



MONROE COUNTY CONSERVATION DISTRICT BOARD MEETING MINUTES
THURSDAY, SEPTEMBER 21, 2017

MEMBERS PRESENT: Mark Sincavage, Patrick Ross, Bob Armstrong, Charlie Garris and Dave Moyer

DISTRICT STAFF: Adam Schellhammer, Roger Spotts, Lori Kerrigan, Barbara Bistras and Denise Smale

ASSOCIATE BOARD MEMBERS: John Lyman, Chuck Gould, Theresa Merli, Janet Weidensaul, and Edith Stevens

COOPERATING AGENCIES: Shane Kleiner, Dep., and Evan Makuvek, MCPC.

Public: Annie Lamberton, Tobyhanna Township; Bob Heid, Brodhead Watershed Association (BWA); Craig Todd, Resident; John Christy, Monroe County Commissioner; Jennifer Matthews, NRCS; Jim Vogt, APWC; Pete Gonze, Lake Swiftwater; Drake Stinson, P&M; Joshua Walker, Rep. Rosemary Brown.

Mark Sincavage, Vice Chairperson, called the September 21, 2017 meeting of the Monroe County Conservation District Board of Directors meeting was called to order at 7:03 a.m. Board is going into the executive session.

At 8:00 a.m. Mark Sincavage called to order Executive session 7:10-8:00 discussing personnel matters.

Public comment on agenda: none.

Mark called for a motion to approve the minutes for August 17, Pat made the motion, Dave seconded, the motion passed.

EE Report: Roger: bird seed sale is coming up and they are taking orders now the sale will be going on until the end of October. Fall school programs are starting now. New programs; East Stroudsburg HS did a trip down the river on 9/15/17, we worked with Park Service on that and are working more coop programs with the Park Service. The Elk trip was the last 3 days and another coming up in October.

August Financial Report: motion was made by Charlie, 2nd by Dave, motion passed.

Invoice list: Adam; "Contract payment for Pocono Avian Research Center for \$1,750.00 and the bird seed program for bird seed sale at \$2,210.00 are the only 2 large items that are new. Bob made the motion, 2nd by Charlie, motion passed.

OCT Request: Bob made the motion, 2nd by Charlie, motion passed.

Lake Swiftwater Club letter of support: Adam "We filed a letter of support last year as well but Peter Gonze is here from Lake Swiftwater to present on the Lake Swiftwater project. Peter Gonze, "Good Morning. Just a few words on the background. Lake Swiftwater is a small lake in Paradise Township. About 70 families jointly own property on about 90 acres that the Swiftwater Creek runs through. Under the order of the PA Department of Dam Safety to basically armor the dam we are in process of doing that. At this point about a million dollars has been raised. We are about half way from the funding we need. Grant money was received from LSA , we applied last year. We did receive some money, however it was substantially less then what was hoped for or expected. We were encouraged by our elected representatives to apply again this year. That whole area as you may know upstream from us is a fish and preserve. Swiftwater preserve below it is another fishing club, that whole corridor is in a sort of protected status. Our properties are green and there is no building around it and it's in its original plan to not do any building so we want to preserve and protect the environmentally sensitive area. Its home to a variety of wildlife, and functionally the lake and the dam acts like a giant forebay. It's an advantage downstream where there are HQ and EV fisheries. So our request is that once again a letter of support from the MCCD and thank you for the last year's letter it was very helpful. Mark Sincavage, "What is the status of the stream, the rate, is it a high quality cold water fishery?" Peter, "The lake itself is not but I believe downstream is and upstream as well. " Mark, "so it's not exceptional value?" Lori, "It's special protection, High Quality." Mark Sincavage, "What is your time frame." Peter Gonze, "The current bid was for submission by September 30, 2017 of complete engineering drawings which would be suitable for bid. We submitted those. We are waiting for comment back from them the next mile stone would be to start construction by 2019 with the completion with the completion of December 2020. Mark Sincavage entered to a motion to approve the letter of support to the Lake Swiftwater Club Patrick made the motion, 2nd by Dave motion passed.

Mark Sincavage, "Next item on the agenda is to approve the Attorney Douglas Blazey as the attorney for the board. Pat, "I think that this should be for discussion instead of an approval for the board as it that wasn't discussed at the meeting. Initially I was against hiring anyone that was outside of the county. After having conversations with several people, I think we should get someone outside of the county now. I think we get someone to come in here that doesn't know anyone that doesn't know any of the players that doesn't know anything has no background on

