



**MONROE COUNTY CONSERVATION DISTRICT BOARD MEETING MINUTES
THURSDAY, August 17, 2017**

MEMBERS PRESENT: Joseph Hanyon, Chairperson, Dave Moyer, Heidi Secord, Patrick Ross, Robert Armstrong and Charles Garris

DISTRICT STAFF: Adam Schellhammer, Roger Spotts and Barbara Bistras

ASSOCIATE BOARD MEMBER: John Lyman, Janet Weidensaul, Chuck Gould and Edie Stevens

COOPERATING AGENCIES: Shane Kleiner, DEP and Evan Makuvek, MCPC

PUBLIC: Fran Ferrari, Don Baylor, Paula Heeschen, Brodhead Watershed Association (BWA); Rodney Stark & Kathleen Flynn, Trout Unlimited (TU); State Representative Jack Rader; James Henricks, Humber Garick; Joshua Walker, State Representative Rosemary Brown's Office; Dave Albright, Chestnuthill Township, Annie Lamberton, Tobyhanna Township; George Strunk & Karl Weiler, Pocono Mountain Municipal Airport Authority, Logan Evans, Pocono Mountain Volunteer Fire Company, John Christy, Mouny County Commissioner, Brianna Strunk & Tom Gregory, WBRE, Craig Todd, Resident.

Joseph Hanyon, Chairperson, called the regularly scheduled meeting of the Monroe County Conservation District Board of Directors to order for Thursday, August 17 20, 2017 at 8:03 a.m.

Joseph Hanyon asked if there is any public comment on any of the agenda items we have for today.

John Lyman asked on Item 8C Associate Board Member Policy and Item 10 Executive Session, last month the executive session did not include associate board members and John was asking for Joe's opinion on where you are looking for associate board members to fit in. Joe stated we will go over the policy Pat has set forth this morning in great detail, but his decision last month was simply that there were personnel issues and we had seven board members and Joe felt that between the seven board members we could discuss the one year tenure of Adam Schellhammer and Joe didn't think it was necessary to have the rest of the associate board members in at that point.

George Strunk from the Pocono Mountain Municipal Airport Authority asked if NOV's are on the agenda, Joe responded that the site status report is on the agenda every month so if there is NOV's in the site status report they are on the agenda. George asked to speak about the NOV for the Pocono Mountain Volunteer Fire Company. George was before the board a few months ago to complain to this board quite frankly about some of the regulations and what he perceives to be subjective interpretation of the regulations as it pertained to a project that the airport was undertaking and during that meeting he recalls distinctly this board having a rather lively debate about the perception of this organization as a black hat type organization and the board expressing a mostly unanimous desire to shed that perception and reputation and he was here today to say he didn't think that was going so well because this organization is about to shut down a volunteer fire company in our community because they wanted to make a grass parking area for their carnival which is their sole fundraiser. To shed some light on that the District's own Engineer (resource conservation specialist), John Motz said twice in my presence that there is no runoff from this site, there is no environmental harm from this site, it is a very small project, there are no buildings, less than an acre of millings, the rest is grass, it was cleared long ago to clear the flight path to the airport and it is to be used as parking for a volunteer fire company. They are facing a six figure fix no matter what, using either option the conservation district presented, which the volunteer fire company cannot afford. He feels that there has to be another way and he needs the board to be aware that the district, through its staff and subjective enforcement and interpretation of regulations, is about to put about 4,000 residents of this county at jeopardy. Adam responded that the district had received a complaint for that site that construction was being done without a permit. Adam stated that district staff went out to find over four acres of cleared land, two acres of which was not stabilized which was bare earth and an additional two acres of new millings. He said they went out there and realized that there was project going on without an NPDES permit, so that is four acres of new earth disturbance that is unpermitted, which anything over one acre needs to have an NPDES permit. Adam noted they spoke with representatives on the site and have met since discussing a corrective action plan. There were three options: 1) restoration 2) an NPDES for the fire company or 3) a major modification under the Pocono Mountain Municipal Airport Authority because it happens to take place on the PMMAA property in an active permit boundary. Adam understands that the airport authority leases that property to the fire company and noted it is not our intention to shut down the fire company but there is two acres of new impervious that doesn't have any PCSM and no NPDES permits. It is pretty cut and dry based on what our requirements are based on our delegation agreement, anything over one acre needs to have an NPDES permit. Joe added that he feels that the staff is working hard trying to enforce the law, he doesn't think they are going out subjectively on any particular property. They are enforcing the law as they think they are trained to do, at the same

