

**SUSSEX COUNTY SOIL CONSERVATION DISTRICT**

Board of Supervisors' Meeting

January 24, 2018- 4:30 PM

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

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**NEXT MEETING:** February 28, 2018 – 4:30 p.m.

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

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**SUPERVISORS ABSENT:** Barbara Rosko (excused)

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

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Vice Chairman Fox 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 Mr. Deacon, Mr. Vohden, Mr. Fox and Mrs. Burger were present. Mrs. Rosko was excused due to a medical appointment. 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 meeting of December 6, 2017. The motion was approved on the following roll call vote: Mr. Deacon-yes, Mr. Vohden- yes, Mrs. Burger-yes and Mr. Fox-yes.

**CORRESPONDENCE:**

On motion of Mr. Fox seconded by Mr. Fox and properly carried, the attached correspondence list was reviewed and approved for the files. All highlighted items were scheduled to be discussed on the agenda.

**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, Mrs. Burger- yes, Mr. Vohden-yes and Mr. Fox- yes. The Treasurer's Report included the following items: Income Statement for the period ending January 31, 2018; Check Register for the period of December 6, 2017 through January 24, 2018; Cash Receipts Journal for the period of December 6, 2017 to January 24, 2018; Cash Account Balance Report as of January 24, 2018; Consulting Engineer-Cash Disbursements Journal for the period from July 1, 2017 through January 24, 2018; General Ledger Trial Balance as of January 24, 2018; and Balance Sheet dated January 31, 2018. The Board reviewed the financial condition of the District. For the first 7 months of FY2018, the District has experienced a deficit in the amount of \$63, 410.93.

Resolution- Lakeland Bank: On motion of Mr. Vohden, seconded by Mrs. Burger, and properly carried by roll call vote, the Board adopted the attached resolution requested by Lakeland Bank to authorize the following persons to sign checks on behalf of the District: Clifford R. Lundin, Barbara Rosko, Philip Deacon and Matthew Fox. Roll call vote as follows: Mrs. Burger- yes, Mr. Vohden-yes and Mr. Fox- yes. Mr. Deacon recused himself due to his wife's relationship with the bank.

Resolution- Sussex Bank: On motion of Mrs. Burger, seconded by Mr. Vohden, and properly carried by roll call vote, the Board authorized the following persons to sign on behalf of the District in the various accounts at Sussex Bank: Clifford R. Lundin, Barbara Rosko, Philip Deacon and Matthew Fox. Roll call vote as follows: Mrs. Burger- yes, Mr. Vohden-yes, Mr. Deacon-yes and Mr. Fox- yes.

Check Signatures: On motion of Mr. Vohden, seconded by Mr. Fox and properly carried by roll call vote, the Board modified the account rules, to provide that only one signature is required for payroll checks and for other checks in the amount of \$500.00 or less. Two signatures will continue to be required for checks in excess of \$500.00. Roll call vote: as follows: Mrs. Burger- yes, Mr. Vohden-yes, Mr. Deacon-yes and Mr. Fox- yes.

District Financial Committee: The committee is arranging to meet individually with all employees. Mrs. Burger has had several phone conversations with Mr. Minch seeking guidance. Various options are under consideration.

## **OLD BUSINESS**

### **Chapter 251:**

Monthly Report: On motion of Mrs. Burger, seconded by Mr. Fox and properly carried on roll call vote, the Board approved the attached 251 Project Card Summary Sheet dated January 24, 2018, the Project Status Report dated January 24, 2018 and the Performance Bonds Remaining Report as of January 31, 2018. The motion included authorization for the chairwoman and vice chairman to certify the 5 plans listed under the report heading: "Projects Certified 12/06/2017 to 1/24/2018." Roll call vote as follows: Mr. Deacon- yes, Mr. Fox- yes, Mrs. Burger- yes, and Mr. Vohden-yes. Since the December meeting, the District has received 8 new applications and 5 application for recertification. The total number of active projects is currently at 298. Since the December meeting, 3 projects have been completed and 4 projects were placed in dormant status. Pursuant to the Board's previous authorization, the file relative to the Northern NJ Veterans' Cemetery has been closed and the remaining bond refunded. There is currently no backlog in administrative or technical review.

District Chapter 251 Quarterly report: On motion of Mr. Deacon, seconded by Mr. Vohden and properly carried, the Board approved the attached District 251 Quarterly report for the period of October 1, 2017 to December 31, 2017.

Exempt Municipality Chapter 251 Quarterly report: On motion of Mr. Vohden, seconded by Mr. Fox and properly carried, the Board approved the attached District 251 Quarterly reports for the period of October 1, 2017 to December 31, 2017 for Andover Township and for Green Township.

