

**SUSSEX COUNTY SOIL CONSERVATION DISTRICT**

Board of Supervisors Meeting

April 27, 2016- 4:30 PM

District Office- 186 Halsey Road, Suite 2, Hampton Township, Sussex County, NJ

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**NEXT MEETING:** June 1, 2016 – 4:30 p.m. District Office

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

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**SUPERVISORS ABSENT:** Matthew Fox

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**OTHERS PRESENT:** Clifford R. Lundin-District Manager; Dan Mull, District Conservationist- USDA-NRCS (arrived 5:00 p.m.); Alice Stolarz, Hopatcong resident; Elizabeth Grove, Hopatcong resident.

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Chairman Rosko called the meeting to order at 4:31 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 was absent.

**GOVERNOR'S PROCLAMATION:** The Board acknowledged that Governor Christie has proclaimed the week of April 24, 2016 through May 1, 2016 as Soil and Water Stewardship Week.

**Dispense with Agenda/Hopatcong Police Target Range:** Mr. Hough moved, seconded by Mr. Deacon and properly carried to dispense with the regular Order of Business to hear from two members of the public. Mrs. Alice Stolarz and Mrs. Elizabeth Grove both residents of the Maple Grove development in Hopatcong introduced themselves. They indicated that they were present at our meeting to voice their opposition to a pending application from the Borough of Hopatcong to construct a target range on a vacant parcel of land in Hopatcong. The application had been received by the District on Monday April 25, 2016 and has not been processed at this point. Mrs. Stolarz and Mrs. Grove alleged that the range was constructed without any of the necessary approvals and that this is an "after the fact application." The application was only submitted by the Borough after Mr. Lundin informed the Borough that Mrs. Stolarz had filed a complaint with the District. Mr. Lundin and Mr. Deacon both recused themselves from action on this application. Mr. Lundin currently serves as Open Space chairman for Hopatcong Borough. Mr. Deacon built the homes currently occupied by Mrs. Stolarz and Mrs. Grove.

Mrs. Stolarz and Mrs. Grove both indicated that the basis for their objection was the proximity to their home. The range is located off an unimproved dirt road and is approximately 450 feet from their homes. They provided the Board with copies of their statement (attached) and copies of photos (attached.) They played for the Board a tape recording of the sound of the firing of the guns. The property is located in the Highlands

Planning Area and is in an area of the Borough designated as a Natural Area Preserve. There was no Borough or County Site Plan Approval. Mrs. Stolarz expressed concern regarding the impact of the project on her well. Mrs. Grove expressed concern relative to the potential hazardous nature of the fill utilized (unsealed road millings.)

Chairman Rosko explained the limited jurisdiction of the District. She indicated that the District must limit its review to the soil erosion and sediment control aspects of the project. In light of Mr. Lundin's recusal, the District' review will be performed by the District engineer. The review will be limited solely to whether or not the proposal meets the NJ standards for soil erosion and sediment control. Mrs. Grove and Mrs. Stolarz requested that the Board consider levying a fine against the Borough. No formal action was taken.

The Board returned to its regular order of business at 5:09 p.m. on motion of Mr. Hough and Kilduff and properly carried. Mrs. Stolarz and Mrs. Grove departed the meeting at this time

**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 February 24, 2016. 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. Hough, seconded by Mr. Kilduff and properly carried, the attached correspondence list was reviewed and approved for the files. Mr. Lundin noted that 23 of the communications consisted of e-mail communications from Mr. Thomas Caggiano in violation of Court Order.

**TREASURER'S REPORT:**

Monthly Report: On motion of Mr. Kilduff, seconded by Mr. Deacon 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 Ten Month Period ending April 30, 2016; Cash Disbursements-Check Register for the period of February 24, 2016 to April 27, 2016, Cash Receipts Journal for the period of February 24, 2016 to April 27, 2016; Cash Account Balance Report as of April 30, 2016; Consulting Engineer-Cash Disbursements Journal for the period from July 1, 2015 through April 27, 2016; General Ledger Trial Balance as of April 27, 2016 and Balance

Sheet dated April 30, 2016. The Board reviewed the financial condition of the District. For the first 10 months of FY2016, the District is showing a deficit of \$25,000.00. This is primarily due to a shortfall in the anticipated number of applications. No accounts are significantly over-expended at this point.

