The fees are being submitted in accordance with the agreed upon schedule.
  - 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 August site meeting was cancelled by the Township. The District is still awaiting the rescheduling of the meeting.

- 8) Frankford Solar- FF-271: Construction was completed in November 2014. An ROC has not yet been issued. The District has been unable to access the site to confirm the status of the permanent stabilization. The owner is claiming that the site has not yet been connected to the grid.
- 9) Beaver Run Solar- LA187: The applicant was attempting to become operational on November 1. Discussions occurred relative to a possible CROC. The applicant apparently became engaged in a dispute with its contractor which has resulted in a work stoppage. The District will work to attempt to get the site temporarily stabilized in anticipation of the upcoming winter season.
- 10) Branchville Sewers- BR-023. The District has received complaints relative to an uncertified site located on Kemah/Mecca Lake Road, which is apparently receiving excess material from the Branchville sewer project. The site is an agriculture use (Christmas tree farm.) The District has issued a Notice of Violation to Branchville as well as to the property owner. The District will seek to enter into a consent agreement with the property owner to arrange for the site to be stabilized.
- 11) Mountain Creek- VR-877. This certification was initially issued for the restoration of a ski trail. Later a BMX trail was relocated to this trail as well. The site remains unstable and the certification was allowed to expire. Mr. Lundin and Mr. Eckert met at the site on October 6, 2015 with Mario Ianelli, P.E. and with the new owners to review the overall status of the ski and recreation area. The recertification application has now been submitted. We can expect approximately 4 new projects within the coming months.
- 12) Tennessee Gas Pipeline and PSE&G Electrical Transmission Line: Mr. Lundin reported that a final ROC has been issued for the gas pipeline. A final ROC is anticipated for the electrical transmission line within the next month.

**Agriculture-NRCS:**

**Monthly Report:** Mr. Mull presented the attached NRCS report for October 2015. There are currently 48 active Farm Bill contracts within Sussex County representing financial assistance in the amount of \$1,049,715.98 on 2,114.3 acres. These consist of 5 AMA contracts, 31 EQIP Contracts and 12 WHIP contracts. There are 3 remaining pending AMA applications, 9 RCCP applications and 29 EQIP applications under review for FY2016. Mr. Mull requested approval of 4 farm conservation plans. These consisted of 3 EQIP Plans and 1 Restoration Plan. Mr. Deacon moved, seconded by Mr. Fox and properly carried, to approve the report.

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Old Business- Agriculture (continued)

Cooperators: Mr. Lundin indicated that since the August meeting, no new applications have been received for conservation assistance.

Contract with NRCS for Agricultural Verification Services:-FRPP Easement Monitoring: Mr. Lundin reviewed the work performed in late August and early September in a contract with NRCS under the FRPP Easement program. All inspections were completed and the reports submitted and accepted. The District is currently awaiting payment.

**State Soil Conservation Committee (SSCC) Report:** Mr. Minch was not present to provide a report. The SSCC has not met since the District's last meeting. The October 19, 2015 meeting of the SSCC was cancelled. As part of the annual Conservation Partnership Conference, Mr. Lundin attended a session on the NJDA's latest effort to develop soil restoration and soil health standards. The SSCC is currently planning to implement the requirements through amendments to the existing vegetative and land grading standards.

Mr. Lundin also reported on an Equal Employment Opportunity Training session conducted as part of the conference. The state has developed the attached Policy Prohibiting Workplace Discrimination and the attached Model Procedure for handling of EEOC related complaints. It will be necessary to modify the District Personal Policy Manual to incorporate the new state requirements.

**Education:**

NACD Urban Webinar-State Revolving Funds: Mr. Lundin reported that he and Mr. Deacon had participated in this webinar held on October 15, 2015. The next Webinar in the NACD Urban series is scheduled for November 19, 2015 from 12:00 p.m. to 1:00 p.m. Mr. Lundin urged Supervisors to participate. Supervisors can earn ½ point for their continuing educational requirements for each webinar.

NRCS training: Mr. Lundin briefed the Board on an upcoming NRCS training opportunity on December 8, 2015. Supervisors can earn one point toward their educational requirements by participating in this session.

Environmental Law Training: Mr. Lundin indicated that he will be participating in an Environmental Law Update on December 10, 2015.

**Meetings:**

Policies and Procedures Committee: Mr. Lundin reported on the Policies and Procedures Subcommittee meeting held on September 22, 2015 at the Freehold District offices. The next meeting is scheduled for November 9, 2015. Unfortunately, neither he nor Mrs. Rosko will be able to attend due to other commitments.

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Old Business- Meetings (continued)

MWA/RCD Tour of Lake Hopatcong: Mr. Lundin reported that he had provided the staffs of the Musconetcong Watershed Association and the North Jersey RC&D program with boat tours of the ongoing restoration efforts on Lake Hopatcong.

