

**SUSSEX COUNTY SOIL CONSERVATION DISTRICT**

Board of Supervisors Meeting

September 26, 2012

3:00 PM Andover Sub-Acute and Rehab Facility Number 1

1 O'Brien Road, Andover, NJ

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**NEXT MEETING:** October 24, 2012–7:30 PM – SCSCD Office (Conference Room)

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**SUPERVISORS PRESENT:** Barbara Rosko, Walter Ricker, James Kilduff and Fred Hough.

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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 3:01 p.m. declaring that adequate notice had been provided in accordance with the NJ Open Public Meetings Act. The time and place of this meeting had been rescheduled due to the injury sustained by Mr. Ricker.

**MOMENT OF SILENCE:**

The members joined in a moment of silence in memory of: a) Lyndon “Burt” Smith who served for many years on the District Nominating Committee; b) Samuel Vaughn; and c) James Pakestein.

**REORGANIZATION:**

A) Officers:

- 1) Chairman: Mr. Lundin opened the floor for nominations for the position of chairman for the period of July 2012 through June 2013. Mr. Hough moved, seconded by Mr. Kilduff to nominate Mrs. Rosko. There were no other nominations. The nomination was approved on voice vote.
- 2) Vice Chairman: Chairman Rosko opened the floor for nominations for the position of 1<sup>st</sup> Vice-chairman for the period of July 2012 through June 2013. Mr. Hough moved, seconded by Mr. Ricker to nominate Mr. Kilduff as vice-chairman. There were no other nominations. The nomination was approved on voice vote.
- 3) 2<sup>nd</sup> Vice-chairman: Chairman Rosko opened the floor for nominations for the position of 2<sup>nd</sup> vice chairman. By consensus the Board determined not to take action at this time.
- 4) Secretary: Chairman Rosko opened the floor for nominations for the position of Secretary for the period of July 2012 through June 2013. Mr. Hough moved, seconded by Mr. Kilduff to

nominate Mr. Ricker as Secretary. There were no other nominations. The nomination was approved on voice vote.

- 5) Treasurer: Chairman Rosko opened the floor for nominations for the position of Treasurer for the period of July 2012 through June 2013. Mr. Ricker moved, seconded by Mr. Kilduff to nominate Mr. Hough as Treasurer. There were no other nominations. The nomination was approved on voice vote.
- B) Special Counsel/Attorney: Mr. Ricker moved, seconded by Mr. Hough to appoint William Haggerty as Special Counsel/Attorney for the period of July 1, 2012 through June 30, 2013 at a rate of \$105.00 per hour, total not to exceed \$12,500.00. This appointment is made as a Professional Service and is awarded without competitive bidding. The appointment was approved by the following roll call vote: Mr. Hough- yes, Mr. Ricker- yes, Mr. Kilduff- yes and Chairman Rosko- yes.
- C) Auditor: Mr. Kilduff moved, seconded by Mr. Hough to appoint Thomas Ferry of the firm of Ferraioli, Wielkottz, Cerullo and Cuva, PA as Auditors for the period of July 1, 2012 through June 30, 2013 at a maximum rate of \$175 per hour, total contract not to exceed \$5,000.00. This appointment is made as a Professional Service and is awarded without competitive bidding. The appointment was approved by the following roll call vote: Mr. Kilduff- yes, Mr. Hough- yes, Mr. Ricker- yes and Chairman Rosko- yes.
- D) Engineer: Mr. Hough moved, seconded by Mr. Kilduff to appoint Joseph Sedivy, P.E. as Engineer for the period of July 1, 2012 through June 30, 2013 at a rate of \$80.00 per hour, total not to exceed \$12,500. This appointment is made as a Professional Service and is awarded without competitive bidding. The appointment was approved by the following roll call vote: Mr. Hough- yes, Mr. Kilduff- yes, Mr. Ricker- yes and Chairman Rosko- yes.
- E) Custodian of Public Records: Mr. Hough moved, seconded by Mr. Kilduff to appoint Clifford R. Lundin as the Custodian of Public Records for the period of July 1, 2012 through June 30, 2013, pursuant to the Open Public Records Act. The appointment was approved by the following roll call vote: Mr. Hough- yes, Mr. Kilduff- yes, Mr. Ricker- yes and Chairman Rosko- yes.
- F) Pension Certifying Officer: Mr. Hough moved, seconded by Mr. Kilduff to appoint Catherine Williams as the Pension Certifying Officer for the period of July 1, 2012 through June 30, 2013. The appointment was approved by the

following roll call vote: Mr. Hough- yes, Mr. Kilduff- yes, Mr. Ricker- yes and Chairman Rosko- yes.

