

SUSSEX COUNTY SOIL CONSERVATION DISTRICT

Board of Supervisors' Meeting

February 28, 2018- 4:30 PM

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

NEXT MEETING: Monday, March 26, 2018 – 3:30 p.m.

SUPERVISORS PRESENT: Philip Deacon, Natalie Burger and Richard Vohden

SUPERVISORS ABSENT: Barbara Rosko (excused), Matthew Fox, P.E. (excused)

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

In the absence of the Chairman and Vice Chairman, District Manager Lundin called the meeting to order at 4:34 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 and Mrs. Burger were present. Mrs. Rosko was excused due to a medical appointment. Mr. Fox was excused due to a family medical issue. A quorum was established. The Board expressed its best wishes to Chairman Rosko for a rapid recovery. The Board also extended its wishes for a speedy recovery to former Supervisor Walter Ricker who was recently hospitalized with a heart attack.

ACTING CHAIRMAN: District Manager Lundin opened the floor for nominations for the position of Acting Chairman for the purpose of presiding at the meeting. Mr. Vohden moved, seconded by Mr. Deacon and properly carried to designate Mrs. Burger.

MINUTES:

On motion of Mr. Deacon, seconded by Mr. Vohden and properly carried on roll call vote, the Board approved the minutes of the meeting of January 24, 2018. The motion was approved on the following roll call vote: Mr. Deacon-yes, Mr. Vohden- yes, and Mrs. Burger-yes.

On motion of Mrs. Burger, seconded by Mr. Deacon and properly carried on roll call vote, the Board approved the minutes of the executive session of the meeting of January 24, 2018. The motion was approved on the following roll call vote: Mr. Deacon-yes, Mr. Vohden- yes, and Mrs. Burger-yes.

On motion of Mr. Deacon, seconded by Mrs. Burger and properly carried on roll call vote, the Board approved the minutes of the public session of February 13, 2018. The motion was approved on the following roll call vote: Mr. Deacon-yes, Mr. Vohden- yes, and Mrs. Burger-yes.

On motion of Mr. Deacon, seconded by Mrs. Burger and properly carried on roll call vote, the Board approved the minutes of the executive session of February 13, 2018. The motion was approved on the following roll call vote: Mr. Deacon-yes, Mr. Vohden- yes, and Mrs. Burger-yes.

CORRESPONDENCE:

On motion of Mr. Vohden, seconded by Mrs. Burger 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 Mr. Deacon, 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, and Mr. Vohden-yes. The Treasurer’s Report included the following items: Income Statement for the period ending February 28, 2018; Check Register for the period of January 24, 2018 through February 28, 2018; Cash Receipts Journal for the period of January 24, 2018 to February 28, 2018; Cash Account Balance Report as of February 28, 2018; Consulting Engineer-Cash Disbursements Journal for the period from July 1, 2017 through February 28, 2018; General Ledger Trial Balance as of February 28, 2018; and Balance Sheet dated February 28, 2018. The Board reviewed the financial condition of the District. For the first 8 months of FY2018, the District has experienced a deficit in the amount of \$69,385.89.

District Financial Committee: Mrs. Burger reported that the committee continues to explore mechanisms to reduce expenditures.

OLD BUSINESS

Chapter 251:

Monthly Report: On motion of Mr. Deacon, seconded by Mr. Vohden and properly carried on roll call vote, the Board approved the attached 251 Project Card Summary Sheet dated February 28, 2018, the Project Status Report dated February 28, 2018 and the Performance Bonds Remaining Report as of February 28, 2018. The motion included authorization to certify the 4 plans listed under the report heading: “Projects Certified 1/24/2018 to 02/28/2018.” Roll call vote as follows: Mr. Deacon- yes, Mrs. Burger- yes, and Mr. Vohden-yes. Since the January meeting, the District has received 8 new applications and 3 applications for recertification. The total number of active projects is currently at 297. Since the January meeting, 3 projects have been completed and 2 projects were placed in dormant status.

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 Reviews: Mr. Lundin noted that he is scheduled to meet with Green Township and Andover Township officials on March 7, 2018 to conduct the annual exempt municipality review.

