



MONROE COUNTY CONSERVATION DISTRICT BOARD MEETING MINUTES
THURSDAY, MARCH 16, 2017

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

DISTRICT STAFF: Adam Schellhammer, Lori Kerrigan, Mike Wilk, Roger Spotts, Barbara Bistras and Debra Martin

ASSOCIATE BOARD MEMBERS: John Lyman and John Leiser

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

PUBLIC: State Representative Jack Rader; Jim Hendricks, Humber-Garick; Fran Ferrari and Paula Heeschen, BWA; Kathleen Flynn, Trout Unlimited; Tom VanZandt and Craig Todd, Public

Joseph Hanyon, Chairperson, called the regularly scheduled meeting of the Monroe County Conservation District Board of Directors to order for Thursday, March 16, 2017 at 8:04 a.m.

PUBLIC COMMENT-Joe asked if there was any public comment and there was none.

AGENDA ADDITIONS: Joe asked if any Board member had additions to the agenda and there were none. He announced that he had two additions to the agenda. 1) Solicitor - Joe stated that MCCD's Solicitor Jeff Durney has explained to him that he will not be able to attend every Board meeting as he has new duties with the upcoming tax assessments. Joe noted that last year the Board had discussed whether or not they wanted the solicitor to attend every Board meeting and they voted in favor of his attendance every month. Joe asked if the other Board members were okay with Solicitor Durney's attendance being sporadic but representing the District or does the Board want to search for a new solicitor. Mark said Jeff seems to be up to speed with the workings of the District and he suggested that we go back to having him on an as-needed basis with that decision being left to the Chairperson and Pat agreed. A motion was made by Mark Sincavage, seconded by Patrick Ross, to approve that MCCD's Solicitor, Jeff Durney, attend Board meetings on an as-needed basis at the discretion of the Board Chairperson. The motion carried. 2) Protocol Discussion - Joe stated that he is adding on a discussion about the Protocol under 9. Other Business E) Protocol and he asked that Shane address this at that time on the agenda.

APPROVAL OF THE FEBRUARY 16, 2017 BOARD MEETING MINUTES-Joe asked for approval of the minutes. A motion was made by Heidi Secord. Charlie stated that on Page 2 it discusses that MCCD has two engineers on staff that cost tax payers \$90,000 and he checked with the County and the actual costs for 2017 will be \$242,455 and he wanted the minutes changed to reflect that cost. Joe said he made the statement of \$90,000 and he did not think about benefits and matching tax amounts. Adam asked if that amount includes MCCD's reimbursement. Charlie said that is their paychecks and benefits, it does not talk about how it is split between the County and MCCD and the number should be corrected. Debbie said that Charlie's comments would be reflected in the March minutes but the \$90,000 figure is what was said in the February minutes. Heidi asked if it is true that it is tax payer money or is it funded from the natural gas and oil fees. Shane and Adam noted that their salaries are funded through review/permit fees that MCCD reimburses to the County. Joe noted that the context of the question last month was not getting permits through the process which is why MCCD hired two engineers. Shane noted that he thinks there are other Districts that have two engineers. Joe said he had someone research/call every district in Pennsylvania and Monroe is the only district with two and ten with one engineer. Joe stated that on Page 6 he may have said the 'fourth' amendment but he meant the 'fourteenth'. (After the meeting the tape was reviewed and Joe said 'fourth') Joe said on Page 9 under the Protocol discussion it states 'without prior notice' and he meant 'with prior notice.' Debbie said his concern during the meeting was that Lori had said 'without prior notice' and Joe wanted the Protocol to say 'with prior notice' so within the context of the sentence 'with' was what he wanted but she put 'without' in the Protocol. Joe reread that portion of the February minutes and agreed that was fairly stated. A motion was made by Heidi Secord, seconded by Charles Garris, to approve the February 16, 2017 minutes as written with Board comments noted in the March minutes. Mark Sincavage abstained as he was not present. The motion carried.

WORK SESSION UPDATE-Joe reported that the Board met with the auditor at 7:30 this morning and she asked the Board if there was anything specific that they wanted her to look at when she performs the audit. The Board asked that all the safe guards/processes are in place to prevent fraud and theft. The auditor noted that some items were discussed last year and she will check to see that they have been installed.