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 initial hearing was postponed from December 19, 2017 upon request of the attorney for Mr. Wallace. The hearing was then scheduled for January 16, 2018. The trial was again postponed to allow the attorney to contact NJDEP. An initial hearing was finally held on January 23, 2018. The defendant initially asserted that the District action was preempted by NJDEP. Judge Devine rejected that argument. The defendant then raised issues relative to the Right to Farm Act. Those arguments were also rejected. The judge raised an issue relative to the need for the District to assess a penalty. Mr. Lundin has requested guidance from Mr. Minch. The trial is now scheduled for February 20, 2018.
- b) 522 Kemah Lake Road. The SC Ag. Dev. Bd. hearing was postponed at Mr. Leenheer's request from December 18, 2017 to January 16, 2018. On that date, the meeting was cancelled due to a snow event. The matter is currently scheduled for consideration on February 20, 2018.
- c) Keila Transport- The District has filed a Complaint with the Sparta Township Municipal Court relative to this uncertified site on Houses Corner Road and Route 15. The facility is also violating the District Stop Work Order. The initial court appearance on this Summons is scheduled for January 25, 2018. The action is being coordinated with similar summonses issued by the Sparta Township Construction Official.
- d) RER- WT-091. This is a composting/recycling facility located on Clark Road in Wantage. There have been repeated instances of tracking and a major blowout resulting from the failure of a storm water basin. The site appears larger than as certified. Further, there is no engineering design data on two stormwater basins. A meeting has been scheduled for January 30, 2018 with RER and Wantage officials.

- e) Kelly Farm- 98 Beemer Church Road. The District is withholding action pending resolution of the negotiations between Mr. Kelly and the NJDEP. Mr. Kelly has apparently retained an attorney to assist him in the negotiations.
- f) National Winter Activity Center- VR-923. Mr. Lundin reported on a major blowout of muddy water onto Breakneck Road that occurred during a major storm event on January 12, 2018. This resulted in several complaints to the District. The District and Vernon Township engineer met with the applicant and suggested several additional measures. The measures were implemented and seemed to work effectively during the rainstorm of 1/23/2018.

Green Township: Mr. Lundin indicated that he is still awaiting comments from the SSCC and Green Township on the draft agreement. Mr. Minch indicated that he will be meeting with the Deputy Attorney General assigned to the SSCC on January 25, 2018. He promised to provide comments in the near future. Effective January 1, 2018, Cory Stoner of Pellow Engineering has been appointed as municipal engineer.

**Agriculture-NRCS:**

Monthly Report: Mr. Mull distributed the attached NRCS report. As of the date of the meeting there are 41 active farm bill contracts in Sussex County totaling \$786,768.41 on 1,929.5 acres. These consist of 2 AMA contracts, 26 EQIP contracts, 7 WHIP contracts and 6 RCCP contracts. There are 42 pending EQIP applications for FY2018. Mr. Mull requested approval of a Farm Conservation Plan for a property in Stillwater Township. Mr. Mull also reported on a proposed Local Workgroup meeting to be in March 14, 2018 in Chester Township. State Con, Carrie Lindig has returned from her detail to Washington DC and has resumed her NJ duties. Chad Cherefko has been detailed to Vermont as acting State Con. Finally, Mr. Mull reported that NRCS is currently accepting applications for 2018 funding. These are due by March 16, 2018. Mr. Deacon moved, seconded by Mrs. Burger to approve the report. All were in favor.

Cooperators: On motion of Mr. Deacon, seconded by Mr. Fox and properly carried the Board approved a request for Conservation Assistance from Jill Jaworski for a 122 acre parcel in Fredon Township.

SC Board of Agriculture: Mrs. Burger reported on the activities of the SCBA. Both Mr. Lundin and Mrs. Burger attended the January 21, 2018 meeting. Mr. Lundin made a brief presentation to the Board on the activities of the District.

SC Agricultural Development Board: The January 16, 2018 meeting of the SCADB was cancelled due to a snow event.

Tax Assessment Issue: Mr. Lundin and Mrs. Minch discussed the issue (arising out of Wantage) relative to soil productivity information and tax assessment. Mr. Lundin indicated that he had determined that a statutory change was not required, that there was sufficient existing authority for the adjustment to reflect the new soil types and latest soil survey.

Local Workgroup: A preliminary notice of the workgroup meeting on March 14, 2018 was provided to the Supervisors. Additional information is to be provided in the near future.

**State Soil Conservation Committee (SSCC) Report:** Mr. Minch reported on the following items.

- a) Soil Health/Compaction regulations. The SSCC is continuing to address implementation issues. Mr. Lundin indicated that the District has fully implemented the new review requirements. There are still issues relative to final approvals at the time of project completion.
- b) NJAC 2:90 regulations. Mr. Minch indicated that the regulations were readopted in their entirety without change.
- c) Conservation Cost Share program: Mr. Minch indicated that new rules are in the process of development. Due to the change of administrations in Trenton, he projected that the actual changes may not be proposed until late 2018 or early 2019.
- d) Proposed Bee Keeping Regulations: Mr. Minch outlined the proposed regulations. The proposal has generated significant negative comment. The comment period closed on January 19, 2018 and the Department is currently reviewing the public comments.
- e) Complaint of Joseph Retz to NJ Red Tape Committee: Mr. Retz, of Wantage has submitted a complaint to the Red Tape Commission concerning the cost of soil erosion control as compared to New York State and to Pennsylvania. Mr. Minch indicated that his response letter will be released shortly.
- f) TK Properties: Mr. Minch briefed the Board on an NJDEP enforcement action against a farm property located off Old Unionville Road in Wantage Township. DEP has alleged several wetland, dam safety, stream encroachment and riparian zone issues. The property owner performed work on a pre-existing farm pond. The property owner initially executed an ACO but later sought to revoke his agreement. NRCS has been asked to participate in developing a solution. Mr. Lundin indicated that the work initially appeared to be within the "agricultural" exemption to the chapter 251 regulations.
- g) Northern Regional Supervisor Meetings: The annual meeting will be held on March 6, 2018 at 6:30 p.m. at Barca Restaurant in Mountain Lakes, Morris County.

