

**SUSSEX COUNTY SOIL CONSERVATION DISTRICT**

Board of Supervisors Meeting

July 12, 2016- 4:30 PM

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

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**NEXT MEETING:** September 21, 2016 – 4:00 p.m. District Office

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**SUPERVISORS PRESENT:** Barbara Rosko, Philip Deacon and Matthew Fox

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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.

**OATH OF OFFICE:** District Manager, Clifford R. Lundin, a NJ attorney, administered the Oath of Office to Supervisors Rosko and Fox. On June 13, 2016, the SSCC had unanimously appointed both Supervisors to an additional three (3) year term on the District for the period of July 1, 2016 through June 30, 2019. The members congratulated both Mrs. Rosko and Mr. Fox.

**ROLL CALL:** A call of the roll showed that Mrs. Rosko, Mr. Deacon and Mr. Fox were present. A quorum was established. The Supervisors noted that Mr. Hough had submitted his resignation to the Secretary of Agriculture effective July 1, 2016.

**REORGANIZATION:**

A) Officers:

- 1) **Chairman:** Mr. Lundin opened the floor for nominations for the position of chairman for the period of July 2016 through June 30, 2017. Mr. Deacon 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 Vice Chairman for the period of July 1, 2016 through June 30, 2017. Mr. Deacon moved, seconded by Mrs. Rosko to nominate Mr. Fox as Vice Chairman. There were no other nominations. The nomination was unanimously approved on voice vote.
- 3) **2<sup>nd</sup> Vice-chairman:** In light of the two current vacancies on the Board, the Board determined, by consensus, not to appoint a second vice chair at this time.

- 4) Secretary/Treasurer: Chairman Rosko opened the floor for nominations for the position of Secretary/Treasurer for the period of July 1, 2016 through June 30, 2017. Mr. Fox moved, seconded by Mrs. Rosko nominate Mr. Deacon for the position. There were no other motions. The motion was unanimously approved on voice vote.
  
- B) District Manager: Mr. Deacon moved, seconded by Mr. Fox to designate Mr. Lundin as District Manager for the period of July 1, 2016 through June 30, 2017. The motion was unanimously approved on voice vote.
  
- C) General Counsel: Mr. Deacon moved, seconded by Mr. Fox to designate Mr. Lundin as General Counsel for the District for the period of July 1, 2016 through June 30, 2017. The motion was unanimously approved on voice vote.
  
- D) Special Counsel/Attorney: Mr. Deacon moved, seconded by Mrs. Rosko to appoint William Haggerty as Special Counsel/Attorney for the period of July 1, 2016 through June 30, 2017 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. Deacon- yes, Mr. Fox- yes, and Chairman Rosko- yes.
  
- E) Auditor: Mr. Fox moved, seconded by Mr. Deacon to appoint Thomas Ferry of the firm of Ferraioli, Wielkotz, Cerullo and Cuva, PA as Auditors for the period of July 1, 2016 through June 30, 2017 at a maximum rate of \$175 per hour, total contract not to exceed \$6,000.00. 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 and Chairman Rosko- yes.
  
- F) Engineer: Mr. Fox moved, seconded by Mr. Deacon to appoint Joseph Sedivy, P.E. as Engineer for the period of July 1, 2016 through June 30, 2017 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. Fox- yes and Chairman Rosko- yes.
  
- G) Custodian of Public Records: Mr. Fox moved, seconded by Mr. Deacon to appoint Clifford R. Lundin as the Custodian of Public Records for the period

of July 1, 2016 through June 30, 2017, pursuant to the Open Public Records Act. The appointment was approved by the following roll call vote: Mr. Fox- yes, Mr. Deacon- yes and Chairman Rosko- yes.

- H) 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, 2016 through June 30, 2017. Mr. Lundin is to serve as the Supervising Pension Official. The appointments were approved by the following roll call vote: Mr. Fox- yes, Mr. Deacon- yes and Chairman Rosko- yes.
- I) 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, 2016 through June 30, 2017: Letter size- \$0.05 per copy and Legal size- \$0.07 per copy, color \$0.59 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. Deacon- yes, and Chairman Rosko- yes.
- J) 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 Technical Advisory Council for the period of July 1, 2016 through June 30, 2017. The motion also included designating Mr. Lundin as alternate representative. The motion was approved on the following roll call vote: Mr. Fox- yes; Mr. Deacon- yes and Chairman Rosko- yes.
- K) Official Newspaper: Mr. Fox moved seconded by Mr. Deacon and properly carried to designate the NJ Herald and NJ Sunday Herald as the official newspapers of the Board for all legal notices.
- L) Official Depositories: Mrs. Rosko moved, seconded by Mr. Fox to designate the following banks as official depositories for District funds: Sussex Bank; Lakeland Bank; Llewelyn Edison Bank; Valley National 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. Fox and properly carried on roll call vote, the Board approved the minutes of the regular meeting of June 1, 2016. The motion was approved on the following roll call vote: Mr. Deacon-yes, Mr. Fox- yes and Chairman Rosko-yes.