time I do understand that this has put the fire company in a difficult spot. It is expensive sometimes to arrange the engineering to have these things done properly and with that said Joe thinks there should be an effort by the Conservation District, to get our State Senator and Legislatures involved and have a meeting with DEP and see if we can come up with a solution for the fire company that will help us comply with the law and maybe find funding or defer some of the costs involved with bringing that site into compliance with the laws of Pennsylvania. George responded those steps are being taken but he needs to take umbrage with some of what Joe said because there is subjective interpretation and when he sits in these meetings with Logan from the fire company and the staff of the district who tell him it all depends on how we look at it, it is very, very subjective and the staff knows it and they know how to exploit the subjectivity in the language and that's what is going on here and it's been going on for a long time in this county and that is why you have the black hat reputation that you have and it needs to change. Joe responded that the district will work with the volunteer fire company, the district is here to ensure the law is enforced and to make sure we don't harm volunteer fire companies like yourself. We need to make a plan after this meeting to understand it and have a meeting with DEP to come up with a solution because a solution has to be made and we still have to enforce the law and we understand the plight of the volunteer fire company. George repeated that the district engineer (resource conservation specialist) acknowledged that there is no environmental harm coming from the site, there is no water leaving the site, no runoff. Adam added that the subjectivity that George called it was to find the fire company other options for resolution, since it does fall within the active permit site of the airport authority that added another option. If the airport authority wanted to take responsibility for the work being done on their site, they could submit for a major modification, so the airport also has the ability to remedy the situation since it is within their property boundary and within an active permit site, so you could use that as a third option as well. Logan from the PMVFC responded that he would appreciate that meeting with DEP, yesterday he reached out to the conservation district to let them know that neither option they were given were affordable and essentially was told the next step is penalties, fines, violations, we weren't given any other options. Logan appreciates the board's willingness to work with the fire company but he hasn't gotten that impression from the district. Joe asked Adam to schedule something in the next week or so. Shane Kleiner, the conservation district field rep from DEP introduced himself to members of the audience and explained he is the DEP field rep and from what he is hearing there is a possibility of meeting with the department in his office but unfortunately based on what the requirements of an NPDES permit any disturbance over an acre would require a permit or there may be other corrective action possibilities which would need to be determined by his regional office. The district needs to meet their obligations based on the delegation agreement they have. We have the option to bring the

district together with the department, the fire company and any other entities to address that. From what I am looking at, they are following the procedure they are supposed to follow based on the delegation agreement. Logan understands and the fire company by no means wants to cause any pollution to any of the streams but everybody knows that we haven't done that and we are sworn to protect and serve the public and we are not going to be able to do that when we spend \$50,000 to solve a problem that doesn't exist. While everyone has a job to do, we do also and spending that kind of money will prevent us from doing our job and we feel obligated to find a different resolution to this. Adam added that both sides had agreed on compliance assistance measures and timelines, they met their timeline providing a response.

George Strunk from the Airport Authority wanted to add that they are on the agenda to be a potential nominating organization for board members of the conservation district and he expressed that all the airport authority members that he serves with are distinguished human beings in our county and do a lot for our county both in terms of commerce and charity and public service. The airport authority might not be regarded by some in this organization or some in the environmental lobby as an organization that is environmentally minded but I can assure you that every single member of that authority is very much environmentally conscience, loves this county and loves it's nature and beauty and the environment as much as anybody in this room.

Joe asked for a motion to approve last months meeting minutes, Heidi made the motion to approve last months minutes and Pat seconded, motion carried.

Swearing in of Robert Armstrong as MCCD Director, took place by Charlie Garris and by Joe Hanyon.

Technical Report: No new discussion

Kettle Creek Environmental Education Center: Roger highlighted that conservation camp had 26 students this year, there was a lot of support from local businesses, community members who donated scholarships for the kids, and also a lot of food donations were received. It was a very successful camp and there was a lot of staff involvement. It was the 43rd conservation camp, our longest running program.

We are working with the local schools to schedule the fall programs. There have been some changes Pocono Mountain School District, they are going to be dropping their 3rd grade program but Pocono Mountain East is picking up the 1st & 2nd grade programs that they haven't historically done so we are still getting into those classrooms just at a different grade level.

We are planning the 2018 BioBlitz which is bi-annual, we are working

with Pocono Heritage Lands Trust at their Glen Run Preserve which is on top of the mountain just above Stroudsburg across from Stroudsmoor. We are putting that together for June 2018, they are sending us a letter to work with us and allowing full access to that property to conduct that BioBlitz survey.

Roger brought up his concern about the EE program directions. Roger was unable to be at the meeting last month but he wanted to put this on the agenda since he has a little concern about the EE program directions. He first thanked the board for all their support over the years and we have been able to do marvelous things with people of all ages through your support but at the last meeting a question came up about out of county travel approval for some of our programs which some we have historically done for 15 or 20 years. The timeline doesn't work for us because we have to advertise some of these programs 6 to 8 months in advance. If the board comes in and doesn't give us out of county travel for that after we have already advertised that is going to make a very difficult situation, so he asked that before all these decisions are made, it might be time to sit down as the conservation education committee and make sure we know what direction the board is talking about. With Roger's 34 years of experience and Roger not being at that meeting, the board was discussing programs that we have done for years so that does concern him greatly and he also asked that if the board is looking to change program directions it be done in a sub-committee meeting with some lead time so we can plan schedules months or possibly a year or two in advance. Roger thanked the board for all their time and support but he feels that would be important if that is the direction the board is going. Questions were asked on which program he was referring to, Roger responded it was the canoe trip done for the public which is out of county because we have to start in Dingmans Ferry to come back down. The other time was in 2016 there were a number of programs where out of county travel was questioned and unfortunately he wasn't at that meeting either since he was doing school programs. In both cases the out of county travel was approved but the fact that there are questions concerns him, if that would be denied at the last minute we would have all kinds of logistical issues that would have to be dealt with. Discussion was held on meeting in committee to discuss programs. Joe responded that it is the board's prerogative to question anything that comes across and the board doesn't have the depth of knowledge that Roger has, but does have to question anything that comes across their desks for approval. Roger understands and clarified that if it is going to be questioned we need to get ahead of it because Roger needs to setup a schedule and not worry about every out of county travel being questioned. Charlie asked how far out we were scheduling, Roger responded some programs are a year or more with some of the bigger ones because there is more planning involved. Dave added that speaks for himself and he totally supports what we do and what Roger have done with the children. The programs we have done to get the kids out of the house, canoes trips, and Dave trusts after 34 years the things you bring to us are

