

SUSSEX COUNTY SOIL CONSERVATION DISTRICT

Board of Supervisors' Meeting

October 26, 2016- 4:30 PM

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

NEXT MEETING: December 7, 2016 – 2:00 p.m.

SUPERVISORS PRESENT: Barbara Rosko, Philip Deacon, Natalie Burger, Matthew Fox and Richard Vohden

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.

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

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

MINUTES:

On motion of Mr. Deacon seconded by Mrs. Burger and properly carried on roll call vote, the Board approved the minutes of the regular meeting of September 21, 2016. The motion was approved on the following roll call vote: Mr. Deacon-yes, Chairman Rosko-yes, Mrs. Burger-yes and Mr. Vohden-yes. Mr. Fox abstained since he was not present at the meeting.

On motion of Mrs. Burger seconded by Mr. Vohden and properly carried on a roll call vote, the Board approved the minutes of the Executive Session meeting of September 21, 2016, the minutes to become available upon completion of the matters discussed and upon authorization of the Board. The motion was approved on the following roll call vote: Mr. Deacon-yes, Chairman Rosko-yes, Mrs. Burger-yes and Mr. Vohden-yes. Mr. Fox abstained since he was not present at the meeting.

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. Deacon, seconded by Mr. Fox and properly carried, the Treasurer's Report was approved, subject to audit, by roll call vote as follows: Mr. Deacon-yes, Mrs. Burger-yes, Mr. Fox-yes, Mr. Vohden-yes and Chairman Rosko-yes. The Treasurer's Report included the following items: Income Statement for the Four Month period ending October 31, 2016; Cash Disbursements-Check Register for

the period of September 21, 2016 through October 26, 2016; Cash Receipts Journal for the period of September 21, 2016 to October 26, 2016; Cash Account Balance Report as of October 26, 2016; Consulting Engineer-Cash Disbursements Journal for the period from July 1, 2016 through October 26, 2016; General Ledger Trial Balance as of October 26, 2016 and Balance Sheet dated October 31, 2016. The Board reviewed the financial condition of the District. For the first 4 months of FY2017, the District is showing a positive income of \$50,873.00. No accounts are significantly over-expended at this point.

Audit: The draft FY2016 Audit Report has been distributed to the members. There are no adverse comments or recommendations. The final report will be presented to the Board for formal acceptance at the December 7, 2016 meeting.

Resolution-Stale Checks: The auditor has recommended that the Board adopt the attached Resolution formally cancelling all checks over 6 months in age. Mr. Deacon moved, seconded by Mr. Vohden to adopt the resolution. The resolution was approved on the following roll call vote: Mr. Deacon-yes, Mrs. Burger-yes, Mr. Fox-yes, Mr. Vohden-yes and Chairman Rosko-yes.

Chapter 251 reserves: Mr. Lundin reported that the SSCC has adopted a recommendation from the District Financial Auditing Committee that the recommended 251 reserve be 120% of the annual 251 expenditures. This is about twice the previous requirement He indicated that the SSCC has indicated that this is a "goal" rather than a "requirement." This change could impact future audits.

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 October 26, 2016, the Project Status Report dated October 26, 2016 and the Performance Bonds Remaining Report as of October 31, 2016 were approved. The motion included authorization for the chairwoman to certify the 7 plans listed under the report heading: "Projects Certified 09/21/2016 to 10/26/2016." Since the September meeting, the District has received 9 new applications and 5 applications for recertification. The total number of active projects has decreased to 295. Since the September meeting, 21 projects have been completed and 2 projects were placed in dormant status.

District Quarterly reports: On motion of Mr. Fox, seconded by Mr. Deacon and properly carried, the Board approved the Quarterly 251 Report for the period of July 1, 2016 through September 30, 2016.

Exempt Municipality Quarterly Reports: On motion of Ms. Burger seconded by Mr. Fox, and properly carried, the Board approved the Quarterly Chapter 251 Reports for Andover Township and for Green Township.