- G) Open Public Records Act Fees: Mr. Kilduff moved, seconded by Mr. Ricker to establish the following photocopy fees pursuant to the Open Public Records Act for the period of July 1, 2012 through June 30, 2013: Letter size- \$0.05 per copy and Legal size- \$0.07 per copy. The motion was approved on the following roll call vote: Mr. Kilduff- yes, Mr. Hough- yes, Mr. Ricker- yes and Chairman Rosko- yes.

**MINUTES:**

On motion of Mr. Kilduff, seconded by Mr. Hough and properly carried, the Board approved the minutes of the regular meeting of June 27, 2012.

**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:**

**Monthly Report:** On motion of Mr. Ricker, seconded by Mr. Hough and properly carried, the Treasurer's Report was approved, subject to audit, by roll call vote as follows: Mr. Ricker-yes, Mr. Hough- yes, Mr. Kilduff-yes and Mrs. Rosko- yes. The Treasurer's Report included the following: Income Statement for the Three Month Period ending September 30, 2012, Cash Disbursements-Check Register from June 27, 2012 to September 26, 2012, Cash Receipts Journal from June 27, 2012 to September 26, 2012, Cash Account Balance Report as of September 26, 2012, Consulting Engineer-Cash Disbursements Journal from July 1, 2012 to September 26, 2012, General Ledger Trial Balance as of September 26, 2012 and Balance Sheet dated September 30, 2012. Mr. Lundin noted that the District had operated at a \$6,200 loss over the first quarter of FY 2013.

**Audit:** Mr. Lundin reported that the auditors had spent two full working days at the District and that no irregularities were found. The report is anticipated by the October District meeting. Mr. Lundin directed the Supervisors' attention to the attached "In-Kind Services estimates received from USDA-NRCS in the amount of \$110,859 and from the NJDA-SSCC in the amount of \$42,000.00.

**Amendment to FY2012 Budget:** Mr. Lundin reported that the auditors had requested that the Board adopt an additional amendment to the FY2012. Between the last District meeting (June 27, 2012) and the end of the fiscal year on June 30, 2012, the District paid several small bills. This resulted in an over-expenditure of \$87.00 in the electric utility account. The proposed amendment transfers \$100 from the salary line to the utility line. The budget amendment was approved on motion of Mr. Kilduff, seconded by Mr. Ricker and properly carried by roll call vote as follows: Mr. Kilduff- yes, Mr. Ricker- yes, Mr. Hough-yes and Mrs. Rosko- yes.

## **OLD BUSINESS**

### **Chapter 251:**

**Monthly Report:** On motion of Mr. Hough, seconded by Mr. Ricker and properly carried, the attached 251 Project Card Summary Sheet dated September 25, 2012, the Project Status Report dated September 26, 2012 and the Performance Bonds Report dated September 30, 2012 were approved. A brief discussion followed relative to procedures involving the performance bonds.

**District 251 Quarterly Report:** On motion of Mr. Hough seconded by Mr. Kilduff and properly carried, the Board approved the District Quarterly 251 report for the period of April 1, 2012 through June 30, 2012.

**Exempt Municipality Quarterly Reports:** On motion of Mr. Hough, seconded by Mr. Ricker and properly carried, the Board approved the Quarterly 251 Reports for Andover Township and Green Township for the period of April 1, 2012 through June 30, 2012.

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

- 1) Ogdensburg Stream Cleaning: Mr. Lundin reported that it appears that NJDEP will not be proceeding with the enforcement process at this time.
- 2) Superior Structures- SP-683: An inspection is scheduled for September 27, 2012 at the site.
- 3) Grinnell Material Recovery Facility SP-666: The SSCC is still examining the issue of the applicability of the New Jersey Soil Erosion and Sediment Control Act (Ch. 251) to the continuing operation of material recovery facilities.
- 4) Bajda Site- Gemmer Road, Wantage. This is an uncertified site involving a 4 acre property with an existing single family home. A significant disturbance is underway. The property owner has not responded to several

District inquiries. The SSCC has advised to hold action pending clarification of the single family issue.