TECHNICAL REPORT-Site Status Report-Lori stated that the February report reflects that 11 applications were received for E&S/NPDES with 37 under review and 12 pre-application meetings were held. She noted that two MCCD staff will be working with MCPC staff on the County Water Quality Study sampling 35 sites during the last week of April and the first week of May. MCCD Staff met with DEP Scientific Certified Collectors and they have been certified. She noted that included in the tech report is the Review Time Summary for NPDES Permits from 2014-2017 that the Board had requested. The report

includes the average number of business days for MCCD's completeness review (7), the consultant's response time (16), MCCD technical review (17), the consultant's response time (40), MCCD's second technical review (8) and the total number of days for the Record of Decision (ROD) to DEP permit issuance (14). It also includes the number of days allotted by DEP per the Permit Decision Guarantee (PDG) which is 15 days for MCCD completeness, 47 days for MCCD technical review and 22 days for MCCD second technical review. Mark asked for comparison numbers from when the engineers started to date and if our numbers had improved over those years. Lori said the numbers have improved and she would pull that previous information, noting that some projects like PennDOT skew the numbers. Mark noted that it is usually the consultants who take the longest time to respond. Joe clarified that MCCD receives the application and responds within 7 days on average and then it goes to the consultant who has it for 16 which is from day 0. Lori said no 16 days is the average numbers of days that the consultant has it and the average days for MCCD is 7 which equals a total of 23 days. Discussion was held on the number of pre-applications meetings, when the actual submittal of the project takes place and post submittal meetings. Lori noted that MCCD tries to hold pre and post meetings as much as possible however we are obligated to send technical deficiency letters. Mike noted that staff will give the consultants a heads-up via email or phone call on items that may be missing or are deficient before the required correspondence goes out just to give them more time to respond.

2030 Output: Municipal Checklist-Lori reported within the 2030 Plan agencies were asked to help educate and streamline the permitting process so the items needed were more transparent. MCCD developed a basic permit and plan requirement checklist for earth disturbance that was sent to the municipalities. Lori reviewed the checklist which contains just yes and no responses and gives definitions of items such as what is earth disturbance and what an E&S Plan is. Joe asked about the differences between this checklist and the checklist that an applicant needs to complete. Lori stated that this checklist is for the public and is very basic to help them determine whether they may need some type of plan or permit. The Board asked to have the checklist emailed to them.

ENVIRONMENTAL EDUCATION-Program Status Report-Maple Sugaring Season Update-Roger reported that maple sugaring programs are still ongoing even with the very warm and very cold weather and he hopes the sap will keep flowing as more syrup needs to be made. Public Day was held on March 4 with a high temperature of 22° yet 254 people attended. He noted that KCEEC received a lot of good PR from Channel 13 and 16.

Annual Membership Dinner-Roger reminded everyone that the annual membership dinner is Friday, March 31 and the deadline for registration is March 17.

Becker Scholarship Winner-Roger reported that four applications for the Becker Scholarship were received from our local school districts. EE Staff and the Becker Family reviewed the applications and choose Gabriel Schaefer from Pleasant Valley High School as the recipient of the scholarship and he will receive that award at the membership dinner. Roger noted that Gabriel is going to attend Penn State as an environmental engineering student, he is a Boy Scout who did his Eagle Scout project at Kettle Creek, he participated in the High School Envirothons and he has a good academic and volunteer background.

Volunteer of the Year Correction-Roger mentioned that last month he gave the incorrect first names of the recipients of the Volunteer of the Year Award and the correct names are Bill and Helen. A motion was made by Heidi Secord, seconded by Patrick Ross, to approve the Volunteer of the Year Award going to Bill and Helen Miller. The motion carried.

Approval of Contracted Services: Deanne Patrick-Roger noted that our contracted services team is only part-time and they have other commitments so it is nice to have several on the list. He would like to add Deanne Patrick to the list who is a retired elementary school teacher from East Stroudsburg School District and an EE Center member. Roger said MCCD has her application and all of her clearances. A motion was made by Mark Sincavage, seconded by Charles Garris, to approve adding Deanne Patrick to the Contracted Services list. The motion carried.

DISTRICT MANAGERS REPORT-Adam asked if anyone had any questions. Mark asked about the stream clean-up site visit. Adam said he visited two sites with Pocono Heritage Land Trust that would be good candidates for debris removal and stabilization. He noted that there is a possibility of partnering with Brodhead Chapter of Trout Unlimited and Pocono Heritage Land Trust. Pat asked about their locations. Adam said one is behind Weis Market on Pocono Creek in Tannersville and the other site is privately owned and also along Pocono Creek.

Watershed Specialist Grant Agreement-Adam reported that the Watershed Specialist Grant Agreement was signed and sent back. We are waiting for the actual contract and the Board will have time to review that before moving forward.