important to the programs and what you do but sometimes there might be a question that comes up on a trip that we just need to ask, but Dave certainly takes Roger's lead in what you do because you have much more knowledge. Dave feels the program we have here is wonderful and what we do for the community. Pat, speaking for himself, added that he doesn't think it has anything to do with the program, he feels they just didn't know where it was going. Pat feels that everyone in the county has the utmost respect for Roger, the programs and the job he has done, so Pat doesn't think people will question the programs that Roger plans and carries on. Pat continued by telling Roger he doesn't have to worry about him interfering in what Roger does at all. Heidi added that she understands Roger's question. She feels that there wasn't an issue about not granting approval for the out of county travel. She felt that they were clarifying what the program was so maybe having that committee meeting would be important to communicate and educate the board to know more about the programs Roger is running, so there are no questions during the board meeting. Joe agreed and stated that a committee meeting will be set up.

Roger discussed the contract that MCCD would like to setup with Pocono Avian Research Center to work with us on a bird banding program. Roger would like to continue all of our current bird banding programs and decided what programs PARC will be involved with. Everyone received a one page draft contract in their board packets. It sets up some specific programs that PARC will be doing with MCCD as well as monitoring and maintaining the data for the bird banding station. Kettle Creek has over 15 years of data from the bird banding station, during the time Darryl was employed here. This contract is going to continue it and is for three years. For the members of PARC to put in to do all of what we are asking them to and it comes out to about \$3,500.00 a year. We feel that it is a worthwhile expense because it is one of our more popular educational programs and having this contract will make sure that continues as well. Joe asked who is PARC? Roger responded that it is the Pocono Avian Research Center, they are a non-profit 501c3 founded by Darryl and Jackie Speicher privately and they have a board of directors, they are volunteer positions and they monitor and maintain bird banding data in Monroe County not only at this site but they also work in Cherry Valley and the Nature Conservancy. They are an active bird banding research facility. Joe asked if this is an hourly contract or a flat fee. Roger responded that we are proposing a flat fee. We have figured between 250 and 300 hours a year which averages out to about \$13.00 per hour which is right in line with what our contracted service rate is. Joe asked if Darryl and his wife will be doing the actual work, Roger replied that it will be members of PARC and the check will be made out to the organization and they have a number of people that work through their organization to do this stuff. Joe asked how long PARC has been around, Roger responded at least 15 years. Joe asked if there are any questions from the board, Charlie asked if we have put this in our budget, Adam responded yes we did. Joe asked why a three

year contract, Roger responded that bird banding research is a long term commitment, it's not just one and done so it's more comfortable for both organizations to lock it in for three years. It is similar to what we do with The Nature Conservancy at the bog; we run a five year contract with them. Pat Ross made the motion to approve the contract as presented by Roger, Heidi seconded the motion, motion passed.

District Managers Report: Adam asked if there were any questions, Joe said that Janet and even Craig were advocating a round table meeting with DEP and Joe noted that on the District Manager report that we did have a round table meeting. Adam responded that the meeting was 102 program related. Joe asked if the board has any sense after reviewing the minutes that the board and DEP should have a round table meeting with some of the items that have been discussed over the last several years especially stream pollution, stream degradation. Heidi commented that she believes that it would be a good decision to have the meeting. Janet asked to speak, when we spoke about this last month Janet has suggested we have an open meeting with DEP, the board, associate members, and any member of the public that would like to attend and understand what our relationship is and what a cooperative agreement is and what it does for this community. It shouldn't be a meeting of a few people it should be a meeting that is open to all, Joe replied he doesn't have any objection and he thinks it was also suggested that some of the state legislatures attend to see if we can get funding for programs we don't have funding for. Janet replied that it was all inclusive. Joe said it would be a universal meeting and suggested there should be an agenda, it should be suggested to him and he can get it to Adam and then Adam can talk to Shane and see if we can get the volunteer fire company here also. Pat interjected that it should be a different meeting. Joe agreed it should be different but if everyone is all in the same place and DEP is coming here, Joe would like it to be effective. Janet agreed that DEP should come here and it should be for anyone from the public that would like to attend the meeting and have a better understanding of the operation that is necessary here. Shane commented that he personally feels that the discussion with the fire company and airport authority should be different meeting since there might be confidential stuff discussed between those two that should not be in a public meeting. Joe clarified that it shouldn't be the same meeting, just that if all the players are in the same part of town we could do A and then B. Adam was asked to set a date for that. Pat suggested that you should have an agenda before you set the date. Shane agreed that he would need to know what the agenda will be so he can bring in the head people. Joe brought up the roundtable meeting that Adam went to with DEP and wanted to know what was discussed. Adam replied that they happen regularly to discuss issues with 102 or different questions that managers or engineers have. Some topics this month were common plan of development, red lines and minor mods. Charlie commented that the only trouble with a large round table meeting is to stay on point. Shane added that if we are looking at

the overall functioning of the district, he would suggest to look into trying to get the State Conservation Commission also involved because there are some duties and responsibilities that you have that have the overall arching thing which Shane has some knowledge of but having a representative of the SCC there would be very helpful in that meeting. Janet asked if that meeting could be scheduled for an evening, Shane responded that he would have to see who would be attending and if they could attend an evening meeting. Janet suggested that it be held at the safety center for space, parking, it is centrally located and accessible. Dave asked Adam, with the roundtable and the things discussed, you said you discussed 102, what else are you looking at and are you taking things back there to the round table, concerns about the 102 and how well is it working, we have our issues here in Monroe County, are you taking that back and questioning some of those policies? Adam responded, yes we are. We have had a number of open meetings, listening sessions and will have another one in November. We have made several comments on different issues and different proposed changes, current program issues with 102 and we are taking those back to DEP. Shane added it is November 7th. Pat added that going back to setting up the roundtable that Janet, the Chair and Adam get together, setup an agenda and if anyone on the board or associate board would like to get something on the agenda, they need to get that information to Adam and get that out to the board members.