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 most recent Vernon Municipal Court hearing occurred on February 20, 2018. Mrs. Wallace has now deeded her interest in the property to Mr. Wallace and she was dismissed from the case. Several discussions were held to attempt to reach a settlement. The discussions were unsuccessful. The trial is now scheduled for 5:00 p.m. on March 13, 2018. Mr. Minch is still attempting to obtain written guidance from the SSCC and DAG relative to the penalty assessment issue. The Board provided Mr. Lundin with guidance for his continuing discussions relative to the specific penalty.
- b) 522 Kemah Lake Road. The Sussex County Agricultural Development Board (SCADB) initially heard the matter at its meeting of February 20, 2018. Mr. Lundin presented the District's position. A copy of his outline is attached. Mr. and Mrs. Leenheer could not present adequate sufficient information to demonstrate that they qualified as a "commercial farm" pursuant to the NJ Right to Farm law. The Board deferred the hearing until March 19, 2018 to allow Mr. and Mrs. Leenheer to present additional information. Mr. Lundin requested the assistance of Mr. Minch to testify before the Board on March 19, 2018 as to the need for controls at the site.
- 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 was held on January 25, 2018. At that time, the proceedings were deferred until February 15, 2018 to allow Keila to obtain an attorney. At the February 15, 2018 meeting Keila requested a 45 day adjournment. The Court agreed to the adjournment on condition that:
a) Keila immediately cease further soil importation and disturbance at the site;
b) that Keila retain an engineer by Feb 22, 2018; c) that Keila install interim SESC measures by Feb 22, 2018 and d) that Keila file an application for SESC Certification within 30 days. Mr. Lundin indicated that he had

inspected the site on February 16, 2018 and that work was still occurring. The Sparta Prosecutor was notified and the Court is now scheduled to reopen the hearing on March 5, 2018. A site meeting is scheduled for March 1, 2018 with Township officials, the District and the Sussex County Health Department.

- d) RER- WT-091. This is a composting/recycling facility located on Clark Road in Wantage. A meeting was held on January 30, 2018 with RER and Wantage Township officials. RER has agreed to file a revised plan with the District by no later than March 30, 2018.
- 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.

Green Township: Mr. Lundin is scheduled to meet with Green Township officials on March 7, 2018. He is still awaiting input from Mr. Minch and the SSCC relative to the inclusion of the SSCC in the MoU. Mr. Minch advised the Board to proceed with the MOU without the formal inclusion of the SSCC as a party.

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 in assistance on 1,929.5 acres. These consist of 2 AMA contracts, 26 EQIP contracts, 7 WHIP contracts and 6 RCCP contracts. There are 36 pending EQIP applications for FY2018. Mr. Deacon moved, seconded by Mr. Vohden to approve the report. All were in favor.

Cooperators: On motion of Mr. Deacon, seconded by Mr. Fox and properly carried the Board approved the following three requests for Conservation Assistance:

- a) Ira Polk- Little Farm on the Plains, LLC- a 31.9 acre parcel in Frankford
- b) Frank A. Korszoloski, IV, a 45 acre parcel in Hampton and
- c) Steven and Connie Leenheer. A 52.8 acre parcel in Frankford Township. The Board noted that this is the site which the District has brought before the SCADB. Mr. Mull indicated that he would have to seek a waiver from the State office due to the fact that this is under an enforcement order.

Mr. Deacon moved, seconded by Mr. Vohden and properly carried to approve the three applications as cooperators and to forward the same to NRCS.

SC Board of Agriculture: Mr. Vohden and Mrs. Burger reported on the SCBA meeting on February 26, 2018. Mr. Lundin and Mr. Fox were also in attendance. The Board heard

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Old Business- Agriculture (continued)

a presentation by SADB attorney, Brian Smith on the Right to Farm Act. A copy of Mr. Smith's presentation is attached. Mr. Lundin also noted that Mr. Gettler was present and discussed the tax assessment issue. Mr. Lundin outlined the District position to the SCBA.

SC Agricultural Development Board: Mr. Lundin, Mrs. Burger and Mr. Vohden attended the SCADB meeting on February 20, 2018 in reference to the Leenheer matter as discussed above.

Local Workgroup: Mr. Mull distributed the attached information relative to the local workgroup meeting to be held on March 14, 2018 in Chester.

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

- a) The next SSCC meeting is scheduled for March 12, 2018
- b) The Northern Regional Supervisor Meetings is scheduled for March 6, 2018 in Mountain Lakes. Mrs. Burger and Mr. Fox will attend. Mr. Vohden will be unable to attend.
- c) Supervisor's Reappointment. Forms are due to the SSCC prior to the June meeting.
- d) Audit review. A SSCC committee is reviewing the various audits
- e) 251 Activity. Mr. Minch noted that there is a clear East/West NJ divide relative to current 251 activity. Western Jersey (like Sussex) is continuing to see minimal development activity.

Education:

2018 Conservation Poster Contest: The theme is Watershed-Our Water, Our Home. Entries are due to the District by March 16, 2018. The judging will occur at the March meeting.

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. In light of Mr. Lundin's retirement, Sheila Hall of the Morris District has agreed to coordinate the actual field day.