## **OLD BUSINESS**

### **Chapter 251:**

Monthly Report: On motion of Mr. Hough, seconded by Mr. Kilduff and properly carried, the attached 251 Project Card Summary Sheet dated April 27, 2016, the Project Status Report dated April 27, 2016 and the Performance Bonds Remaining Report as of April 30, 2016 were approved. The motion included authorization for the chairwoman to certify the 10 plans listed under the report heading: "Projects Certified 02/24/2016 to 04/27/2016" Since the February meeting, the District has received 18 new applications and 9 applications for recertification. The total number of active projects has remained stable at 315. Since the February meeting 10 projects have been completed and 1 project has been placed in dormant status.

District Quarterly Report: On motion of Mr. Deacon, seconded by Mr. Kilduff, the Board approved the attached District Quarterly 251 report for the period of January 1, 2016 through March 31, 2016.

Exempt Municipality Quarterly Reports: The Board reviewed the Quarterly 251 Reports for the period of January 1, 2016 through March 31, 2016 submitted on behalf of Andover Township and Green Township. The Board approved the reports on motion of Mr. Kilduff, seconded by Mr. Hough and properly carried. Mr. Deacon reused himself from voting on the Andover report since he has an active project within that municipality.

Board discussion/review of specific sites: Mr. Lundin briefed the Board on the following sites:

- 1) Wallace- 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. Mr. Lundin has left messages for the legal counsel for the lender alerting them to the issues at the premises.
- 2) 522 Kemah Lake Road. This site accepted excess material from the Branchville Sewers project. A follow-up inspection was recently conducted. The area of

- disturbance has been expanded. The District will seek to enter into a consent agreement with the property owner to arrange for the site to be stabilized.
- 3) National Winter Activity Center- VR-901 and VR-904. The site experienced a significant blowout during the spring thaws. Some reengineering will be required. Revised plans have been received and have been forwarded to the consulting engineer for review.
  - 4) Cicerale Site- Hardyston. This is a complaint that was initially filed with the NJDEP Hotline and with the SSCC office in Trenton. NJDEP Freshwater Wetlands Enforcement is also involved. This is an agricultural site, where an owner brought in significant new fill material. The District will be requiring the owner to apply for a SESC certification for the fill area.
  - 5) Truhan Site- Franklin. This involves the placement of fill near the entrance to the former Franklin Zinc mine. The property owner has halted the introduction of new fill to the site.
  - 6) Red Hook, LLC. - Wantage. This site is located at SC Route 565 and Roy Road. The property was previously utilized as agricultural land. The new owner has taken down several trees and brought heavy equipment onto the site. A Notice of Violation has been issued. The NOV was mailed to the owner's Brooklyn, NY address according to the tax records. Unfortunately it has been returned.
  - 7) Hopatcong Shooting Range- HC-074. See discussion above.
  - 8) Kitt Single Family Home- SP-742. Mrs. Kitt is requesting a one month no-cost extension to her CROC bond. After discussion, the Board on motion of Mr. Hough seconded by Mr. Deacon and properly carried determined to deny her request. The members noted that several other permittees have been able to comply with the May 1 deadline.
  - 9) Grinnell: Mr. Lundin noted that Grinnell had been involved in a non-regulated soil blending operation. The activity resulted in a number of complaints relative to mud on Houses Corner Road. On each occasion, Grinnell was contacted and directed to utilize their street sweeper to clean all roadways at the end of each workday.
  - 10) Whispering Woods- VR-748, VR-748A and VR-748B. Mr. Lundin noted that a new owner has acquired all of the remaining lots within the development and has filed a new application (VR-748C) to address the remaining unstable areas. The new application was approved earlier this evening.

- 11) Maggio- WT-154. The Board noted the ongoing newspaper coverage. The District has been contacted by NJDEP and the municipal enforcement official relative to the history of the site.
- 12) Augusta Solar Farm. HP-322. Mr. Lundin reported that a Notice of Violation had been issued relative to the tracking of mud onto Route 206. An additional inspection will be conducted within the next two working days.