- 5) Fredon Lodestar Park- FD-100. An expansion of the football field was commenced by a volunteer organization on this Township recreation area prior to applying for or receiving certification. After notification by the District, the application was submitted and approved. The site suffered damages during the rainstorm event on September 18 and the District has issued a Notice of Violation.
- 6) Schuchert Single Family- WT-129. Mr. Lundin reported that after consultation with Chairman Rosko, he had waived the need for a CROC bond on this Wantage property. The facts and circumstances constituted an extreme hardship on the family and the District has been assured that the property will be stable by May 1, 2013.

**Permit Extension Act Fees:** Mr. Lundin noted that Governor Christie has signed legislation extending the Permit Extension Act until December 31, 2014. The areas excluded from the Act have been narrowed in the new version. As a result, certain projects which were previously placed in dormant status (some dating back to 2008) may now be eligible to be reactivated. Mr. Lundin pointed out that the Act may have a negative effect on the District by prohibiting the District from collecting recertification fees to applications subject to the Act. On motion of Mr. Ricker, seconded by Mr. Kilduff and properly carried on roll call vote, the District established the fee for extensions pursuant to the Permit Extension Act for applications received during the period of September 26, 2012 through December 31, 2013 as the full "Inspection" portion of the applicable line of the District fee schedule. The roll call vote was as follows: Mr. Ricker- yes, Mr. Kilduff- yes, Mr. Hough- yes and Mrs. Rosko- yes.

**Agriculture-NRCS:**

- 1) NRCS report: Mr. Mull provided the Board with the attached report dated September 2012. He reported that NRCS has named Carrie Mosely, Assistant State Conservation for Wyoming as the State Conservationist for New Jersey effective November 4, 2012. Mr. Mull also reported that Tim Dunne of NRCS has retired as of September 2, 2012. Mr. Mull requested Board approval of 8 EQIP Conservation Plans: 3 are related to Farmland Preservation Plans in Lafayette and Wantage; 2 are related to HEL (Highly Erosive Lands) Compliance Plans in Montague and Wantage; 2 are related to WHIP plans in Montague and Sparta; 1 is related to a GRP plan in Lafayette and 1 is related to a NJDEP action in Sandyston. There are currently 10 pending applications for FY 2013 EQIP assistance and 2 pending applications for WHIP assistance. The authorization on

the Federal Farm Bill has currently expired and the earliest Congressional action might occur is November. Processing of all applications is currently on hold pending action on the Farm Bill. The Board approved the report on motion of Mr. Hough, seconded by Mr. Ricker and properly carried. The motion included authorization for the chairman to sign the 9 conservation plans.

- 2) Cooperators: Mr. Lundin indicated that he had received the following five applications for NRCS conservation assistance since the June meeting:
  - a. Diane Romano for a 221 acre parcel in Hampton;
  - b. Michael J. Blahut for a 3.9 acre parcel in Ogdensburg;
  - c. Andrew Fairclough for a 63.6 acre parcel in Hampton;
  - d. Leon Roof for a 94 acre parcel in Stillwater; and
  - e. Nicholas Ruitenbergh, Executor of the Estate of Helen Lust for a 28 acre parcel in Lafayette.

The Board approved the Conservation Assistance applications on motion of Mr. Ricker, seconded by Mr. Hough and properly carried.

- 3) NRCS Field Office of the Future Initiative: Mr. Lundin reported that he had submitted comments on the Field Office of the Future initiative.
- 4) Animal Waste Management Plans. Mr. Lundin reported that since the June meeting, two Animal Waste Management Plans have been received in the District. The applications have been forwarded to the SSCC in Trenton in accordance with SSCC policy.
- 5) Forest Management and Stewardship- Mr. Lundin reported on a training opportunity to be held on October 2 at Schooley's Mountain Park in Morris County.

**SSCC Report:** Mr. Minch was not in attendance. In his absence Mr. Lundin discussed the following statewide issues with the Board:

- 1) Restructuring Report: Mr. Lundin reported that the SSCC is still considering the SSCC staff report and the Association response. A special meeting of the SSCC has been convened for October 15, 2012.
- 2) Stormwater basin MOU/Grant: Mr. Lundin reported that the training session for the H&H grant has been scheduled for October 3, 2012 in New Brunswick. Mr. Lundin and Mr. Hansen will attend from the District.

