

SUSSEX COUNTY SOIL CONSERVATION DISTRICT

Board of Supervisors Meeting

Wednesday – September 29, 2010- 7:30 PM – District Office

186 Halsey Road, Suite 2, Newton, NJ 07860

Call to Order/Open Public Meetings Act Statement

Flag Salute

Roll Call

Recognize Supervisor Hough on completion of 40 years of service

Recognize Supervisor Ricker on completion of 30 years of service

Reorganization (items not done at July meeting)

Professional Services Resolution- Auditor- T. Ferry-Ferraioli et al.

Appoint representatives to North Jersey RC&D- Rosko/Alternate- Lundin

Establish photocopy fees- OPRA

Minutes- July 21, 2010 Regular Meeting

Correspondence

Treasurer's Report

Financial Reports – Roll Call Vote

Increase in Health Insurance premiums

OLD BUSINESS

Chapter 251

Monthly Reports

Quarterly Report- Andover Township

Wantage transition issues

Problem sites: a) Eagles Nest- Sparta, SP125 b) Sparta Meadows; c) Farley FL-125; d)

Jobeless-Hopatcong; e) Whispering Woods VR-748

Agriculture

NRCS Report

Cooperators- (2)

Confidentiality Agreement

Animal Waste Management Plans

SSCC Report – NJDA Update

Fertilizer/compaction bills

Education

SC Farm & Horse Show/State Fair

Poster Contest

SC Harvest Festival- 10/23/2010

Meeting Reports

NACD Urban Committee- 7/31- 8/3- CRL

NACD – Regional Meeting- Maine- 8/8-8/11- CRL, WR, BR

NJACD- 9/20-21- Ocean City, NJ- CRL, WS, BS, WR

Soils Health Conference 11/9- Morristown

Other

NEW BUSINESS

Other

PUBLIC SESSION

EXECUTIVE SESSION (if needed)

ADJOURN

SUSSEX COUNTY SOIL CONSERVATION DISTRICT

Board of Supervisors Meeting

July 21, 2010

7:30 PM SCSCD Office – Conference Room

186 Halsey Road, Suite 2, Newton, NJ

NEXT MEETING: September 29, 2010–7:30 PM – SCSCD Office (Conference Room)

SUPERVISORS PRESENT: Barbara Rosko, Fred Hough, Walter Ricker, Winifred Straub and James Kilduff

SUPERVISORS ABSENT: None

OTHERS PRESENT: Clifford R. Lundin-District Manager, Dan Mull- USDA NRCS-District Conservationist, and Frank Minch- NJDA-State Soil Conservation Committee.

Chairman Rosko called the meeting to order at 7:32 p.m. declaring that adequate notice has been provided in accordance with the NJ Open Public Meetings Act.

The members joined in a salute to the flag.

SWEARING IN OF NEW MEMBER

Chairman Rosko reported that the State Soil Conservation Committee (SSCC) at its meeting of July 12, 2010 appointed James Kilduff to complete the remainder of the term of Phillip Deacon (until June 30, 2012.) Mr. Lundin administered the Oath of Office to Mr.. Kilduff

REORGANIZATION

Chairman: Manager Lundin opened the floor for nominations for the position of Chairman for the period of July 2010 through June 30, 2011. Mr. Hough moved, seconded by Mrs. Straub to elect Mrs. Rosko as Chairman. There were no other nominations and the nomination was unanimously approved.

Vice Chairman: Chairman Rosko opened the floor for nominations for the position of Vice-Chairman for the period of July 2010 through June 30, 2011. Mr. Hough moved, seconded by Mr. Ricker to elect Mrs. Straub as Vice-Chairman. There were no other nominations and the nomination was unanimously approved.

Secretary: Chairman Rosko opened the floor for nominations for the position of Secretary for the period of July 2010 through June 30, 2011. Mr. Hough moved, seconded by Mrs. Straub to elect Mr. Ricker as Secretary. There were no other nominations and the nomination was unanimously approved.