2018 Budget Approval: Adam explained that the budget & finance committee met on August 7th to review our proposed 2018 budget. After some modifications the budget and finance committee recommends the board approves the 2018 proposed budget to be submitted to the county. Joe commented that he couldn't make that meeting and he doesn't know how well attended that meeting was, but he is not fully apprised of it. Adam replied that Heidi, John and himself are on the committee and Pat, Janet & Edie were also in attendance along with Craig as a public member. Pat made a motion to accept the budget as presented, Heidi seconded, motion carried. Charlie abstained.

Brodhead Cleanup Report: This month we were at Minisink Park, that made the news very shortly after we cleaned it up so I know they are not opening up on the weekends due to a lot of the waste that was there but we had 10 volunteers, over 30 volunteer hours. The pictures are on Facebook. Adam acknowledged that Bob was there for that and thanked him. It was another very successful cleanup, there is one more in August and that will probably be our last one for the season.

June (July) Financial Report: Heidi had nothing major to highlight, unless anyone has any questions. Motion to approve June (July) Financial Report was made by Dave Moyer, seconded by Pat Ross, motion carried.

Invoice List for June (July): Joe asked where the trees were located

that were removed. Adam responded the Nature Discovery Area, there were a couple of dead ash trees posing a threat. Discussion was held on where the ash borer is located right now. Motion was made to approve the August 17, 2017 invoice list by Pat Ross and seconded by Dave Moyer, motion carried.

Donations January 1 through July 31: Adam noted that some of these were stream gage, quite a few for conservation camp, and miscellaneous donations from different programs. Some of the clubs that are here quite often the garden clubs, beekeepers, trout unlimited they will give us donation with some of their programs. A motion was made by Dave Moyer to accept the donations for the first part of the year, Pat Ross seconded, motion carried.

Out of County Travel Request: Adam noted there was an updated one with the additions of the Master Watershed Steward meeting in Nazareth and Adam will be attending a fundraising workshop in Allentown in September, so those were the only two additions. Heidi made the motion to approve, seconded by Pat Ross, motion carried.

Associate Director Committee/Associate Director Policy Approval: Pat mentioned that they met a couple Fridays ago and went over this, then Adam and Pat got together, sat down and went over it. Pat noted that there is one thing he would like to add that isn't on there: where it says that Associate Directors are appointed for one year at a time by the conservation district board, county commissioner approval is not necessary. Pat would like to add that should you be willing to serve the following year, please let the board of directors know by November 1st. Joe asked Shane if there is anything that would conflict with any of the regulations. Shane responded that a lot of the terms on serving as an associate director of the board itself so the board has a lot of leeway on what their recommendations are, unless you have any concerns Shane doesn't see anything that isn't allowable. Edie commented that the first time she saw this was when it came in the packet. Edie suggested that the attendance for the associate directors be the same attendance that is required by the board members, which is in the district law, which Edie stated you can be removed if you miss four meetings. Shane added it is three unexcused absences. Edie added that the item requiring an employee to wait five years she feels that was obviously put in there to remove the controversy of appointing Craig as an Associate Director. Pat interjected that is the way Edie is interpreting it. Edie continued that the point of associate directors is to provide assistance to the directors in the fields where they have some expertise, so when employees have a good deal of expertise it would save time of having to wait five years and losing all of that expertise. Edie feels the board would want flexibility on that and it doesn't require the employee to be appointed but it gives you the opportunity. Edie continued that the limitation of seven members is again something that is not needed. You can limit the number but you don't need that as a written guideline. Edie state that she doesn't like 8am meetings, she

served as the Monroe County Conservation District Treasurer for a number of years and has faithfully attended the budget committee meetings since I became an associate director, that is where she feels she can bring assistance to the district board. Pat asked if anyone else on the board has anything. Heidi noted that you can appoint as many as seven associate directors, she feels there really shouldn't be a limit on how many associate directors are allowed, any expertise that we can bring into the room for people to serve as an associate director should be allowed. Heidi asked Shane what other districts do. Shane responded that some of them have limits on numbers and some of them don't have any limits but it is up to the district. Pat interjected that from his conversation a majority of them have five. Shane agreed but that's how many are currently serving and didn't think there were any limits on them. Joe feels it is more of a management perspective, having 7 associate directors, if you have more associate directors it might be a management issue, and there is only so much bandwidth we have as a board to undertake things. Charlie added that as far as directors go, the law says no less than five and no more than nine. Shane clarified that is for Directors. Edie questioned if that was district law and Charlie responded that is district law for Directors not Associate Directors. Charlie stated that he would imagine that you would keep that the same for the associate directors, no less than five and no more than nine. Charlie concurred with Shane that as far as absences go, it was three, and Shane added that the reason they say unexcused is there may be an illness or something that would overshoot that three times. Janet suggested the Associate Director attendance parallel what the director requirement is. Janet also questioned the length of time an employee had to wait before they could serve as an associate director, I think at one point the Commissioners themselves said one year would be sufficient so I ask that you take that under consideration as well. Pat asked if anyone else had anything to bring before the board, Paula Heeschen asked if they were looking for public comment, Pat gave her the opportunity to speak. Paula added that she doesn't think that even the federal government has a five year prohibition, they are a regular revolving door there. Paula added five years seems like a long time. Charlie added that it is in the statute that when you pick a member for the Board of Directors from the Associate Directors, the Associate Director must have been an Associate Director for two years. Shane added that is to fill an unexpired term. Discussion was held on the two year rule but that cannot be changed since it is Conservation District Law. Pat went over the policy asking if anyone had a problem with the associates having to send in a letter by November 1st if they want to stay on, no comment was made. Discussion was held on associates attending a minimum of 7 monthly board meetings but was finalized with 7. Discussion was held on former employees having to wait 5 years after their departure before being eligible to become associate directors, Heidi stated it should be one year since it was also stated that is what the commissioners do. Additional discussion was held and the board decided on seven. Pat brought