Guidance for fee schedule for Solar Panel Sites. Mr. Lundin requested guidance from the Board relative to the appropriate fee schedule to utilize for solar sites where all or most of the power generated will be utilized on the applicant's site. The District has been using the "commercial" fee schedule (Section E.) An applicant has suggested that it would be more appropriate to utilize the "utility" fee schedule. (Section B.) After discussion, Mr. Kilduff moved seconded by Mr. Deacon and properly carried, to direct Mr. Lundin to continue to utilize the Fee Schedule Section E for all solar projects.

**Agriculture-NRCS:**

Monthly Report: Mr. Mull presented the attached NRCS report for April 2016. There are currently 42 active Farm Bill contracts within Sussex County representing financial assistance in the amount of \$862,010.45 on 2,040.8 acres. These consist of 4 AMA contracts, 26 EQIP Contracts, 11 WHIP contracts and 1 RCPP contract. There are 3 remaining pending AMA applications, 10 RCPP applications and 26 EQIP applications currently under review for FY2016. Mr. Mull requested District approval of 3 farm conservation plans for properties in Fredon, Sandyston and Hampton. Mr. Mull discussed a session held on the Brodhecker Farm earlier this date under the Open World Leadership Program in which he met with a delegation of Ukrainian farmers. Mr. Kilduff moved, seconded by Mr. Deacon and properly carried, to approve the report and to authorize the chairman to sign the conservation plans on behalf of the District.

Cooperators: Mr. Lundin indicated that since the February meeting, the District received one new application for conservation assistance. This is for the FT Farm located on 42.5 acres in Vernon Township. Mr. Hough moved seconded by Mr. Kilduff and properly carried to approve the requests.

Possible addition NRCS contract for FRPP Monitoring Work; Mr. Lundin reported that he had preliminary discussions with Carrie Lindig, NRCS State Conservationist regarding an additional contract under the FRPP program. The work is anticipated to be necessary in June and July 2016.

**State Soil Conservation Committee (SSCC) Report:** Mr. Minch was unavailable to attend the meeting. In his absence Mr. Lundin briefed the Board on the following matters.

- a) Time Tracking system: This District is required to have a time tracking system in place by this coming November. Mr. Lundin and Mrs. Williams participated in a teleconference on March 1 with our Sage Peachtree account representative. The cost of the Sage programs will be approximately \$725 per year. The Board expressed concern regarding the costs. Mr. Lundin indicated that he has learned that the Sussex County DPW has developed an EXCEL Spreadsheet program. He is seeking to meet with the County Engineer to review the program.
- b) Records Disposal: Mr. Lundin and Mrs. Williams are scheduled to hold a teleconference with Mr. Minch in the coming weeks to review the new automated system.
- c) Animal Waste Management Rules: Mr. Lundin indicated that the reauthorization of the Animal Waste Management Rule appeared in the NJ Register on April 18, 2016. Comments are due no later than June 17, 2016.

**Education:**

2016 Conservation Poster Contest: Mr. Lundin reported that over 250 entries from 6 schools were received. A list of the winners is attached. The District had no statewide winners this year. Mr. Lundin will be appearing at the Sussex Wantage Board of Education Meeting later this evening to present the winners from that school with their certificates and checks.

Northern Jersey Envirothon Field Day: Mr. Lundin reported that the District hosted the Envirothon Field Day on April 20, 2016 at Swartswood State Park. Three schools and 6 Envirothon teams participated. There were a total of 30 students and 5 advisors present. A copy of the program agenda is attached. Mr. Lundin thanked Chairman Rosko for spending the entire day assisting at the training session. Mr. Lundin also reported that to date 4 schools have borrowed the Envirothon Training Truck maintained at the District office.

New Jersey Envirothon: The 2016 NJ Envirothon is May 13-14, 2016 in Somerset County. The theme is "Invasive Species: A Challenge to the Environment, the Economy and to Society." Mrs. Rosko, Mr. Fox and Mr. Lundin have agreed to serve as judges of the oral presentation portion.

Reforest NJ Project: Mr. Lundin reported that the District distributed over 5,300 tree seedlings on April 21 and 22 to five participating Sussex County municipalities.

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Old Business Continued.

**Meetings:**

NACD Urban and Community Conservation Committee: Mr. Lundin reported on his continuing participation on the NACD national policy advisory committee. He participated in teleconferences on March 18, April 1 and April 11, 2016.