Treasurer: Chairman Rosko opened the floor for nominations for the position of Treasurer for the period of July 2010 through June 30, 2011. Mrs. Straub moved, seconded by Mr. Ricker to elect Mr. Hough as Treasurer. There were no other nominations and the nomination was unanimously approved.

Pension Certifying Officer: Mrs. Straub moved, seconded by Mr. Hough to appoint Catherine Williams as the PERS certifying officer for the period of July 2010 through June 30, 2011. There were no other nominations and the nomination was unanimously approved.

Custodian of Public Records: Mrs. Straub moved, seconded by Mr. Hough to appoint Clifford Lundin as the Custodian of Public Records pursuant to the Open Public Records Act for the period of July 2010 through June 30, 2011. There were no other nominations and the nomination was unanimously approved.

Consulting Engineer: Mr. Hough moved, seconded by Mrs. Straub to approve the attached Professional Services Resolution to appoint Joseph Sedivy, Sr., P.E. as Consulting Engineer for the period of July 2010 through June 30, 2011. The motion included the ratification of the attached Contract, total expenditure not to exceed \$12,500.00. There were no other nominations and the nomination was unanimously approved on a roll call vote as follows: Mr. Hough-yes, Mr. Ricker- yes, Mrs. Straub-yes, Mr. Kilduff- yes and Mrs. Rosko-yes.

Special Counsel: Mr. Hough moved, seconded by Mr. Kilduff to approve the attached Professional Services Resolution to appoint William Haggerty of the firm of Dolan and Dolan as Special Legal Counsel for the period of July 2010 through June 30, 2011. The motion included the ratification of the attached Contract, total expenditures not to exceed \$12,500.00. There were no other nominations and the nomination was unanimously approved on a roll call vote as follows: Mr. Hough-yes, Mr. Ricker- yes, Mrs. Straub- yes, Mr. Kilduff- yes and Mrs. Rosko-yes. It was noted that Mr. Lundin would continue as the General Counsel for the District as part of his employment.

Official Newspaper: Mr. Hough moved, seconded by Mr. Kilduff to designate the New Jersey Herald and the New Jersey Sunday Herald as the official newspapers of the District for the period of July 2010 through June 30, 2011. There were no other nominations and the designation was unanimously approved.

MINUTES

On motion by Mrs. Straub, seconded by Mr. Ricker and properly carried, the minutes of the regular meeting of June 23, 2010 and the Executive Session of June 23, 2010 were approved. Chairman Rosko, Mr. Hough and Mr. Kilduff abstained.

CORRESPONDENCE

On motion by Mr. Ricker, seconded by Mr. Hough and properly carried, the attached correspondence list was reviewed and approved for the files. Special attention was given to the highlighted items.

TREASURER'S REPORT

On motion of Mrs. Straub, seconded by Mr. Ricker and properly carried, the Treasurer's Report was approved, subject to audit, by Roll Call vote as follows: Mr. Ricker – yes, Mrs. Straub- yes, Mr. Hough– yes, Mr. Kilduff- abstain and Mrs. Rosko- yes. The Treasurer's Report included the following: Cash Disbursements-Check Register from June 23, 2010 to July 21, 2010, Cash Receipts Journal from June 23, 2010 to July 21, 2010, Income Statement for the one month period ending July 31, 2010; Cash Account Balance Report as of July 21, 2010; Consulting Engineering- Cash Disbursements Journal from July 1, 2010 to July 21, 2010, General Ledger Trial Balance as of July 21, 2010 and Balance Sheet dated July 31, 2010.

OLD BUSINESS

Chapter 251 –

Monthly Report: On motion by Mrs. Straub, seconded by Mr. Ricker and properly carried the 251 Project Card Summary Sheet dated July 21, 2010, the Project Status Report dated July 21, 2010, and the Performance Bonds Report dated July 21, 2010 were approved.