**CORRESPONDENCE:**

On motion of Mr. Fox, seconded by Mr. Deacon 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 Mrs. Rosko and properly carried, the Treasurer's Report was approved, subject to audit, by roll call vote as follows: Mr. Deacon-yes, Mr. Fox- yes and Chairman Rosko-yes. The Treasurer's Report included the following: Income Statement for the One Month Period ending July 31, 2016 (containing data through July 12, 2016); Cash Disbursements-Check Register for the period of June 1, 2016 to July 12, 2016, Cash Receipts Journal for the period of June 1, 2016 to July 12, 2016; Cash Account Balance Report as of July 12, 2016; Consulting Engineer-Cash Disbursements Journal for the period from July 1, 2016 through July 12, 2016; General Ledger Trial Balance as of July 12, 2016 and Balance Sheet dated July 31, 2016.

Amend FY 2016 Budget: Mr. Lundin distributed a proposed amendment to the FY2016 budget. This is on recommendation of the District's auditors and is intended to address over-expenditures and under-expenditures. The Board reviewed the financial condition of the District. For FY2016, the District showed a loss of \$22,540.82. This was primarily due to a shortfall in revenue resulting from a decrease in the anticipated number of applications. No accounts were significantly over-expended. The deficit will be addressed by an equivalent appropriation/transfer from the District's 251 reserves. The 251 reserves are specifically intended for this purpose. Mr. Deacon moved, seconded by Mr. Fox to adopt the FY 2016 budget amendment to make the recommended transfer of chapter 251 reserves. Roll call vote as follows: Mr. Deacon-yes, Mr. Fox- yes and Chairman Rosko-yes.

FY-2017 Budget: Mr. Lundin presented a revised FY-2017 budget for review. At its June meeting the Board had adopted an interim budget based upon 11 months of income and expenditures. This new proposal includes all final income and expense figures for FY2016. After review and discussion, Mr. Fox moved, seconded by Mr. Deacon and properly carried on roll call vote, to adopt the revised FY2017 budget. Roll call vote as follows: Mr. Deacon-yes, Mr. Fox-yes and Chairman 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 June 12, 2016, the Project Status Report dated July 12, 2016 and the Performance Bonds Remaining Report as of July 31 2016 were approved. The motion included authorization for the chairwoman to certify the 11 SESC plans listed under the report heading: "Projects Certified 06/01/2016 to 7/12/2016." Since the June meeting, the District has received only 4 new applications

and 3 applications for recertification. The total number of active projects is slightly down to 312. Since the June meeting 12 projects have been completed and 1 project was placed in dormant status.

District Quarterly Report: The Board reviewed the Chapter 251 quarterly report for the period of April 1, 2016 through June 30, 2016. The report was approved on motion of Mr. Deacon, seconded by Mr. Fox and properly carried.

Exempt Municipality-Andover Township Quarterly Report: The Board reviewed the Chapter 251 quarterly report submitted by Andover Township for the 4th Quarter of FY2016 and covering the period of April 1, 2016 through June 30, 2016. Mr. Fox moved seconded by Mrs. Rosko and properly carried to approve the report. Mr. Deacon recused himself from action since he has an active project within the municipality.

Exempt Municipality-Green Township Quarterly Report: The Board reviewed the Chapter 251 quarterly report submitted by Green Township for the 4th Quarter of FY2016 and covering the period of April 1, 2016 through June 30, 2016. Mr. Deacon moved seconded by Mrs. Rosko and properly carried to approve the reports.

