

**SUSSEX COUNTY SOIL CONSERVATION DISTRICT**

Board of Supervisors' Meeting

August 23, 2017- 4:30 PM

District Office- 186 Halsey Road, Hampton Twp, Sussex County, NJ (Newton 07860)

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**NEXT MEETING:** September 27, 2017 – 4:30 p.m.

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**SUPERVISORS PRESENT:** Barbara Rosko, Philip Deacon, Matthew Fox, P.E., Natalie Burger and Richard Vohden

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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 4:37 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.

**REORGANIZATION:**

A) Officers:

- 1) **Chairman:** Mr. Lundin opened the floor for nominations for the position of chairman for the period of July 2017 through June 30, 2018. 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, 2017 through June 30, 2018. 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) **Secretary/Treasurer:** Chairman Rosko opened the floor for nominations for the position of Secretary/Treasurer for the period of July 1, 2017 through June 30, 2018. Mr. Fox moved, seconded by Mrs. Burger to 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, 2017 through June 30, 2018. 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, 2017 through June 30, 2018. The motion was unanimously approved on voice vote.
- D) Special Counsel/Attorney: Mr. Deacon moved, seconded by Mrs. Burger to appoint William Haggerty as Special Counsel/Attorney for the period of July 1, 2017 through June 30, 2018 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, Mrs. Burger- yes, Mr. Vohdan- yes and Chairman Rosko- yes.
- E) Auditor: Mr. Deacon moved, seconded by Mrs. Burger to appoint Thomas Ferry of the firm of Ferraioli, Wielkocz, Cerullo and Cuva, PA as Auditor for the period of July 1, 2017 through June 30, 2018 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, Mrs. Burger- yes, Mr. Vohdan- yes and Chairman Rosko- yes.
- F) Engineer: Mr. Fox moved, seconded by Mr. Vohdan to appoint Joseph Sedivy, P.E. as Engineer for the period of July 1, 2017 through June 30, 2018 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, Mrs. Burger- yes, Mr. Vohdan-yes and Chairman Rosko- yes.
- G) Custodian of Public Records: Mr. Fox moved, seconded by Mr. Vohdan to appoint Clifford R. Lundin as the Custodian of Public Records for the period of July 1, 2017 through June 30, 2018, pursuant to the Open Public Records Act. The appointment was approved by the following roll call vote: Mr. Deacon- yes, Mr. Fox- yes, Mrs. Burger- yes, Mr. Vohdan-yes and Chairman Rosko- yes.

- H) Pension Certifying Officer: Mr. Fox moved, seconded by Mr. Vohdan to appoint Catherine Williams as the Pension Certifying Officer for the period of July 1, 2017 through June 30, 2018. District Manager Lundin is to serve as the Supervising Pension Official. The appointments were approved by the following roll call vote: Mr. Deacon- yes, Mr. Fox- yes, Mrs. Burger- yes, Mr. Vohdan-yes and Chairman Rosko- yes.
- I) Open Public Records Act Fees: Mr. Deacon moved, seconded by Mrs. Burger to establish the following photocopy fees pursuant to the Open Public Records Act for the period of July 1, 2017 through June 30, 2018: 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. Deacon- yes, Mr. Fox- yes, Mrs. Burger- yes, Mr. Vohdan-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, 2017 through June 30, 2018. The motion also included designating Mr. Lundin as alternate representative. The motion was approved on the following roll call vote: Mr. Deacon- yes, Mr. Fox- yes, Mrs. Burger- yes, Mr. Vohdan-yes and Chairman Rosko- yes.
- K) Official Newspaper: Mr. Fox moved seconded by Mr. Vohdan 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: Mr. Fox moved, seconded by Mr. Vohdan 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 participating in this matter.

**MINUTES:**

On motion of Mr. Deacon, seconded by Mr. Vohden and properly carried on roll call vote, the Board approved the minutes of the regular meeting of June 28, 2017. The motion was approved on the following roll call vote: Mr. Deacon-yes, Mr. Vohden- yes, and Chairman Rosko-yes. Mr. Fox and Mrs. Burger abstained since they were not in attendance at the meeting.