Quarterly Report: On motion by Mrs. Straub, seconded by Mr. Hough and properly carried the Board approved the SCSCD Quarterly 251 Report and the Green Township Quarterly 251 Report for the period of April 1, 2010 through June 30, 2010. It was noted that the Andover Township Quarterly report was overdue at this time.

Appeal of Fees- Hillside View- Frankford Township- FF-217. This appeal concerns the District fee for inspections for an extension of certification pursuant to the NJ Permit Extension Act (PEA). The certification expired June 13, 2010. The project has not commenced construction. Pursuant to Board policy, the District staff initially imposed the full inspection fee of \$3,376.05 for the extension period until 12/31/2012. The applicant objected because the project had not yet commenced and the applicant believed they should receive a full credit for the inspection fees for the initial certification time period. Mr. Lundin reported that during the initial certification time period, the District had actually visited the site and prepared inspection reports on 22 separate occasions. However, because the project was not under active construction, Mr. Lundin offered to reduce the inspection fee for the 30-month extension time period under the PEA to 30/42 of the fee or to \$2,411.25. The applicant countered by submitting an appeal in which they proposed an extension fee of \$1,115.00. The applicant was advised in writing that the Board would be hearing the appeal at this meeting and that the applicant was welcome to attend. No one was present on behalf of the applicant. The Board reaffirmed the need to inspect sites that have not started construction. After due consideration of the applicant's correspondence, Mr. Ricker moved, seconded by Mrs. Straub, to affirm the Manager's decision and impose a fee of \$2411.00 for the PEA extension period. The

motion was adopted on the following roll call vote: Mr. Ricker-yes, Mr. Hough-yes, Mrs. Straub- yes, Mr. Kilduff- abstain and Mrs. Rosko-yes.

Lowe's Home Center- Bond: Mr. Lundin presented a Resolution to the Board relative to the Lowe's Home Center site in Hampton- HP 224. The applicant entered a bonding agreement with the District in January 2006. This covered a 6-acre area of disturbance. Much of the site is now fully stable, although a portion along Route 206 remains open. This site was initially intended to be another store or restaurant. The open portion does not present an environmental hazard, since it is primarily shale and there is natural vegetation. Under the District fee schedule, the District can impose an administrative fee of \$100 per month per acre during the growing season. The administrative fees have now depleted the bond. The Resolution recognizes the depletion of the bond and allows the transfer of the balance of the bond to the District 251 account. Mrs. Straub moved, seconded by Mr. Ricker to adopt the Resolution. The Resolution was approved on the following roll call vote: Mr. Ricker-yes, Mr. Hough-yes, Mrs. Straub- yes, Mr. Kilduff- abstain and Mrs. Rosko-yes.

Problem sites: The Board also discussed the following SESC problem sites:

- 1) Eagles Nest. SP-125, SP-125B, SP-125C. A plan has been submitted for the remediation of the landslide site. Revisions are expected momentarily. The restoration work has commenced. The site owner is also actively addressing other erosion issues at the site.
- 2) Sparta Meadows SP 555 and SP-555. The District has previously authorized the use of the bond in conjunction with a Sparta Township action. It now appears that a representative of the property owner may be willing to undertake the final stabilization work and the use of the bond may not be necessary.
- 3) Farley FL-125. The District will continue to monitor this site, which has been abandoned by the builder.
- 4) Jobeless site- Hopatcong. Mr. Minch reported that the file is under review by the SSCC attorney.
- 5) Falcon Ridge- HB-039. Mr. Lundin met with the project owner and site manager on June 22, 2010. Mr. Eckert has been assigned to meet with the site manager and outline all of our requirements.

- 6) Emerald Estates-Hardyston- HY-220. Mr. Lundin has scheduled a joint inspection with the NJDEP on July 27, 2010. The site owners and developers have been invited to participate.
- 7) Bitsak Brothers- Wantage. A plan was submitted to the District for review on July 20, 2010.
- 8) Fredon Mudslide- Hendershot Christmas Tree Farm. The site owner has remediated the landslide onto adjoining property.
- 9) Whispering Woods- VR-748. Mr. Lundin reviewed the compliance status of this development. The District has asked for an engineering proposal to address three specific issue areas. The District is working in conjunction with the Township.