up the topic of associate directors attending executive sessions, Pat explained they always have, they don't vote, but let them have an opinion and we should listen to their opinions. Joe stated he doesn't have a problem with that except for executive meetings that discuss personnel matters should be limited to just the board. George Strunk asked if he could offer his perspective from the public, he stated that the boards he serves on, he has served for a long time and executive sessions are sacred and everyone know from your service that what is said in executive session stays in executive session and we all know that loose lips sink ships and the more people that hear that stuff, there are only a few things that you can go into an executive session for under the Sunshine Act and those are very sensitive things. They are personnel, litigation or the acquisition of real estate and you want that information in as few brains as possible to do the job right and protect the Conservation District. George stated that he thinks Associate Directors, while he would never question their integrity or their ability to serve properly, we still want that information in as few brains as possible and you should limit it to the board proper. Joe said we should make that discretionary for the Chair, if the Chair feels that there is something that comes up that would be helpful. Chuck added that he understands what Mr. Strunk is saying and while he doesn't disagree with his opinion, Chuck would like the board to consider this, one of the Associate Board members responsibilities is to be able to step in, in the event of a director being gone and at least the associate directors that are on the personnel committee at a minimum need to be kept up to speed on what is going on with personnel issues in case they do need to step in, you should consider that. Charlie added that your executive sessions are limited as to what you can talk about and he feels they should be well schooled in those two items as Robert has just stepped into a chair, he was not in the session last month but this month he will and it is a matter of school housing in his book. Dave added that he has thought about this a lot and has watched the division in the county in the last month or two and he thinks we are all here for the same goal we want cleaner streams, clean water. So after watching what has taken place in the last month or so, six weeks he finds it kind of sad that this division, we are all trying to get to one goal so I believe at this point we should bring the associates in with us, we all want to join together for the same goal, so if they want to sit in on the meetings, I think they should. I think we should have some of their input and that's where I am at with it today. Joe reminded that the point is it is an executive session and the sunshine act carved it out so that there can be intimate discussions between the board members and he does not think it should be open to more than just the board members and the points that Mr. Strunk made are why it is carved out of the sunshine act. Heidi added that she believes the Associate Directors should be allowed to be in the executive sessions as they always have been and she has always been thankful for their perspectives, for hearing their opinions. They don't have voting rights, she trusts that they understand that anytime they are in

executive session that it is confidential and it is not talked about by anyone including board members. Joe added that Pat is the Chair of the associate director committee. Joe thinks Pat should make the motion. Pat asked if this should be included in the guidelines and various responses including Shane agreed it should be part of the policy. Bob added that as an associate director he doesn't believe there is any oath that is taken. Pat responded not that he is aware of. Shane commented that you could give the same oath as you would for a director, but they don't have the same voting powers or anything like that. Bob continued by saying that maybe an oath should be given to an associate director just so they have a sense of the importance and security of it. Joe replied that he didn't want to bind the board with this policy and Joe thinks it should be discretionary. Joe stated that there will be instances where it may be highly confidential, he doesn't think you should bind the board with this policy. Pat will entertain the motion to include that in the associate director guidelines that they be included in executive session. Pat asked if there is a motion to that effect, have a roll call vote on that. Dave yes Charlie yes, Bob yes, Heidi yes, Pat Yes, Joe No.

Pat would now like to entertain a motion to accept the guidelines with the amendments to it, amendments being sending a letter, three years and that associates are entitled to attend executive sessions, Dave makes the motion, Pat said Second. Bob reiterated that he thinks there should be an oath given to the associate directors also. Shane said you can use the same oath as you use for the Director appointments. The oath will be done at the beginning of the year. Motion carried, Heidi opposed because she disagrees with the employee waiting the three year term.

Adam clarified, we will add "that if associate directors wish to continue to serve the board please notify the board of directors in writing by November 1st", we will change "former employees waiting to three years", we will add "associated directors will be permitted to attend executive sessions", we will add that "the oath of office for associate directors will be given the first of every calendar year or earliest date of appointment".

Administrative Assistant Senior: Adam suggested that should wait until executive session.

Stroudsmoor Christmas Board Meeting Contract: Adam noted that we have the date set, which would be our normally scheduled board meeting December 14th, the contract is in for this year at \$24.00 per person which included gratuity. Adam asked if you would like to continue to have the holiday board meeting at the Stroudsmoor like we have been, Adam recommends entering into the contract. Pat made a motion to approve the contract, Dave seconded, motion carried.