**Education:**

2018 Conservation Poster Contest: Information has been mailed to all past participants and has been posted on the District website. The theme is Watershed-Our Water, Our Home. Entries are due to the District by March 16, 2018.

2018 Conservation Scholarship: Applications are due to the NJACD by May 7, 2018.

2018 Northern NJ Envirothon Field Day: Mr. Lundin indicated that he had completed most advance arrangements for the Northern NJ Envirothon Training program to be held on April 24, 2018 at Swartswood State Park.

2018 NJ Envirothon: The 2018 NJ Envirothon has been scheduled for May 4-5, 2018 at Camp Grice within Camp Roosevelt in Elmer, NJ. Mr. Lundin, Mrs. Rosko and Mr. Fox have been invited to participate as judges.

Annual Contribution to the NJ Envirothon: Mr. Lundin distributed the attached letter from NJACD asking for all Districts to contribute \$500 to the Envirothon. Mr. Fox moved, seconded by Mrs. Burger and approved on roll call vote to continue with the annual contribution. Roll call vote as follows: Mr. Deacon- yes, Mr. Fox- yes, Mrs. Burger- yes, and Mr. Vohden-yes.

Reforest NJ Program: The District will once again act as a distribution center for tree seedlings to Sussex County municipalities and to the public. The distribution has been scheduled for May 3 and 4, 2018.

NACD Webinars: Mr. Lundin reported on his participation in an NACD Webinar on January 18, 2018 relative to District Outreach. The next Webinar is scheduled for February 15, 2018 and will address Stormwater Management. Mr. Lundin reminded the Board members that they can receive continuing education points by listening to the webinars.

Sussex County 4H Presentations: Mr. Lundin indicated that he had been invited to again help judge the annual 4H presentations on March 2, 2018. Mrs. Burger will also act as a judge. Mrs. Burger encouraged the other supervisors to volunteer for this event.

**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 December 21, 2017 and January 19, 2018. An additional meeting is scheduled for January 27, 2018 in conjunction with the NACD Annual meeting. Mr. Lundin will participate by teleconference.

Common Waters: The date of the next meeting has not been announced.

Hyper Humus Site Restoration: No new meetings have been scheduled at this time.

**North Jersey RC&D:** Ms. Lundin reported on the meeting of the Technical Advisory Committee (TAC) held on January 11, 2018.

**Other Old Business:**

Records Disposal: Pursuant to the authorization of the Board at the December meeting, the District staff submitted the request to the SSCC. The new automated system worked well and the request has been approved. The documents will be shredded as part of the SCMUA monthly shred day on February 16, 2018.

**NEW BUSINESS:**

District Manager Vacation: Mr. Lundin notified the Board that he will be on vacation from February 2, 2018 through February 12, 2018.

Annual Fire Prevention Inspection: The inspection held on 1/22/2018 showed three minor violations. This occurred despite the fact that the District had paid NJ Fire Equipment on 1/5/2018 to review all required devices and to certify them for the 2018 year. The violations will be corrected within the time period provided.

2012 Jeep Liberty: Mr. Lundin reported that the District had received a “recall” notice for the 2012 Jeep Liberty. Due to an issue with the Active Headrest controls. Jeep has not yet developed a repair. All employees were advised of the defect and encouraged to exercise caution.

Postal Meter: Mr. Lundin reported that the contract/lease with Pitney Bowes is due to expire. He indicated that he is in receipt of a proposal from Jersey Mail that would result in some minor savings. After reviewing the cost of the unit, the Board expressed doubt as

Page 8  
January 24, 2018  
New Business continued.

to the need for the machine and instead directed Mr. Lundin to allow the contract to expire. Once expired, postage can be purchased through the USPS.

Supervisor Renominations: Mr. Lundin indicated that the Board is in receipt of a package of material from the SSCC relative to the reappointment process. The terms of Mrs. Burger and Mr. Vohden expire on June 30, 2018. Both indicated a willingness to continue to serve. Under the revised SSCC policy, re-nominations do not require the convening of the Nomination Committee. Mr. Lundin will work with Mrs. Burger and Mr. Vohden to develop the required materials.

**PUBLIC SESSION:**

Vice Chairman Fox 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:**

Mr. Vohden moved, seconded by Mr. Fox to close the meeting to the public and to go into Executive Session to discuss personnel issues, minutes to be available upon future authorization of the Board and upon conclusion of the matter in question.

The Board returned from Executive Session at 6:30 p.m.

The Meeting was adjourned at 6:30 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