**CORRESPONDENCE:**

On motion of Mrs. Deacon, seconded by Mr. Fox and properly carried, the attached correspondence list was reviewed and approved for the files. It was noted that Mr. Caggiano continues to regularly e-mail the District.

**TREASURER'S REPORT-FINANCE:**

Monthly Report: On motion of Mrs. Burger, seconded by Mr. Vohden and properly carried, the Treasurer's Report was approved, subject to audit, by the following roll call vote: Mr. Deacon- yes, Mr. Fox- yes, Mrs. Burger- yes, Mr. Vohdan-yes and Chairman Rosko- yes. The Treasurer's Report included the following items: Income Statement for the Two Month period ending August 31, 2017; Check Register for the period of June 28, 2017 through August 23, 2017; Cash Receipts Journal for the period of June 28, 2017 to August 23, 2017; Cash Account Balance Report as of August 23, 2017; Consulting Engineer-Cash Disbursements Journal for the period from July 1, 2017 through August 23, 2017; General Ledger Trial Balance as of August 23, 2017; and Balance Sheet dated August 31, 2017. The Board reviewed the financial condition of the District. For the first 1.5 months of FY2018, the District has experienced a deficit in the amount of \$8,849.73.

Amend FY2017 Budget: On motion of Mr. Vohdan, seconded by Mr. Deacon and carried on roll call vote, the Board approved the attached resolution containing transfers for the FY2017 budget. This action was on recommendation of the auditor. Five accounts had minor over-expenditures in the total amount of \$3,375. The largest individual over-expenditure was \$2,000 in insurance which represented unanticipated increases in premiums. Roll call vote as follows: Mr. Deacon- yes, Mr. Fox- yes, Mrs. Burger- yes, Mr. Vohdan-yes and Chairman Rosko- yes.

FY-2017 Audit: Mr. Lundin indicated that the District auditors had spent several days at the District reviewing the files. The preparation of the audit report is currently on hold pending anticipated action by the SSCC to revise the audit requirements to eliminate the need to report the in-kind services of the SSCC and USDA-NRCS.

District Financial Committee: At its June meeting the District established a committee to review the District's finances with the goal of reducing or eliminating the deficit. The committee shall consist of Mr. Fox and Mrs. Burger. Mr. Lundin will coordinate establishing dates for the committee to meet prior to the next meeting.

**OLD BUSINESS**

**Chapter 251:**

Monthly Report: On motion of Mr. Deacon, seconded by Mrs. Burger and properly carried on roll call vote, the Board approved the attached 251 Project Card Summary Sheet dated August 23, 2017, the Project Status Report dated August 23, 2017 and the

Performance Bonds Remaining Report as of August 31, 2017. The motion included authorization for the chairwoman to certify the 20 plans listed under the report heading: "Projects Certified 6/28/2017- 08/23/2017." Roll call vote as follows: Mr. Deacon- yes, Mr. Fox- yes, Mrs. Burger- yes, Mr. Vohdan-yes and Chairman Rosko- yes. Since the June meeting, the District has received 17 new applications and 3 applications for recertification. The total number of active projects is currently at 306. Since the June meeting, 9 projects have been completed, 1 project has been transferred to Green Township, and 3 projects has been placed in dormant status. There is currently no backlog in administrative or technical review.

District Quarterly 251 Report: On motion of Mr. Fox and Mr. Deacon and properly carried, the District Chapter 251 Quarterly report for the 4th quarter of FY-2017 (April 2017 through June 2017) was approved.

Exempt Municipality Quarterly Reports: The Board reviewed the quarterly chapter 251 reports for Green Township and Andover Township. On motion of Mr. Fox, seconded by Mr. Deacon and properly carried, the Board approved the Chapter 251 Quarterly report for the two exempt municipalities for the 4th quarter of FY-2017 (April 2017 through June 2017.)