Pocono Mountain Municipal Airport Authority: nominating organization approval, no discussion was held, Joe asked if there was a motion to approve, Charlie made the motion, Pat Ross seconded, motion carried, Heidi opposed.

Chestnuthill Township Hypsie Gap D&G/LVR Project, Adam noted that this is one we looked at earlier in the summer, they had to make some minor changes to account for program requirements. They put their application back in, it fits what the QAB had outlined so the QAB recommends based on their changes that the board approves the project for Hypsie Gap in Chestnuthill Township, grant requested \$85,080.00 in kind contributions of \$15,150.00 for a total project value of \$100,230.00. They will be addressing eroded ditches, lack of road crowing, lack of cross pipes and drains, excessive loss of road fines and eroded turn out pipes and outfalls. The Chair recognizes Associate Director and Chairman for the Board of Supervisors for Chestnuthill Township and Dave Albright the Planning Director for Chestnuthill Township to comment. Pat asked what the engineering cost on something like this is, Dave responded said it would be fairly significant because they are bidding the project out, it is a low volume road project so it is tar and chip and that is part of their match. The engineering shown on there is probably about \$5,000.00, Adam noted it was \$8,700.00. The grant is a total of \$85,080.00, Adam added that per program requirements the program can't cover more than 18% of engineering costs. Joe called for a motion to approve the expenditure for Hypsie Gap project, Dave made the motion to approve the \$85,080.00, Heidi seconded. Motion carried. Charlie questioned Shane on the how the funding looks for next year for this program and Shane responded that this comes through almost in the same format as the liquid fuels money, there is chunk of money that goes directly to the state conservation commission, which only changes based on the change in the bill associated with the PennDot bill, so Shane figures that is probably going to continue until they change the laws associated with that, it's pretty solid.

Cooperating Agency Reports: DEP, Shane would like to bring to everyone's attention we do have the dirt and gravel low volume road annual maintenance meeting which is going to take place in Sayre, PA on September 26th through 28th. The 26th is a special day for municipalities so if anyone is interested in learning the techniques and tools and work with other municipalities that is going to be a majority of the day on the 26th. There is a special sign-up for that and he highly recommends whether you are doing dirt and gravel or low volume roads, the techniques are great to be able to utilize, everything from vegetation management to drainage, that is for the district employees, boards and whoever would like to attend. Registration is open right now and September 8th is the deadline for the room block. As stated earlier, November 7th is the follow-up listening session associated with Chapter 102 which will be held at the Northeast Regional Office, mostly invitees only for districts and department individuals will mostly be involved. The Conservation District nominating process, Shane asked Charlie if that process has been started yet and letters have gone out. Charlie stated that process has started. Shane explained there is a time frame in which to get those nominations in. December 1st is the

timeframe that most commissioners want those nominations in so they can make decisions on those appointments. Shane offered that if anyone has any questions or the Chief Clerk has any questions, he should feel free to contact Shane as he is usually involved with that process. Charlie stated that they do have organizations that they send letters to that they never hear from so he expects to be back to this board with some suggestions on other nominating entities. Joe asked what are the guidelines for nominating entities as far as once they are on, they are on. Shane responded that you can purge those and it is actually recommended that you meet with your nominating organizations, look at those to make sure that you are getting the quality board members that you want or if they participate in that process, that is for the district board to look at those things. Shane recommends that you review those things and make sure you have the proper addresses and people every year but look at those every three to five years to make sure those organizations are participating and meeting your needs of the board.

Cooperating Agency Report Monroe County Planning Commission, Evan reported that as of Monday they have preserved an additional 80 acres, which is now the Mountain View Vineyard, which has been added to the farmland preservation program.

Shane mentioned to Joe that if he was interested there is a breakdown on the amounts of money through the conservation district fund allocation program, he didn't want to go over them in detail but if any of the board has questions on where those funds amounts for manager, first technician, all that is there.

Janet asked Shane what the deadline date for the nominating agencies? Shane added that there are recommended time frames so you can get that process through before the beginning of the year but we recommend that those nominations are made prior to the beginning of the new fiscal year. The process should fit the meetings the county commissioners have. Janet questioned that since the letters just went out that only gives the nominating agencies a month to respond which would create a problem for agencies that only meet quarterly. She asked would they take a proper vote. Shane said that would depend on the entity. They could have quarterly meetings, bimonthly meetings, usually there is a time frame of at least two months. Janet asked Charlie if they would consider giving them two months to get their nominations back. Charlie said this year we are seeking two farmers.

Joe asked if there is any public that they would like put before the executive session. George Strunk said he was interested in the boards position on the re-designation of Tunkhannock Creek and the recent report that came out for entities that banded together to hire a biological testing firm to test the creeks water quality, he stated that he is sure everyone is aware of it and he is interested in the boards position and if the board plans on taking a position and what it might be. Joe responded that we did address that at