Common Waters: Mr. Lundin reported that he had participated in a Common Waters Virtual meeting on October 8, 2015. The next meeting is scheduled for January 7, 2016.

ANJEC Environmental Congress: Mr. Lundin reported on the annual ANJEC (Assoc. of NJ Environmental Commissions) Environmental Congress on October 9. The theme was "Fixing our Water Woes, a Bucket List."

NACD Urban and Community Conservation Committee: Mr. Lundin reported on his participation in the monthly NACD meeting on October 16, 2015.

NJACD Annual Conservation Partnership Conference: This conference was held on October 27, 2015 at the Burlington Eco-Complex. Mr. Lundin, Mrs. Rosko and Mr. Hough participated on behalf of the District. Mr. Lundin presented Mr. Kilduff with a Certificate for completion of 5 years of service on the Board. Mr. Lundin also received a certificate for 35 years of combined service. Finally, Mr. Hough received a special citation for completing 45 years of service. Douglas Fisher, the NJ Secretary of Agriculture issued the attached letter to Mr. Hough saluting him for his service to the District.

Lake Hopatcong Symposium: Mr. Lundin has been invited to speak at the Lake Hopatcong Symposium to be held on November 13, 2015 and sponsored by the Lake Hopatcong Foundation.

State Technical Committee: Mr. Lundin will be attending the State Technical Committee to be held on November 18 in Somerset. The Supervisors are welcome to attend.

NACD 2016 Annual Meeting: This meeting is scheduled for February 1-4, 2016 in Reno Nevada. The Board reviewed potential costs. No decision was made at this point.

North Jersey RC&D: Mrs. Rosko reported on the RC&D Council meeting on September 16. She also reported on the meeting of the MWA and RC&D Executive Committees held on October 26, 2015 relative to the ongoing reorganizations. An additional RC&D Executive Committee meeting is scheduled for November 4, 2015.

**Other:**

NJACD Dues: Pursuant to the Board's action at its August meeting, the annual dues were submitted together with the attached letter dated October 5, 2015 outlining the District's issues.

Hough Seat: Mr. Hough encouraged the Board to renew the efforts to find a replacement supervisor.

NACD Dues: The Board is in receipt of an invoice from NACD for its annual dues for October 2015 through September 2016 in the amount of \$775.00. Mr. Fox moved seconded by Mr. Kilduff to pay the dues. The motion was approved on the following roll call vote: Mr. Kilduff- yes, Mr. Fox-yes, Mr. Hough-yes, Mr. Deacon-yes and Chairman Rosko-yes.

**NEW BUSINESS:**

Open Public Records Act request- Smart Procure: Mr. Lundin reported that all 15 SCDs in NJ had been served with an OPRA request demanding information relative to all purchases for the past 5 years. The SSCC has advised all Districts to reject the request as overly broad.

December Meeting: The Board discussed the location for the annual off-site Christmas luncheon/meeting. Mr. Deacon moved, seconded by Mr. Hough and properly carried to schedule the meeting at the Boathouse Restaurant on Swartswood Lake on December 9, 2015. The luncheon will be held at 12:00 p.m., followed by the meeting at 2:00 p.m.

District Equipment Maintenance Issues: Mr. Lundin reported that one of the District vehicles needed a new drive shaft at a cost in excess of \$900. Mr. Lundin also reported that one of the District digital cameras was non-functional. The Board suggested he explore the cost of adding photographic capability to the District cell phones. Finally, one of the District's legal size lateral file cabinets is broken. The Board authorized the purchase of a new cabinet. If possible, the Board directed him to explore the purchase of used equipment.

Personnel Policy Manual: Earlier in the meeting, Mr. Lundin indicated the need to revise the PPM to incorporate the new state EEOC requirements. Mr. Lundin also indicated that it had been many years since the overall manual had been reviewed. He proposed to distribute the current manual to the Board for review.

Meeting with NJ State Legislators: During the August meeting Mr. Lundin reported on an inquiry letter submitted to the SSCC that raised questions relative to the District fee schedule. Mr. Lundin subsequently contacted the District 24 legislative office to request a

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New Business- (continued)

meeting. Mr. Lundin is scheduled to meet with Senator Oroho on November 12, 2015 at 11:30 a.m. Mrs. Rosko will be out-of-state and unavailable to meet at that time. Mr. Deacon and Mr. Fox expressed interest in attending.

**PUBLIC SESSION:**

Chairman Rosko opened the meeting to the public at 5:15 p.m. There being no one desiring to speak, the meeting was closed to the public at 5:15 p.m.

**EXECUTIVE SESSION:**

There was no need for an executive session.

**ADJOURN:**

The Meeting was adjourned at 5:16 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