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

- 1) National Winter Activity Center- VR-901 and VR-904. The site is generally stable. The District is currently holding a \$30,000.00 CROC bond that allowed them to operate during the winter of 2015-2016. A recent inspection shows that the Lodge area of the site remains under construction while the ski slope itself is generally stable. Mr. Lundin participated in a meeting at the site on June 15, 2016 with the permittee, the township engineer and the NJDEP. After discussion, Mr. Deacon moved, seconded by Mr. Fox, to refund the portion of the CROC bond related to the ski slope. (VR-904- 5 acres or \$15,000.00) The sole administrative charge for this portion will be the initial bond fee of \$100 per acre. The remaining \$15,000.00 of the CROC bond will continue to be held for the Lodge area (VR-901) and will be subject to the normal District administrative fee (effective 7/1/2016). Roll call vote as follows: Mr. Deacon-yes, Mr. Fox-yes and Chairman Rosko-yes.
- 2) Wallace- Uncertified Site-Vernon- 3 Silver Spruce Drive. The Stop Work Order remains in effect. No change since the prior meeting.
- 3) 522 Kemah Lake Road. This site accepted excess material from the Branchville Sewers project. The site remains under a district NOV. No change since the last meeting.

- 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. No change since the last meeting.
- 5) 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. All site work has apparently ceased.
- 6) Hopatcong Police Shooting Range- HC-074. The District's consulting engineer, Joseph Sedivy has reviewed and approved an amended application. With Mr. Hough's resignation, the Board is unable to act, due to the fact that Mr. Lundin and Mr. Deacon have recused themselves. Mr. Lundin has discussed this matter with Frank Minch the Executive Secretary of the SSCC. The application will be forwarded to the SSCC for review.
- 7) Augusta Solar Farm. HP-322. Since the last meeting, Mr. Lundin has had two meetings at the site with representatives of the permittee. Another meeting also involved the NJ BPU who must approve the facility prior to activation. The permittee has again promised to bring the site into compliance. A revised "as-built" plan will be required.
- 8) Mountain Creek-South- Vernon. Mr. Lundin reported on a blowout onto State Highway 94 from a "Mud Race" conducted on the premises. A meeting was held at the site on June 7, 2016. The District is awaiting the submission of a formal application and SESC plan.
- 9) Maggio Site- WT-154. Mr. Lundin reported that the site is now the subject of litigation between Mr. Maggio and his neighbors. In the past month, the District has received an OPRA request from one of the litigants for a copy of the District file. The file currently consists of more than 300 pages.
- 10) Breccia Farms- HY-206. This is a single family residential subdivision in Hardyston. The applicant had initially requested to appear before the Board to contest a staff decision relative to the issuance of a FROC and the release of a CROC bond on one of the properties. The District has requested the applicant on several occasions to stabilize two vacant pieces of property. The applicant was challenging the District's right to deny a FROC on one homesite based on violations on another site. The applicant subsequently corrected the violations and

received his FROC. The applicant is currently involved in a dispute with one of the purchasers of one of the homes. The homeowner is regularly filing complaints with all regulatory authorities. The most recent complaint involved the removal of dirt from the roadways. The applicant used leaf blowers to blow the dust onto the complainant's adjoining property. The District has advised the applicant that the use of leaf blowers is not an approved methodology for dirt removal.

- 11) Hardyston Middle School- Solar Project- HY-286. This was another possible appeal. The District denied an ROC based upon the hydroseeder's blending of the seed into the fertilizer/water/mulch/tack mix. The applicant challenged the District's determination. Mr. Lundin provided the applicant's engineer with as copy of the NJ SESC standard that required the seed to be broadcast separately from the remainder of the mix. The purpose of the requirement is to ensure seed/soil contact.

**Agriculture-NRCS:**

Monthly Report: Mr. Mull presented the attached NRCS report for July 2016. There are currently 41 active Farm Bill contracts within Sussex County representing financial assistance in the amount of \$900,985.58 on 1,738 acres. These consist of 3 AMA contracts, 25 EQIP Contracts, 10 WHIP contracts and 3 RCPP contracts. There are 6 remaining pending RCPP applications and 31 EQIP applications currently under review for the federal FY2016. Mr. Mull sought Board approval of two EQIP Forest Stewardship Plans. Mr. Deacon moved, seconded by Mr. Fox and properly carried, to approve the NRCS report. The motion included the authorization to the chair to sign the two Farm Conservation Plans.

Cooperators: Since the June meeting, the District has received one new application for conservation assistance from Michael Strada for an 8.181 acre site in Hampton Township. The Board approved the application for submission to NRCS on motion of Mr. Fox, seconded by Mr. Deacon and properly carried.