last months' meeting and the meeting before when we were going to take a position or not take a position, it is not within our purview to take that position. There was a letter sent from the District Manager in 2005. Joe stated he never read it and from what he understands that was in support but because of the amount on contentiousness, it would really turn into a full hearing to hear different perspectives and scientific matters, Joe thought from the board's perspective because we have business to attend to that by law we are required to attend to and we decided to not take any position or hold a hearing with regard to sending out a new letter, so we decided to stay neutral. George asked if that decision was made before this new report came out and Joe confirmed that decision was made before that report came out. George asked to have the board reconsider that position given the science now that it is out regarding the water quality of the Tunkhannock Creek and the appropriateness of the re-designation or even the current designation. The impact it might have on those townships, those municipalities, as well as the landowners around the creek, he thinks that is the boards job. Joe said he did see the report and the report has been submitted to DEP and he doesn't know that by this board convening a meeting and taking a vote, he is not sure what the process would be and he thinks the process would be messy. Joe stated you are asking the board to send a definitive letter to the body that makes the decision and George replied yes. Joe doesn't think we should get into that, as a board it would be very difficult for us to do and it would be almost like a jury panel with a three hour hearing here. George responded that he thinks it is encumbered upon the board to lead on the appropriateness of stream designations because it is clear that there is at least some issue with the appropriateness in the Tunkhannock Creek and it might indicate that there is an issue county wide and he thinks that it is this boards purview absolutely and he thinks the board needs to handle that responsibility because it is yours. Joe said that before he takes Mr. Todd's statement, does the board have any comment with regard to Mr. Strunk. Charlie stated that he feels that at this point in time it is premature for this board to take action on the report. He thinks it is widely circulated and he doesn't understand all the scientific information in the report, he asked Shane if the decision on this would be made in Wilkes-barre, Shane replied that with the DEP, Harrisburg would look at the information and data collected that could be added into the discussion as well, but then the final overview and final decision would be made by EPA. Even though the department gathers the information, putting that on the HQ/EV list is EPA's final decision. Janet asked if the district has the report and Adam was sent a copy of the report since he didn't know if it had been made public yet, he didn't distribute it but he can do that if Joe requests. Joe asked to post that report to the website and post anything that came out. Adam recommends that we do not do that for the same reasons you suggested, there is some information on both sides that he feels should be handled differently. Craig added that just for point of clarification, there was a study done by the petitioner that was

submitted to the department and the department did its own study. The department has decided that they think it meets the criteria for an upgrade. They put it out for public comment, it appears as if there is another study now that was done as part of that extended public comment new data and that is the study that George is talking about. George was talking about the new study that was done that in some ways rebuts that original study that went with the original petition. Craig would agree with George that it is the districts responsibility to lead on issues such as this and that is why in the past for any upgrade that was proposed in the county, the district staff, again professional staff that have been hired to implement the programs of the district that have the degrees to do that, reviewed those petitions and weighed in, in the past, staff has disagreed with petitions not in whole but in part and in fact the department didn't agree with the petition in whole, they made some adjustments in their recommendations. Craig thinks it is certainly appropriate for the conservation district given its' responsibilities under the law, to in fact look at this new information and make comment on it we have staff to do that, it is very important. Joe responded that the closure date for comment was August 1st so he doesn't know how we are going to make that comment. Joe recommended earlier that we let the different bodies and petitioners make that avocation. George asked is it subjective. Joe responded there is an amount of subjectivity involved because there is scientific process however, there is a degree of taking into consideration the socioeconomic impact of lowering or highering the designation of the stream would have on the designated area. Joe found that interesting because it brings in an amount of advocacy and subjectivity rather than pure science. Craig added that what the department is saying is that there are other qualifiers that aren't scientific as an example is it part of a national scenic river corridor or something like that. There are a lot of different criteria that have nothing to do with scoring of the macroinvertebrates from a water quality standpoint. Craig understands specific to this petition that there are deadlines for comments and things like that but it sounds like as a result of this new study that some people are at least alluding to the point that there may be a whole lot of designated uses within the county that are inappropriate. He thinks it's a leap in logic from just one study based on one petition in a part of the stream that has tannic acid influence, if that is what is going to happen, if there is going to be an inference of this one study that numerous watersheds don't have the appropriate designated use or existing use under Chapter 93, then that is certainly something that is worth the staff committing to look at what the study says and the assumptions of the result of it and conclusions and maybe weigh in on whether or not other studies may need to be done or what that situation may imply because it is a big issue. Adam added that we have looked at the study and have prepared comments in case this comes up so if the board would like our comments based on the new study that came out we would be happy to provide you with it. Charlie asked if Adam has circulated the study with the board and associates, Adam had not but

will provide that with our comments.

Chuck Gould commented that Mr. Moyer is again professing his dying devotion to clean water and things to the board and he commends that and added that you will have no greater ability as the board than now to take an issue with this. You have the professional staff to review what the state put out, what the board put out, do their homework and make a recommendation to you. Chuck understands he went through EV designation in Chestnuthill Township as a Supervisor, he didn't know the science of it and to read it, it didn't necessarily make a lot of sense to him but we did have people who knew what that was and you have no greater opportunity than this to actually demonstrate your professions for protecting clean water. Dave commented that he thinks we want to protect that but we need to know what the designation is, is it cold water fisheries, high quality, we need to look at that. Dave commented that he knows that there has been a lot of preliminary studies done already on different streams by another group in the county, and they don't feel that most of the streams are cold water fisheries, so he thinks there is a lot more work to be done before we can comment on that. Joe interjected that this was talked about at length and we have had three meetings about it. The issue is there are two townships that have major impact on what the designation is and those two townships are against the re-designation or the confirmation of the designation of EV stream. That is one of the main reasons he wanted to take it off the table because the conservation district is representative of the entire county and the two main townships that are being impacted are asking DEP not to characterize it as EV. George added if the county at large is not well served by the inappropriate over designation of any stream the county at large is harmed, employment opportunities are harmed, the tax base is harmed. When you upgrade the designation to EV it gets a whole lot harder for those land owners to use their land as they wish constitutionally. It has been cited as a de facto taking so you can't say the county at large isn't harmed by an inappropriate over designation, George doesn't feel that it is a valid escape route for not taking a position. The Conservation District is surely in the interest of conservation but conservation the right way, this organization is not here to stop development. Adam said that is correct. George continued but that is the way it has been behaving for a long time, Adam said that is incorrect. Joe feels there has been enough discussion on this and Heidi added that she agrees that the board should get a copy of the report with comments from the staff. Dave added that some of the professionals he has dealt with over the years and he has been beating this drum for a long time, we need to do something about our streams and clean them up, in a way because of the county here and the plateau, and the volume of water it carries, cobble and sand it has made many sand bars through our streams into the Delaware and into the Lehigh and it is working in reverse because, Dave reiterated that this is coming from professionals not from him, with the trees in our streams and eroding the banks and the bottom of the streams continue to fill up,