November inspections: Mr. Lundin reported that Inspector Eckert has requested annual leave for much of the month of November. Mr. Lundin indicated that he will be temporarily increasing the working hours of part-time inspector Hansen during Mr. Eckert's absence.

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 was inspected earlier this day.
- 2) Gorovoy VR-902, 1 Silver Springs, Vernon. A joint site meeting was held on October 18, 2016 with NJDEP Solid Waste, NJDEP Hazardous Waste, NJDEP-Freshwater Wetlands, NJDEP-Highlands, the Vernon Zoning Officer, Sussex County Health Department, Mr. Gorovoy and the District. The owner of the site has requested additional time to respond to the District Notice of Violation. The District agreed to extend the time on condition that the importation of additional fill to the site is suspended.
- 3) 522 Kemah Lake Road. A site meeting will be scheduled in the near future.
- 4) Augusta Solar Farm. HP-322. The site has been hydro-seeded. From off-site, it appears that vegetative growth has finally been established. We anticipate a request for a final report of compliance in the near future. The District will need to access the interior of the site to inspect the storm water basin.
- 5) Mountain Creek-South-Mud Race-Vernon. A SESC plan has been submitted and certified.
- 6) Maggio Site- WT-154. Mr. Maggio has submitted an application to the Wantage Land Use Board for a "D" variance to allow him to continue his operation. The attorney for an objector issued a subpoena to Mr. Lundin to compel him to appear and testify as to the findings in the District inspections. Mr. Maggio's attorney objected. The subpoena was not issued in accordance with the Municipal Land Use Law and the Wantage Board attorney excused Mr. Lundin from having to appear. The subpoena can only be issued by the Board and not an applicant or an objector. The subpoena question has not yet been presented to the Land Use Board. It appears that the hearings may extend several months.

- 7) Bahr-Anderson Litigation. This arises from a rear yard improvement on a property off Mud Town Road in Wantage. Mr. Lundin met with the attorneys for two of the defendant litigants on September 28. He was subsequently issued a subpoena to testify at the trial. The matter was settled prior to Mr. Lundin having to appear.
- 8) North Village of Sparta- SP-670, SP-682 and SP-761. This is a large proposed mixed-use development off Route 15 and White Lake Road in Sparta. Due to the complexity of the proposal as well as the fragmentation into three separate certifications, the technical review is being coordinated through the engineer for the SSCC. The applicant has requested that the District base its fee for the most recent application on the cumulative acreage rather than on the actual area of disturbance in the new application. After extensive discussion Mrs. Rosko moved, seconded by Mr. Fox to deny the request and to apply the appropriate provision of the fee schedule to each individual application. Roll call vote as follows: Mrs. Burger-yes, Mr. Fox-yes, Mr. Vohden-yes and Chairman Rosko-yes. Mr. Deacon abstained on the vote.
- 9) Retz/Rubin Hill/Phoenix Development: WT-126, WT173 and WT-177. This is a subdivision in Wantage currently consisting of multiple proposed two-family homes. The subdivision was approved at the time that Wantage Township administered the soil erosion and sediment control program. The roadway was never completed and there is no active certification. The roadway has the base course but lacks the final course. The Wantage certification was never transferred to the District. It is unclear if Wantage is holding a performance bond relative to the roadway. Mr. Lundin is awaiting feedback from the municipal engineer relative to a possible bond. In addition, the applicant had a previous certification (WT-126) for a single-family home on one of the properties fronting onto Libertyville Road. That has expired and the file was placed in dormant status. The applicant currently has an active certification (WT-173) for a two-family model unit on one of the properties. The applicant has failed to obtain the required NJDEP-NJPDES authorization despite multiple requests from the District. The applicant has now submitted a second application (WT-177) under a different LLC for an additional two-family home. Mr. Lundin sought Board guidance because District policy provides that staff cannot certify an application on an unaccepted road that does not have a CROC or does not have an active file. The Board reviewed the various files. By consensus the Board authorized Mr. Lundin to issue the pending certification provided he can confirm that the Township holds an active performance bond for the roadway. In addition, he is to meet with the applicant to explain the NJDEP requirements and in the event that the non-compliance continues he should refer the issue to NJDEP.