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

- a) Wallace- Uncertified Site-Vernon-3 Silver Spruce Drive. The Stop Work Order remains in effect. A recent inspection has revealed that the property owner has resumed work. Mr. Lundin anticipates filing a complaint with the municipal court in the near future.
- b) 522 Kemah Lake Road. This agricultural site remains in non-compliance. A Stop Work Order has been issued. Work has stopped pending a September meeting with the property owners.
- c) Kelly Farm- 98 Beemer Church Road. The NJDEP has issued a proposed Administrative Consent Order. A remediation plan will be required. Implementation will probably require Chapter 251 approval. Mr. Kelly is still reviewing the draft.
- d) MEM Holding, Inc. - Vernon. The disturbed area has been leveled and planted. The District continues to monitor the site.

- e) Lubbers Run Stream Restoration- HC-080. The disturbed area has been stabilized. The District continues to monitor the Lake Lackawanna inflow point after all major rainstorm events.
- f) 17 Upper Plateau Drive- Vernon. This is a neighbor dispute. The property owner has submitted a notarized certification that the area of disturbance relative to the installation of an in-ground pool is less than 5,000 square feet. An attorney for one of the parties has served the District with an OPRA request relative to the complaint. The District responded in a timely manner.
- g) Lafayette Village Renovations: A soil disturbance in excess of 5,000 square feet was commenced without District approval. A site meeting was conducted. An application has been submitted and is now pending before the District.

**Agriculture-NRCS:**

Monthly Report: Mr. Mull distributed the NRCS report for August 2017. There are currently 56 active Farm Bill Contracts within Sussex County representing a total of \$1,037,867.07 of assistance on 2,934.4 acres. These consist of 2 AMA contracts, 40 EQIP contracts, 8 WHIP contracts and 6 RCCP contracts. Mr. Mull's office is currently evaluating an additional 2 RCCP applications, 5 AMA applications and 20 EQIP applications. Mr. Mull requested Board approval for 5 Farm Conservation Plans. These consist of 3 Forest Stewardship Plans, 1 Golden Winged Warbler Protection Plan and 1 Forest Implementation plan. Mr. Deacon moved, seconded by Mr. Fox and properly carried, to approve the NRCS report and to authorize the chairwoman to sign the 5 Farm Conservation Plans.

Cooperators: Since the June 28 meeting, the District has received one application for conservation assistance. This was from David Vroegindewey for a property located at 102 Central School Road in Wantage. The applicant has a 12 acre site and is seeking assistance in establishing a new farm road to access his corn field. Mr. Deacon moved, seconded by Mrs. Burger and properly carried to approve the application and to forward the same to NRCS.

SC Board of Agriculture: Mrs. Burger reported on the activities of the SCBA. This included the chicken barbecue at the SC Farm and Horse Show on August 3, 2017. She noted that the Board is having issues in getting new farmers involved.

SC Agricultural Development Board: Mr. Fox and Mrs. Burger reported on the recent meeting of the SCADB.

**FRPP Program:** Mr. Lundin reported that the District on August 15, finally received the NRCS Authorization to Proceed with the inspections of preserved farms. The Contract requires 12 inspections to be completed by August 31. In the past week 90% of the pre-research has been completed and 9 field inspections have been conducted. Due to the late start, Mr. Lundin noted that it has been necessary to defer some of the regular District workload until after project completion.

**NRCS Local Workgroup Meeting:** Mr. Mull and Mr. Lundin reported on the NRCS local workgroup meeting held on August 15, 2017 at the Warren County Library. Forty-one people attended. Three persons attended from Sussex County: Nathaniel Sajdak of the SCMUA-Upper Walkkill project, Autumn Sylvester of the Sussex County Office of Farmland and Open Space Preservation and Mr. Lundin. The participants included approximately 10 farmers, mostly from Warren County.

**State Soil Conservation Committee (SSCC) Report:** Mr. Minch was not in attendance. Mr. Lundin reported on the following items.

- a) Soil Health/Compaction regulations. The proposed regulations were adopted by the SSCC at the June 12, 2017 meeting. They were printed in the August New Jersey Register. The effective date is December 7, 2017. Mr. Lundin attended a training session for District personnel in Freehold on August 4. Two training sessions for municipal officials (exempt municipalities) and for consulting design engineers have been scheduled in November in Freehold. The Board discussed the merits of the new requirement.
- b) H&H Inspections: Mr. Lundin also attended a training session at the Freehold District on August 4, 2017 for H&H Inspections. He distributed the inspection reporting from to the Supervisors. The SSCC is encouraging Districts to approach municipalities relative to possible inter-local services agreements to conduct the NJDEP mandated inspections.
- c) Time Tracking System. Mr. Lundin indicated that he is still awaiting a proposal from the District's website manager to establish a time tracking system using an Excel spread sheet.