NRCS-FRPP Contract: Mr. Lundin reported that he has received the executed contract from NRCS and that he has started work on the 15 sites for review

Sussex County Agricultural Development Board: Mr. Lundin reported that he had attended the SCADB meeting on June 20, 2016 seeking nominations for the seat on the District Board formerly held by Mr. Hough. He also briefed the SCADB on the District's activities.

Sussex County Board of Agriculture: Mr. Lundin reported that he had attended the SCBA meeting on June 27, 2016 seeking nominations for the seat on the District Board formerly held by Mr. Hough. He also briefed the SCBA on the District's activities.

**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) Positions on Board: As reported earlier in the meeting, the SSCC at its meeting of June 13, 2016 unanimously reappointed Mr. Fox and Mrs. Rosko to the SCSCD Board.
- b) Time Tracking system: This District continues to investigate options to establish a time tracking system.
- c) Records Disposal: Mr. Lundin and Mrs. Williams participated in a teleconference with Mr. Minch on June 16 to review the new automated system. The request for records disposal will be submitted within the next week.

**Education:**

NJ State Fair/Sussex County Farm and Horse Show: Mr. Lundin reported that he had attended a meeting on June 14 of all governmental and non-profit participants. The normal District display area has been eliminated and has been dedicated to the Sussex County Chamber of Commerce to promote tourism. The county has allocated a 2 foot by 3 foot area to the District for a poster board. By consensus the Board directed Mr. Lundin to inform the County that we will not participate in 2016. Mr. Lundin has, however, arranged for the Soil Tunnel to be utilized as part of Green Day to be held at the Fair on August 8, 2016.

NACD Urban Committee Webinar: Mr. Lundin encouraged the Board to participate in the monthly NACD Urban Committee webinars. The next webinar is scheduled for July 21, 2016.

**Meetings:**

NACD Urban and Community Conservation Committee: Mr. Lundin reported on his continuing participation on the NACD national policy advisory committee. The most recent meeting was June 17, 2016. The next upcoming meeting is July 22, 2016.

Common Waters: The next meeting is scheduled for July 13, 2016. Mr. Lundin indicated that due to scheduling conflicts he will be unable to participate. Mr. Lundin provided the Board with a copy of a recent NACD/US Forest Service publication entitled "Friends of the Forest" in which the Common Waters program was cited as a success story in water quality improvements. Mr. Lundin is quoted extensively within the article.



NJ District Liaison Meeting: The next meeting is scheduled for Freehold for July 21, 2016. Mr. Lundin indicated that he may not be able to participate due to a medical appointment. The featured topic of discussion is the recent federal changes to the overtime rule.

NACD Northeast Regional Meeting: At its June meeting the Board had authorized attendance at this regional meeting to be held from August 14-17, 2016 in Cape May County. Mr. Lundin distributed information relative to the educational sessions and available tours. Supervisors were asked to notify Mr. Lundin by no later than July 20 if they intended to participate.

North Jersey RC&D: Mrs. Rosko reported on the RC&D meetings on June 14, 2016 and July 12, 2016. Mrs. Rosko and Mr. Lundin also participated in Executive Committee meetings held on June 15, June 28 and July 8, 2016. The Executive Director of the RC&D program, Marcus Gray has resigned effective July 15. The Executive Committee is currently in the process of seeking his replacement.

**Other:**

Nominating Committee-Hough and Kilduff seats: The Notice of Vacancy has been published and distributed and requires submission of applications by July 15, 2016.

NJACD Dues: On motion of Mr. Deacon seconded by Mr. Fox and carried on roll call vote the Board voted to pay its NJACD dues for 2016 in the amount of \$750.00. Roll call vote as follows: Mr. Deacon-yes, Mr. Fox-yes and Chairman Rosko-yes.

**NEW BUSINESS:**

Federal Overtime Rule: Mr. Lundin provided a brief overview of the rule. The rule does not significantly impact any of the District's employees.

**PUBLIC SESSION:**

Chairman Rosko opened the meeting to the public at 5:45 p.m. There being no one desiring to speak, the meeting was closed to the public at 5:46 p.m.

**EXECUTIVE SESSION:**

There was no need for an Executive session at this time.

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**ADJOURN:**

The Meeting was adjourned at 5:46 p.m. on motion of Mr. Fox seconded by Mr. Deacon and properly carried.

Respectfully submitted for Philip Deacon, Secretary/Treasurer

By Clifford R. Lundin, District Manager