- 3) Hydrology Training. The SSCC has scheduled a training session on Hydrology in Warren County on September 28, 2012. Mr. Lundin will attend on behalf of the District.
- 4) SESC Rules and Standards. Due to a technicality, the public comment period was extended on the renewal of the SESC rules and the re-adoption of the Standards for Soil Erosion and Sediment Control. The comment period now closes on October 2, 2012. The SSCC staff hopes to have the final rule prepared in time for the SSCC meeting in November.
- 5) SSCC Policy re Fee Refunds upon Plan Denial: Mr. Lundin briefed the Board on a new SSCC policy adopted at the July meeting that requires Districts to immediately refund any “inspection” related fees upon the denial of an application.
- 6) North Jersey SSCC Representatives. Mr. Lundin reported that the term on the SSCC of Carl Quazza of HEP expires on December 31, 2012. The nomination will be discussed at the NJACD annual conference to be held on November 19, 2012.

**Education:**

- 1) NJ State Fair/SC Farm and Horse Show: Mr. Lundin reported on the District display at this event held from August 3, 2012 through August 12, 2012.
- 2) Sussex County Harvest Festival- October 13, 2012. On motion of Mr. Ricker, seconded by Mr. Hough and properly carried, the Board authorized participation in this annual event to be held at the SC Fairgrounds.

**Meetings:**

- 1) Northern District Manager’s Meeting: Mr. Lundin reported that the managers for the 5 northern NJ conservation districts have determined to meet on a bi-monthly basis to discuss common issues. The most recent meeting was September 17, 2012 in Morristown.
- 2) NJ Annual Conservation Partnership Meeting: Mr. Lundin reported that the annual NJ meeting had been scheduled for November 19, 2012 in Hightstown, NJ. Mr. Lundin distributed copies of the draft agenda. The Board had no suggestions for nominations for the various awards. The Board authorized Mr. Lundin to obtain various items to be used for door prizes.

- 3) 2013 NACD Annual Meeting: Mr. Lundin reported that the 2013 NACD Annual Meeting is scheduled for January 27, 2013 through January 30, 2013 in San Antonio, Texas. Mrs. Rosko expressed an interest in attending.
- 4) 2013 Northeast Regional NACD Meeting. Mr. Lundin reported that the meeting is tentatively scheduled for early September 2013 in Bethany Beach, Delaware.

**Common Waters Initiative:**

Mr. Lundin reported that no applications were received from Sussex County properties for the 6<sup>th</sup> and final funding round that were due on August 1, 2012. All project funds have now been committed. The District will however, remain involved in the review of the implementation of the approved projects.

**Transparency Law-Website Modifications:**

Mr. Lundin reported that he is scheduled to meet with Mr. Repasy during the week of October 10 and that the target date for implementation is October 31, 2012.

**North Jersey RC&D:**

Chairman Rosko reported on the status of the North Jersey RC&D. The Council is considering adopting Bylaw modifications that will convert NJ RC&D into an independent non-profit agency. The governmental appointees to the Board (that are prohibited from engaging in fund raising activities) will become members of a Project Advisory Board. Council members will all be chosen at-large. This is necessary so that the Council can raise funds to address the approximate \$60,000 per year deficit.

**Nominating Committee:**

Mr. Lundin reported that he had advertised and circulated a Notice of Vacancy for the vacant Supervisor position. The notice was published in the NJ Herald and was sent to all SC municipalities, planning boards, zoning boards, land use boards, environmental commissions and known environmental groups. It was also sent to the SC Board of Agriculture (who distributed it to their members) and to the SC Agricultural Development Board and Open Space Committee. He also sent copies of the notice to all past unsuccessful candidates. The time period for submission expired on September 21, 2012 and at that time only one application was received. The Board directed Mr. Lundin to re-advertise the position.

**Other Old Business:** None



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New Business

**NEW BUSINESS:**

**Scholarship Donation:** On motion of Mr. Hough seconded by Mr. Ricker and properly carried by roll call vote, the Board voted to donate \$50.00 to the NJ Association of Conservation Districts, Conservation Scholarship fund in honor of Linden "Bert" Smith. Roll call vote as follows: Mr. Hough- yes, Mr. Ricker- yes, Mr. Kilduff-yes and Mrs. Rosko- yes.

**Other Old Business:** None

**PUBLIC SESSION:**

Chairman Rosko opened the meeting to the public at 4:15 p.m. Having no one come forward, the meeting was closed to the public at 4:15 p.m.

**ADJOURN:**

The Meeting was adjourned at 4:15 p.m. on motion of Mr. Ricker, seconded by Mr. Hough and properly carried.

Respectfully submitted for Walter C. Ricker, Secretary

By Clifford R. Lundin