NRCS Regional Conservation Partnership Program Review-Adam noted that Joe had requested information on the NRCS Regional Conservation Partnership Program. The program is funded through other programs so it is not a grant program that could be utilized by the District. It is more for farm landowners and Matt and Jennifer are promoting it to the farming community. Joe noted that if a site was found adjacent to a farm landowner who could apply then perhaps we could work together.

PennDOT Agility Agreement-Adam stated that MCCD staff has met with PennDOT staff to discuss entering into an Agility Agreement. This agreement would be an exchange of services between the District engineering staff and PennDOT. MCCD could provide light engineering work such as sizing culverts and pipes to help some of their projects move forward and in exchange we could utilize their heavy equipment and operators for projects and their maintenance staff could service our vehicles. Adam said in exchange for our engineering services there is an opportunity to have PennDOT help with stream clean-up which is something the Board has been asking for. Adam noted that the Agility Agreement is a standard agreement however they have a Work Agreement that outlines what costs and services that MCCD would provide and in exchange PennDOT would provide in-kind services of machinery and operators. He noted that they also may be able to help with maintenance at our satellite sights like Meesing and the Bog and assist with future projects. He noted that would lower our operating expenses and County requests and it could also help with funding for stream clean-up. Dave asked if it is dollar to dollar. Adam said yes we would value our engineers at the same costs as PennDOT values theirs with their multiplier. Dave said our engineers could spend six months on engineering and PennDOT could use up their in-kind services in a week. Adam said he hopes that they can use their equipment to remove debris from streams, chip it and haul it away. Dave questioned whether they are doing that on their own with some of their own projects. Mark asked if it is a standard form and where the liability lies with the engineering. Adam said the Agility Agreement is a standard form from Harrisburg and the flexibility is in the Work Agreement. Discussion was held on liability immunity. Pat asked if Jeff had reviewed the document, noting that if the numbers work out it could be a terrific idea. Adam said Jeff has not reviewed it and he could send it to him. He noted that it is a five-year agreement that can be terminated within 30-days of a written notice. Discussion was held on editing PennDOT forms, tabling it until Jeff reviews it or approving it subject to Jeff reviewing. A motion was made by Mark Sincavage, seconded by Patrick Ross, to approve entering into the Agility Agreement with PennDOT pending review and comment by MCCD Solicitor Jeff Durney. The motion carried.

Charlie noted that there is a huge tree lying across the creek near Hickory Valley Road and asked whose responsibility is it to clear; Hamilton or Stroud Township. Lori said it is the landowners. Pat said no one cares, he has been bringing it up for years and no one does anything about it. Dave said we should have volunteers going out doing the clean-up in streams. Lori said that there is no longer cost-share funding through DEP for these types of projects that are causing a problem. She noted that it is important to make the distinction as to whether the trees are providing habitat and those that are causing an obstruction or stream encroachment and include that information in our educational programs. Mark noted

that his company worked on a small stream restoration project where trees were placed in the streambed for habitat. Lori agreed noting that other organizations like US Fish & Wildlife and Trout Unlimited are looking into projects like that. Tom Van Zandt noted that when cutting trees and limbs in a stream a special saw needs to be used that is not throwing oil and gas into the water.

FEBRUARY REPORT-Financial Statement-Heidi noted that our attorney fees are at \$1,072 of the \$3,000 budgeted for 2017. She noticed that some of items being reviewed by the Solicitor, such as procedures and Roberts Rules of Order, could be asked and answered by Shane. A motion was made by Mark Sincavage, seconded by Patrick Ross, to approve MCCD's Financial Statement as submitted. The motion carried.

Invoice Lists-Heidi highlighted the invoice for the copier maintenance agreement and the invoice from the auditor. Joe asked if the \$3,266 payment to Riley and Company was a full or partial payment. Adam said it is a partial payment. A motion was made by Patrick Ross, seconded by Heidi Secord, to approve the Invoice Lists as presented. The motion carried.

OTHER BUSINESS-Out of County Travel Requests-A motion was made by Patrick Ross, seconded by Heidi Secord, to approve the Out of County Travel requests as presented. The motion carried. (See attached list.)

Approval-Building Use Request Monroe County Master Gardeners - Sept. 6, 2017-A motion was made by Heidi Secord, seconded by Charles Garris, to approve MCCD building use by the Monroe County Master Gardeners on September 6, 2017. The motion carried.