Mr. Vohden departed the meeting at this time (5:20 p.m.)

Agriculture-NRCS:

Monthly Report: Mr. Mull presented the attached NRCS report for October 2016. There are currently 58 active Farm Bill contracts within Sussex County representing financial assistance in the amount of \$1,166,619.23 on 2,669.6 acres. These consist of 3 AMA contracts, 39 EQIP Contracts, 10 WHIP contracts and 6 RCCP contracts. There are 5 pending AMA applications, 5 pending RCCP applications and 23 pending EQIP applications currently under review for FY2017. Mr. Mull also presented 2 RCCP Farm Conservation Plans for Board approval. Mr. Fox moved, seconded by Mr. Deacon and properly carried, to approve the report and to authorize the chairwoman to sign the farm conservation plans. Mrs. Burger expressed concern that many Sussex County producers, particularly the newer and younger producers, are unaware of the NRCS programs. She inquired as to outreach efforts. Mr. Mull explained NRCS procedures. Mr. Lundin also indicated that the District had recently applied for a grant from the William Penn Foundation to hire and train an outreach person to assist small acreage and young farmer operations. Unfortunately, the grant was not funded.

Cooperators: There was 1 new application for conservation assistance received by the District since the September 21 meeting. The Board reviewed the application of Robert Occhifinto for assistance relative to waste water treatment from an aquaculture operation on a 60 acre tract located in Andover Township. Mr. Deacon moved, seconded by Mr. Fox and properly carried to approve the request and to forward it to NRCS.

NRCS-FRPP Contract: The District is awaiting payment under the grant. All work has been completed.

SC Board of Agriculture: Mr. Lundin and Mrs. Rosko attended the annual dinner meeting of the Board on October 24, 2016. A list of the new officers and liaisons from the Board as elected at the meeting is attached.

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 from the SSCC meeting on October 17, 2016.

- a) Soil Health/Compaction regulations. A draft proposal appeared in the NJ Register on September 19, 2016. The public notice provides for a 60 day comment period until November 19, 2016. Mr. Lundin had distributed a copy of the proposal to each Board member via e-mail. Mr. Deacon expressed concern relative to several provisions in the proposal. After extensive discussion, Mr. Deacon moved seconded by Mr. Fox, and properly carried, to direct Mr. Lundin to prepare

comments on the draft, circulate them among the members of the Board and upon consensus to submit them to the SSCC as District comments.

- b) Time Tracking System. No progress in the past month.

Education:

Soil Tunnel: As authorized at the September meeting, Mr. Lundin transported the soil tunnel to the Fairview Lake YMCA camp on Sunday, October 16, 2016 for an event sponsored by NJDEP under the HOFNOD (Hooked on Fishing Not on Drugs) program. Weather conditions did not allow for the use of the tunnel.

Training Committee Survey: Mr. Lundin distributed copies of Training Needs Survey prepared by the SSCC Training Subcommittee. The survey must be returned by November 18.

2017 Poster Contest: Mr. Lundin reported that the theme for the 2017 Conservation Poster Contest is “Soils are Full of Life.” Mr. Lundin expects the SSCC will prepare the informational materials during November for distribution in January.

2017 NJ Envirothon: The 2017 NJ Envirothon is scheduled for May 5-6, 2016 at Schooley’s Mountain Park in Morris County. The theme will be “Soil and Water Conservation Stewardship.”

2017 National Envirothon: Mr. Lundin reported that the North American Envirothon has been scheduled for July 23-27, 2017 at Mount St. Mary’s College in Emmetsburg, Maryland.

Meetings:

NACD Urban and Community Conservation Committee: Mr. Lundin briefed the Board on his activities with the National Association of Conservation Districts (NACD) Urban and Community Conservation (UCC) Resource Policy Group (RPG.) The most recent teleconference was held on October 21, 2016.