**Education:**

**2017 National Envirothon:** The 2017 North American Envirothon was held from July 23-27, 2017 at Mount St. Mary's College in Emmetsburg, Maryland. The NJ team ranked 21<sup>st</sup> in the competition.

NJ State Fair/SC Farm and Horse Show: Mr. Lundin reported that the District participated in Green Day at the Fair. The District arranged for the use of the NJACD Soil Tunnel. Due to a full day rainfall, attendance was minimal. Mr. Hansen and Mr. Lundin manned the booth.

Camp Innovate. Mr. Lundin reported on his educational presentation to the participants in the Hopatcong Camp Innovate on August 1. Eighty-two 3<sup>rd</sup> and 4<sup>th</sup> graders participated. A copy of a letter thanking the Board for allowing Mr. Lundin to participate is attached.

**Meetings:**

NACD Urban and Community Conservation Committee: Mr. Lundin reported on his participation in the National Association of Conservation Districts (NACD) Urban and Community Conservation (UCC) Resource Policy Group (RPG.) The group most recently met by teleconference on July 21 and August 18, 2017.

Common Waters: Mr. Lundin participated in a teleconference meeting on July 12, 2017. The group has obtained NRCS-RCCP funding for the NY and PA portions of the watershed. Currently, there are no additional funds available for the NJ portion of the watershed.

Lake Hopatcong Symposium: Mr. Lundin reported on his participation in the Lake Hopatcong Symposium held on August 3, 2017.

Hyper Humus Site Restoration: Mr. Lundin participated in a meeting held on August 8 sponsored by the Nature Conservancy relative to the Hyper Humus site. The NJDEP owns most of the site. The Nature Conservancy has agreed to coordinate the effort. Beth Skyler Barry is the new Nature Conservancy coordinator. Mr. Barry most recently served as the Executive Director of the Musconetcong Watershed Association. Nature Conservancy is utilizing the services of Princeton Hydro in its investigations.

NJACD Annual Meeting: The NJACD Annual meeting has been scheduled for November 2, 2017. In order to be eligible for reappointment, Mr. Deacon, Mr. Vohden and Ms. Burger will be required to attend. On motion of Mr. Fox seconded by Mrs. Rosko, and properly carried, all Board members were authorized to attend.

2018 NACD Annual Conference: Mr. Lundin advised the Board that the 2018 NACD National meeting is scheduled for Opryland outside of Memphis TN.

**North Jersey RC&D:** The next Technical Advisory Committee (TAC) meeting has not yet been scheduled.



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Old Business (continued)

**Other Old Business:**

**NJACD Dues:** Mr. Lundin reminded the Board that at the March meeting they had deferred action on the NJACD Dues invoice (\$750) until the new fiscal year. In light of the current financial situation, the Board by consensus determined to continue to defer action on the invoice.

**NEW BUSINESS:**

**Frankford Property:** The District is in receipt of a letter from the owner of a property adjacent to the District's preservation parcel in Frankford inquiring as to the Board's interest in acquiring additional land. By consensus, the Board determined that it is not in a position to purchase any additional land, but authorized Mr. Lundin to explore either a possible donation to the District (similar to the original parcel) or to coordinate with other entities that might have an interest in the property.

**Other:** None

**PUBLIC SESSION:**

Chairman Rosko opened the meeting to the public at 5:40 p.m. There being no one desiring to speak, the meeting was closed to the public at 5:40 p.m.

**EXECUTIVE SESSION:** None at this time.

The Meeting was adjourned at 5:41 p.m. on motion of Mr. Deacon seconded by Mr. Vohden and properly carried.

Respectfully submitted for Philip Deacon, Secretary/Treasurer

By Clifford R. Lundin, District Manager