Agriculture-NRCS

- a) NRCS report- Mr. Mull provided the attached report to the Board. The Board approved the report on motion of Mr. Hough, seconded by Mrs. Straub and properly carried.
- b) Cooperators- Two requests for assistance were received from a Mr. Wilson for a property in Sandyston Township and from Mr. and Mrs. VanWingerden for a property in Frankford Township. The Conservation Agreements were approved by motion of Mr. Hough, seconded by Mr. Ricker and properly carried.
- c) Confidentiality Agreement- Mr. Mull and Mr. Minch indicated that the final agreement should be ready for District consideration at the September meeting.
- d) SC Agricultural Development Board- Mr. Lundin reported that he had attended the monthly meeting of the SCADB on July 19, 2010.

SSCC Report: Mr. Minch reported on the following items:

- a) RFA Program- A meeting was held on July 20 between the EPA, the NJDEP, the SSCC and the 12 of the 15 districts relative to the enforcement of the RFA program. The EPA was generally pleased with District overview of the RFA program.
- b) Chapter 251 rules- Mr. Minch reported that the chapter. 251 rules will “sunset” early next year. The SSCC voted at its July 12, 2010 meeting to

re-propose the current rules without change. This was due to the impending deadline. Amendments to the rules have been drafted, and will be proposed sometime in early 2011.

- c) Pending legislation- Mr. Minch reported on 4 different legislative proposals dealing with fertilizer use, soil health and restoration and solar panels. All have the potential for impacting the District operations.

Education

- a) SC Farm and Horse Show/NJ State Fair- August 7-15. Mr. Lundin is coordinating the preparation of the District display for the County Building.

Meetings

- a) NACD Regional Meeting. The 2010 Northeast Regional NACD Meeting is scheduled for August 8- August 11, 2010 in Portland, Maine. Mrs. Rosko requested reconsideration of the Board's action from the June 23, 2010 meeting limiting reimbursement to attending supervisors and staff for the cost of registration only. After discussion, Mr. Hough moved, seconded by Mr. Ricker, to reimburse any attending supervisor as well as the District Manager for the following costs: registration, hotel (up to three nights at the conference hotel rate) and travel expenses up to a maximum of \$150.00. After additional discussion, the motion was adopted pursuant to the following roll call vote: Mr. Hough-yes, Mr. Ricker-yes, Mrs. Straub- no, Mr. Kilduff- abstain and Mrs. Rosko-yes.
- b) NJACD- The annual state association/conservation partnership meeting has been scheduled for September 20-21, 2010 in Ocean City, NJ at the Flanders Hotel. By motion of Mr. Ricker, seconded by Mr. Hough, all members of the Board and the District Manager were authorized to attend, at District expense at the standard reimbursement rate on the following roll call vote: Mr. Hough-yes, Mr. Ricker-yes, Mrs. Straub- yes, Mr. Kilduff- yes and Mrs. Rosko-yes. .

NEW BUSINESS

Mr. Hough moved, seconded by Mr. Ricker and properly carried, to cancel the August meeting of the Board. The Chairman is authorized to call a special meeting if necessary.

The Board noted that due to the NJACD Annual Meeting it may be necessary to change to date of the September District meeting currently scheduled for September 22, 2010. Chairman Rosko was authorized to establish a revised date at her discretion.

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July 21, 2010

PUBLIC SESSION

Chairman Rosko opened the meeting to the public at 9:43 p.m. Having no one come forward, the meeting was closed to the public.

EXECUTIVE SESSION

Mr. Lundin indicated that there was no business requiring an Executive Session.

ADJOURN:

The Meeting was adjourned at 9:45 p.m. on motion of Mr. Ricker seconded by Mr. Hough and properly carried.

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Respectfully submitted for Walter C. Ricker, Secretary

By Clifford R. Lundin