2018 NJ Envirothon: The 2018 NJ Envirothon has been scheduled for May 4-5, 2018 at Camp Grice within Camp Roosevelt in Elmer, NJ. .

Envirothon Training Trunk: In light of Mr. Lundin's retirement, Sheila Hall of the Morris District has agreed to take possession of the trunk and to coordinate its distribution to the schools.

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 February 15, 2018 relative to Phosphorous control. The next webinar is scheduled for March 15, 2018. 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:

Northern Regional Supervisors' Meeting: Previously discussed under SSCC report.

NACD Urban and Community Conservation Committee: Mr. Lundin reported on his participation in the meetings held by teleconference on January 27, 2018 and February 16, 2018.

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.

NACD NE Regional Meeting: This meeting has been scheduled for July 15-18, 2018 in Lancaster, PA.

NACD Annual National Meeting: The meeting has been scheduled for late Jan 2019 in San Antonio.

North Jersey RC&D: The next meeting of the Technical Advisory Committee is scheduled for April 19, 2018 in Hackettstown.

Other Old Business:

Records Disposal: The 251 records greater than 7 years in age were shredded as part of the SCMUA monthly shred day on February 16, 2018.

Additional Records Disposal: On recommendation of Mr. Lundin, the Board authorized an application to the appropriate state authorities for the destruction of financial records in excess of 7 years of age. Motion by Mr. Vohden, seconded by Mrs. Burger and properly carried.

Postage Meter: The Board had previously determined to terminate the contract at its conclusion (believed to be March 31, 2018) Pitney Bowers is asserting that the contract actually runs through March 2019. The District is searching its old records for the actual contract, which has been renewed on several occasions.

Annual Fire Prevention Inspection: Mr. Lundin noted that all violations had been addressed and that we are awaiting the follow-up inspection.

Supervisor re-nominations: Mr. Lundin noted that under the new revised SSCC procedure, the District Board must make a recommendation to the SSCC as to the appropriateness of the reappointment. Both Mr. Vohden and Mrs. Burger have expressed interest in reappointment. On motion of Mr. Deacon, seconded by Mrs. Burger and properly carried on roll call vote, (with Mr. Vohden recusing himself), the members voted to favorably recommend the reappointment of Mr. Vohden. On motion of Mr. Deacon, seconded by Mr. Vohden and properly carried on roll call vote, (with Mrs. Burger recusing herself), the members voted to favorably recommend the reappointment of Mrs. Burger.

FRPP Contract: Mr. Lundin indicated that Donna Traylor has agreed to work as a subcontractor of the Board, to assist the Board meet its obligations to NRCS under the FRPP contract. Mr. Lundin indicated that it may be necessary to revise the billing methodology in the contract. He has had preliminary discussions with NRCS relative to this issue. Mr. Lundin also indicated that he had renewed the District's registration in the Federal SAM system. All recipients of federal grants are required to be registered in this system. The registration is now valid through March 2019.

NEW BUSINESS:

2017 Annual Report: Mr. Lundin asked if there were any comments or corrections on the draft 2017 Annual Report. No member expressed objection. The report will be posted on the District website effective March 2, 2018.

2017 Workers Compensation Insurance Audit Questionnaire: Mr. Lundin reported that he had completed and submitted the annual questionnaire.

Tracker Vehicle: On motion of Mr. Deacon, seconded by Mr. Vohden and properly carried, the Board declared the Tracker vehicle to be "surplus" and authorized Mr. Lundin to seek proposals for the sale pursuant to SSCC Guidelines.

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New Business continued.

March Meeting: Mr. Lundin requested that the Board consider moving the date of the March meeting to allow him additional time (prior to his retirement) to prepare the minutes and to implement the actions from the March meeting. On motion of Mr. Deacon, seconded by Mr. Vohden and properly carried, the Board voted to change the date of the March meeting to March 26, 2018 at 3:30 p.m.

Lease Renewal: The District's current lease for office space expires on May 31, 2018. The landlord has proposed a 5 year extension. Mr. Deacon and Mr. Lundin agreed to coordinate discussions with the landlord. The Board provided them with negotiating guidelines.

Car Wash On motion of Mr. Deacon seconded by Mrs. Burger, and properly carried, the Board authorized Mr. Lundin to establish an account with the Augusta car wash for the cleaning of the District vehicles.

Transition Issues: Mr. Lundin and Mr. Minch outlined the various duties of the District Manager. Various options were discussed. No action was taken.

PUBLIC SESSION:

Acting Chairman Burger opened the meeting to the public at 6:18 p.m. There being no one desiring to speak, the meeting was closed to the public at 6:18 p.m.

EXECUTIVE SESSION: None

ADJOURN:

The Meeting was adjourned at 6:20 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