it has caused a lot of pools in our streams, it has caused a lot of water to be warm because of those pools so without really getting in and trying to clean some of these streams up and stop some of the erosion it is working in reverse for us and degrading our streams. I have been harping on this for 15 to 20 years so I am glad we have the whole group together and are starting to look at this to make a change. Craig added, the county and the district have been performing a water quality study funded by the county commissioners for eons. It is one of the best water quality studies in the state and it has been going on for a very long time, it is easy to look at trending, it's been reviewed by EPA and we use DEP protocols. If you want to look at our streams, which we all have reference streams to compare to, if you want to look at that data and that will tell you what is going on. I don't know how many people read the county water quality study, and they go back years and years, but to sit here and argue about if our streams are warm water fisheries, go to the science and look at the data and it will tell you whether or not the water quality meets the criteria of their current designated uses. It is not that complicated to do. There are plenty of studies out there that address some of the concerns you have. Craig stated to Dave that, sediment transport is a function of streams, there is naturally occurring stream bank erosion, sediment transport, there is also habitat in streams, this whole stream morphology discussion that we always wind up entering into is much more complicated than hey there is a gravel bar and we need to get it out. Craig suggested if you want to go north to a county like Susquehanna County that actually mines gravel in their stream, you can get a good sense of when you go into a stream and start removing bars and eliminating the geometry what happens to those streams they really get unstable and then you really start having a lot of problems. Heidi asked if they actually mine that, Craig responded yes gravel, there is permitting to mine gravel. Craig urged the board to study, I don't know if you want to go online or what you want to do but if we are going to be entering into a discussion about streams and what is going to be happening with them, maybe that is another good workshop idea. Janet wants to have one about the district program, invite the public and have a candid discussion on what their responsibilities are and why and the law, maybe that would be a good thing to do too get Stroud Water Research Center here and have a good discussion about stream morphology, water quality, macroinvertebrates, rapid bio assessment protocol and Chapter 93 and lay all that out so I might suggest that, it would help these discussions tremendously. Dave responded he has spent the last 15 to 20 years across the state of Pennsylvania for job sites and I brought in all those books in 2005, he has picked out Monroe County and some parts of Carbon County that the streams are muddy and filthy and questioned why, that's when Dave started to look at this and he started bringing pictures in for years so he thinks we are at the point we are at now. Dave watched this for years, he had opened the door for Craig to go in the helicopter many times, the door is open to Adam. We can talk about all the sciences, we talked about where are streams are, but looking at them and

looking at photos and going out inspecting them and seeing the trees in our streams and that is where we need to start to clean up our streams. We can write all the reports in the world, Dave mentioned this two years ago to Craig, we need to put people out in the streams and start cleaning them up and get funding, that is what we need to do and that will stop a lot of our flooding. Adam added that there is interesting information on floodplain dynamics, if we are all going to take a look at that, how a floodplain helps with flooding issues, if you would like Adam would be happy to send some links around about that. Dave added that there is a lot of things we can look at and he has mentioned many times that we have staff here that should start going out in the field taking cross sections of our streams, start looking at the bad areas, so we have information that we can use to get funding for those areas so we can start cleaning them up and that is what needs to be started immediately.

Joe adjourned for an executive session at 9:36am.

Meeting re-convened at 10:34am from Executive Session, Joe mentioned that there were three items were subject to discussion the first was the annual review of Adam Schellhammer, last month they tried but did not have a quorum. This month we did have a quorum and we have asked three members of the board including two board members and one associate member to meet with Mr. Schellhammer personally to discuss his review. We will circulate a form where various board members can check off different boxes on different subjects about his performance and that will be delivered to the three members that will meet with him after the next board meeting. Second, they made a decision to hire Denise Smale, Pat interjected that it was discussed but a decision wasn't made, Shane noted the decision is to be made here. Pat made the motion to accept the recommendation of the director to hire Denise Smale as the Administrative Assistant (Office Assistant Sr.), Dave seconded motion, motion carried. Third item discussed of Jeff Durney as solicitor, proposals were circulated and the board has decided to take it up another day after they review those proposals to make a decision maybe next month.

ADJOURNMENT—Joseph Hanyon, Chairperson adjourned the Board meeting at approximately 10:36 am.

Respectfully submitted,



Barbara Bistras
Administrative Coordinator
Filling in for Vacant Recording Secretary Position

THE NEXT MCCD BOARD OF DIRECTORS MEETING WILL BE HELD ON THURSDAY, September 21, 2017 AT 8:00 A.M. AT THE MONROE COUNTY CONSERVATION DISTRICT OFFICES IN BARTONSVILLE, PA.