Review Paradise Township Letter-Joe noted that MCCD received a letter dated March 1, 2017 which states that Paradise Township may lose \$880,000 annually in revenue from Mount Airy. Joe asked if that is correct. Adam said he thought so but Pat said no. Pat said that the township will receive their first quarter payment of \$220,000. He said that Mount Airy filed a lawsuit claiming that the local assessment was unconstitutional and they won the lawsuit. The Senate and the House are working on legislation to make it a more fair and equitable fee. Mount Airy is advocating that the local revenue sharing stay in the Bill, it will be worked out and the township will not lose their funding. Representative Rader said that a stay was granted but the township is still receiving their first quarter payment. Joe asked how that would impact the District. Pat said he did not think it would. Adam said it was addressed to the District and the Board of Director's so he wanted to bring it to their attention. Discussion was held on gambling revenue and gas well revenue and trying to keep the funding at the same rate, if not more in Monroe County, and the funds being divided up fairly among all municipalities. Pat noted that the tax was not being levied fairly and every casino was paying the same amount no matter what their income was.

Review Nomination Organizations List-Dave noted that the Nominating Organizations list was reviewed and updated in 2012. He thought we should look at the ones that are active and update the list and perhaps hold a committee meeting. Joe asked what committee should meet. The committee list was read and it was agreed that an Ad Hoc Committee meeting would be scheduled which includes Mark as Chairperson, Joe, Heidi, Bob and Adam. Mark stated that the goal is to review and make recommendations to the Board on the Nominating Organizations List.

Protocol-Joe noted that Shane was asked to take the Protocol back to DEP and he asked Shane for a report. Shane stated that he sent a letter and an email contacting Sean Furjanic, Aneca Atkinson, Joe Buczynski and Carl DeLuca and he spoke with Lee MacDonald and it has been received by them, it is under review, but there has been no response. Shane noted that he asked for a response by this meeting but that has not happened. Joe tabled the Protocol to next month's Board meeting.

COOPERATING AGENCY REPORTS-Shane Kleiner, DEP, updated the Board on the Conservation District Staff Conference held on March 8-9, noting that the attendance was not high but good comments were received. Shane reminded the Board on attending the upcoming District Chair/Treasurer Training. Barbara noted that Heidi, Joe and Janet are registered to attend the March 31 training in Leesport. Shane reviewed the list of the remaining upcoming trainings. Shane noted that the Governor's proposed budget has been released and district line-items are proposed to be funded at levels equal to the current fiscal year. He noted that there have been some staff reassignments and Kelly Heffner is the new Executive Deputy Secretary for the programs that Shane is involved. Shane stated that the Nutrient Management/Manure Management Delegation Agreement Workgroup have been working on updates and a new delegation agreement. Shane offered to hold an orientation for any Board members, staff or management that may wish to participate. Charlie asked Shane what he expects from the Governor's budget. Shane said we can only hope it remains the same and there are no cuts. Heidi noted that many ag specific programs are being cut.

Evan Makuvek, MCPC, noted that the Ag Land Preservation Program is accepting applications until April 3, 2017. He said that the Water Quality testing/sampling will begin the end of April and go into the beginning of May.

State Representative Jack Rader, noted that combining projects with PennDOT and DEP/MCCD and working together would be great for budgets. He noted that the House is working on their budget and hope to have something soon, noting that there is a \$2 million shortfall. He said that streamlining the government is good but we still want government to run efficiently, noting that funding for some programs is not being cut just shifted to other programs.

PUBLIC COMMENT-Joe asked if there was any public comment. Tom Van Zandt stated that the Board of the MCCD is taking the District in a new direction. The Board does not seem to want large construction projects policed or penalized for pollution or non-compliance. The Board seems to be heavily influenced by the business interests it is supposed to regulate. Last month, the Board decided to downgrade the district from Level III to Level II. The Board of a regulatory body seems to be moving in an antiregulatory direction. If MCCD drops enforcement and DEP is too understaffed to do proper enforcement there will be NO enforcement. Is that the goal of the Board? The Board should not be influenced or pressured by the owners of projects that the District is charged to regulate. The Board says we cannot protect our streams, drinking water and fisheries unless we stop policing large construction projects. The Board advocates voluntary compliance. How about voluntary compliance for Federal Income Tax? Are all "customers" of the IRS happy customers? Should they move to voluntary compliance? I think the Board is moving in the wrong direction. I believe the MCCD should go back to Level III.