NACD Urban Webinars- Mr. Lundin reported that he had participated in the NACD webinars in March and April. Mr. Lundin urged Supervisors to participate. Supervisors can earn ½ point for their continuing educational requirements for each webinar.

Common Waters: Mr. Lundin reported that he was unable to participate in the April 7, 2016 Common Waters meeting due to a scheduling conflict. The next meeting is scheduled for July 7, 2016.

NJ District Liaison Meeting: Mr. Lundin reported that he was unable to participate in the District Liaison meeting held in Freehold on April 21, 2016. The meeting conflicted with the delivery and distribution of trees under the Reforest NJ Program.

Northern NJ Supervisors Regional Meeting: Mrs. Rosko, Mr. Hough, Mr. Kilduff and Mr. Lundin attended the Northern NJ Regional Supervisors meeting on April 7, 2016 in Totowa.

NACD Northeast Regional Meeting: The NJ Association of Districts will be hosting this meeting to be held from August 14-17, 2016. All Supervisors are being urged to attend.

**North Jersey RC&D:** Mrs. Rosko reported on the RC&D meeting on April 12, 2016. The Affiliation Agreement with the Musconetcong Watershed Association has been adopted. The formal affiliation will be announced at the MWA annual meeting on April 29, 2016.

**Other:**

Hough Seat: The Board briefly discussed additional options to identify a possible replacement for Mr. Hough.

Personnel Policy Manual: Mr. Lundin is still awaiting comments and input from the Board members on the suggested changes to the District's Personnel Policy Manual.

Sparta Mountain Forest Stewardship Plan: Mr. Lundin reviewed the attached comments submitted on behalf of the District.

**NEW BUSINESS:**

Agricultural Farmland Preservation Inspections: Mr. Lundin reported that the Freeholders budget discussions had resulted in the combination of the Planning Director's position with that of the Farmland Preservation Coordinator. As a result, Sussex County may not be able to conduct the mandated annual review of preserved farms. Mr. Lundin has sent a letter to the Planning Director expressing the District's interest in negotiating a contract for services to conduct the required inspections.

NJ Fertilizer Law: Mr. Lundin noted that the District had received its first complaint under the NJ Fertilizer Law. It apparently consisted of one lawn care company complaining that one of its competitors had not been properly trained. The District forwarded educational materials to the target of the complaint. The state has not provided funding to provide for District costs in enforcing this law.

Annual US census of Governmental Units: Mr. Lundin reported that he had complied with the annual reporting requirements.

2015 NJ Right to Know Act Survey: Mr. Lundin reported that he had complied with the annual reporting requirements.

NJACD Sponsorship Request: The NJACD is requesting all Districts to sponsor or to seek sponsorships for the NE Regional Meeting in August 2016. In light of the District's current financial position, the Board determined to take no action.

NJACD Dues request: The District is in receipt of the annual membership dues invoice for the NJACD. In light of the District's current financial position, the Board determined to defer action on this matter until the June meeting.

Nominating Committee: The terms of Chairman Rosko and Mr. Fox are expiring on June 30, 2016. Mr. Lundin suggested that a Nominating Committee be appointed. Mrs. Rosko recused herself. Mr. Deacon as vice chair appointed the following committee: Donna Traylor, Chair, Richard Vohden; Glenn Vetrano and Autumn Sylvester.

**PUBLIC SESSION:**

Chairman Rosko opened the meeting to the public at 6:15 p.m. There being no one desiring to speak, the meeting was closed to the public at 6:15 p.m.

**EXECUTIVE SESSION:**

Mr. Deacon moved, seconded by Mr. Hough to go into executive session for the purpose of discussion of a personnel matter. Roll call vote as follows: Mr. Kilduff- yes, Mr. Hough-yes, Mr. Deacon-yes and Chairman Rosko-yes.

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The Board returned from Executive Session at 6: 26 p.m.

**ADJOURN:**

The Meeting was adjourned at 6:27 p.m. on motion of Mr. Kilduff seconded by Mr. Hough and properly carried.

Respectfully submitted for Matthew Fox, Secretary/Treasurer

By Clifford R. Lundin, District Manager