NJ District Liaison Meeting: Mr. Lundin participated in the District Liaison meeting held in Freehold on October 20, 2016. He reported on the following items:

- a) Supervisor Nominations Process: Mr. Minch announced that the SSCC is exploring ways to improve the Supervisor nomination process. He would like a streamlined procedure for reappointments with more flexibility built into the

training requirements. This would possibly eliminate the need for district nominating committees.

- b) Regional Meetings: The annual NJACD dinner meetings will be scheduled for March and April 2017.
- c) H&H System: Under the EPA/NJDEP MS4 program, municipalities will be required to annually inspect all stormwater basins. The SSCC is hoping to enable the District, using the H&H system to provide contractual inspection services to facilitate municipal compliance with the requirement. .
- d) Chapter 251- previous discussed under Financial reports.

Common Waters: The next meeting of this interstate group concerned with water quality in the Upper Delaware basin is scheduled for November 3, 2016 in Stroudsburg, PA.

National Association of Conservation Districts (NACD) Annual Meeting: Mr. Lundin reported that the NACD Annual National Meeting had been scheduled for January 28 to Feb 1, 2017 in Denver, Colorado. The National Urban and Community Resource Policy Group (in which he is a member) will meet as part of the conference. Mr. Lundin and Mrs. Rosko expressed interest in attending. He provided the Board with a proposed budget of \$2,065.00 per participant. After extensive discussion, Mrs. Burger moved, seconded by Mr. Fox to authorize Mr. Lundin and Mrs. Rosko to attend. The District will provide reimbursement for expenses to a maximum of \$2,065 per participant. Roll call vote as follows: Mr. Deacon-yes, Mrs. Burger-yes, Mr. Fox-yes and Chairman Rosko-abstain.

North Jersey RC&D: The Executive Committee met on October 11, 2016. Mrs. Rosko and Mr. Lundin participated. The new governing board headed by Eric Snyder is being phased in. The Executive Director of the Musconetcong Watershed Association (MWA) (the new parent organization), Beth Skylar Barry has recently resigned to take a position with the Nature Conservancy.

Other Old Business: None

NEW BUSINESS:

Possible Grant Opportunity- Pollinators: Mr. Lundin reported that he had met on October 24, 2016 with Desiree Dunn, Executive Director of the NJACD. She had been approached by the North American Butterfly Association (NABA) re possible projects

with Districts. They would like to work with the Morris, Sussex and Warren Districts. Mr. Fox had also met with Ms. Dunn. One possible avenue might be to utilize the District's property near Culver Lake (the Flynn Preserve) to encourage pollinators. Mr. Lundin distributed a very preliminary proposal from Ms. Dunn. Mr. Deacon moved seconded by Mr. Fox and properly carried to authorize Mr. Lundin to continue to pursue this matter.

NACD Dues for FY 2017: The District is in receipt of an invoice from the National Association of Conservation Districts (NACD) in the amount of \$775.00 representing our 2017 dues. A discussion followed relative to the merits of the national and state organizations. Mr. Deacon moved, seconded by Mr. Fox to pay our annual dues. Roll call vote as follows: Mr. Deacon-yes, Mrs. Burger-yes, Mr. Fox-yes and Chairman Rosko-yes.

December meeting: The Board's December meeting traditionally includes a luncheon followed by a meeting. It is currently scheduled for December 7, 2017. By consensus the Board determined to hold the meeting at the Boathouse restaurant in Stillwater Township.

Meeting times and dates for 2017: By consensus, the Board determined to continue to meeting on the 4th Wednesday of most months commencing at 4:30 p.m. Mr. Lundin will prepare the annual Resolution required pursuant to the Open Public Meetings Act for adoption at the December meeting.

Other: None

PUBLIC SESSION:

Chairman Rosko opened the meeting to the public at 6:31 p.m. There being no one desiring to speak, the meeting was closed to the public at 6:31 p.m.

EXECUTIVE SESSION:

There was no need for an Executive Session.

ADJOURN:

The Meeting was adjourned at 6:32 p.m. on motion of Mr. Deacon seconded by Mr. Fox and properly carried.

Respectfully submitted for Philip Deacon, Secretary/Treasurer

By Clifford R. Lundin, District Manager