Kathleen Flynn, stated that she is a concerned about the District dropping from a Level III to a Level II and she wants to know what the Board's interests are. She noted respectfully to the Board Article 1, Section 27 of the Pennsylvania Constitution which states "The people have a right to clean air, pure water, and to the preservation of the natural scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all people." If by the decision that they make, they fail to conserve and maintain these resources, they may be held in violation by the Pennsylvania Constitution. If you deny this fact, referring them to the case of Robinson Township verses the Commonwealth of Pennsylvania, where the Supreme Court rendered a decision in favor of Robinson Township based on Article 1, Section 27 otherwise known as The PA Environmental Rights Amendment. Therefore going forward she would like to know how she can obtain a copy of the bylaws with the portion that regulates the conduct of the Board, it members and its entities and what its direction is. Thank you. Mark asked that the information requested is made available to Ms. Flynn. Shane said that would include Conservation District Law, Sunshine, and Right to Know.

Charlie noticed that there were two Right-to-Know requests and inquired who MCCD's Right-to-Know Officer was. Lori said she is and request forms are on MCCD's website site.

Craig Todd noted that PACD requests flat funding for districts and years of budget cuts of over 30% for DEP leaves districts with the table scraps from the Department of Ag and DEP. The needs of districts were analyzed and identified and we are still underfunded.

He said it is important that this District remain a strong conservation district in the face of these cuts so the public and development community receive the service that they deserve particularly in the area of sensitive resources and the type of development we have in Monroe County. Craig asked if the Agility Agreement included culvert sizing. Adam said yes. Craig noted that is important because there seems to be backups within PennDOT for culvert repair. Craig noted that the Nominating Organization list was recently updated and Conservation District Law is very specific to that process. He suggested that the Board look at the 2017 Objectives where it mentions holding a meeting with those organizations to discuss their responsibilities under the law, district responsibilities and what is required of a Nominating Organization. He noted that 'not' in the Objectives is to 'review the list' to see who is making nominations and who is not and that could be reviewed next year. He offered to help the committee review the Nominating Organizations list as he was involved with the recent update which includes a good cross-section of organizations. Mark said as the Ad Hoc Committee Chairperson he invited Craig to participate. Shane said he could also participate.

Paula Heeschen noted that there is a personnel matter being discussed during the Executive Session and asked if the Board would reconvene to a public session and take action after the Executive Session. Joe stated that the Board may take action but he does not know until after the Executive Session is held and he will report what action has been taken and public comment will be taken at that time also.

EXECUTIVE SESSION-Joe stated at 9:09 am that the Board is going into Executive Session. Joe reconvened the meeting at 9:55 am and reported that at the Executive Session the Board discussed personnel matters but no decisions on personnel have been made.

Joe asked if there was any public comment based on what he stated regarding the Executive Session. There was none.

ADJOURNMENT-Joseph Hanyon, Chairperson adjourned the Board meeting at approximately 9:56 am.

Respectfully submitted,



Debra L. Martin
Recording Secretary

THE NEXT MCCD BOARD OF DIRECTORS MEETING WILL BE HELD ON THURSDAY, APRIL 20, 2017 AT 8:00 A.M. AT THE MONROE COUNTY CONSERVATION DISTRICT OFFICES IN BARTONSVILLE, PA.

Out of County Travel Requests for MCCD Board Approval on Thursday, April 20, 2017

4/4/17 (2017-0102)

Center for Watershed Protection 2017 Conference – MS4
Temple University Ambler Learning Center, Ambler PA

AM

4/6/17 (2017-0114)

DEP NERO Engineering Pow-wow
Wilkes-Barre, PA

DW,MW

4/6/17 (2017-0131)

DEP NERO and Farm Bureau Spring Mtg.
Wilkes-Barre, PA

MG

4/10/17 (2017-0120)

N.E. Square Table Meeting
Montour Preserve, Montour County, PA

MG

4/10/17 (2017-0147)

Meeting at DEP NERO on Smithfield Gateway
Wilkes-Barre, PA

MW, LK,AS

4/21/17 (2017-00150)

PACD N.E. Region Meeting
Wilkes-Barre, PA

AS

4/27/17 (2017-0146)

To receive the Excellence in Education Award
for Monroe County Conservation District
Blue Event Center, Bethlehem, PA

RS,DS,AS

5/12/17 (2017-0152)

DEP NERO District Manager's meeting
Wilkes-Barre, PA

AS

5/15-17/17 (2017-0100)

USACOE and NRCS Basic Wetland Identification Workshop
York CD, York PA

LK,AM

5/23-24/17 (2017-0151)

PA Envirothon State Competition
University of Pittsburgh at Johnston, Cambia County, PA

BH,KB

6/8/17 (2017-0126)

Bartram's Garden Public Fieldtrip
Philadelphia, PA

DS

6/6&7/17 (2017-0153)

PACD 2017 Management Summit
State College, PA

AS