the people sitting here; people sitting there are any of the concerns of both parties. These people have a great deal of experience in environmental law so my personal opinion I don't think you should put in approval on here when we haven't discussed it but that I agree we should discuss it if you want to and have a vote on it. Mark Sincavage, "Any other comments from board members?" Chairman Hanyon and I spoke yesterday about this is item. He did say that this was an environmental lawyer and that he recommended him, also that he is going to charge \$225.00 an hour which is above our previous rate which is what we paid our solicitor. However, that is the going rate in the market. He also said he would not charge for travel time to come up here when needed. He is not going to attend every meeting; he's only going to attend as needed to address any issues, or any item that the board needs addressed by an attorney. All contracts are reviewed by an attorney before. Pat Ross, "If anyone has any questions the board vice chair or chair would have contact with the attorney. Sometimes you will have people contacting the attorney to ask questions that aren't worth \$225.00 an hour." Mark Sincavage, "The only person that will have contact the attorney is the Chairman, Vice Chairman or the District Manager. At the direction of the board. Any other questions on that? Discussion from the public?" Craig Todd, "I just want to clarify that in reference to the solicitor what I had suggested was the district currently has legal services provided to them based either on delegation agreements or because of personnel issues through the county so I had suggested that you really need to decide what kind of services you would need because you already had free legal services available to you, so from an environmental stand point you have the department office of counsel that can provide guidance. So to me it looks like what you need is a solicitor who will review contracts basically." Mark Sincavage, "I am going to defer on that."

Mark Sincavage, "I will entertain a motion that Douglas Blazey, Esquire of Elliot Greenwald as the solicitor at the rate of \$225.00 an hour." Charlie made the motion, 2nd by Dave, motion passed.

Mark Sincavage, "We will move onto Bob Heil of the BWA."

Bob Heil, "I am here today to provide just a high level overview of a little project we are starting. We are involved in the Delaware River William Penn Project. Because of that we heard of an opportunity to bring some resources into Monroe County, called the Open Space Institute Catalyst grant for water protection. We renamed it Clean for Green and there's grant money out there for people to plan and to account for water resources in the county. The total grant is only \$28,000.00. We are proposing collaborating with the planning commission, getting some great technical input from the Conservation District, some other watershed association and land trust. The goal is, within the next year, to create a planning tool for people to basically be able to have this plan to see what water resources are in the county. We have had a few initial

meetings. We have included Brodhead Creek Regional Authority, they sent staff people to say what areas are important for them for drinking water protection. We are looking at a lot of different aspects. We are hoping that ultimately it can be an addendum to the county comprehensive plan. Or can be very useful at the county planning commission level. If any groups here have any ideas about what would be an important data base or an important feature to include in this project, email us at Brodhead Watershed Association. We are the administrative lead for this project, but we are definitely trying to make this a collaborative project and we'll be sending that feedback out to people. Mark Sincavage, "I would suggest you get in touch with the Townships. I know that Tobyhanna Township did under the 537 and planning did a lot of wellhead investigation and mapping. Those records are probably pretty old and probably paper as opposed to electronic. You might want to reach out to the Townships too. Bob Heil, "ok I will definitely reach out to them for our next meeting. Mark, "Any questions or comments from the board?" Mark, "I appreciate the update and giving us the heads up."

Mark Sincavage, "Admin Assistant introduction." Adam Schellhammer, "Everybody as most of you know Debbie Martin retired in July and she is happy on her farm in McKeane County." I am happy to also introduce Denise Smale . She is our new admin assistant. She is almost 2 weeks in. She is doing a great job so far and we are really happy to have her on board and we are really glad she agreed to come and join us here at the Conservation District." Mark, "On behalf of the board welcome, good luck and anything we can do to assist let us know." Denise Smale, "Thank you."

Mark, "I am going to jump back to Lori. Sight Status report?" Lori Kerrigan, "The report is in your packets to go over a couple of items we received 9 new applications we currently have 36 permits under review right now. Two individual permits were issued, one in Paradise and one in Smithfield. We have had 9 pre-application meetings for upcoming projects. If anybody has any questions on the inspections we can go over those. We had stream cleanups that were covered in the District Managers report. If there are any questions?" Mark, "I just have a comment. There just seems to be an increase in complaints. Is there any insight as to why that is?" Lori, "It seems to go in cycles. Sometimes there won't be too many and 1 month we'll get many." Mark, "Well it was summer and there was a lot of rain fall." Lori, "There were a lot of timber harvest complaints because people were working without an E&S plan. So we'll go out and inspect them." Mark, "Any other question or comment from the board?"

Move onto update on the Pocono Volunteer Fire Company? Lori, "We had two compliance conferences with both responsible parties, the Airport and the Volunteer Fire Department. We received correspondence that they didn't choose to go with voluntary compliance. So we did refer that for enforcement to the DEP. We did have another compliance conference. At that point they are currently under a corrective action plan and reconsidered going the route of

voluntary compliance. Mark, "You should always try to bring clients into compliance." Lori, "Absolutely, that's always our first priority." Shane Kleiner, "And to be honest with you the department always does the same thing. While compliance is always our intent, unfortunately sometimes people don't want to do that." Mark, "That's their choice; we need the compliance to happen in the field. One of our personnel goes out to a job site and if there is any observed violation and or deficiencies, they should be addressed then. Is that correct? That is the procedure?" Shane, "Yes that's why we do the reports. The reports have the documentation of those issues that are found on site." Mark. "That document should reflect what was discussed on the site during that time, not any additional issues." Shane. "The whole intent is that there is a representative on site from the agency/organization that has the issue. Therefore, they have the opportunity to discuss that onsite with the inspector and hopefully have all the information prior." Mark, "Hopefully get him into compliance." There was a question about a time frame associated with these reports from unknown persons. Shane, "If you're bringing the report back just to get typed up in the manner which is readable, it is five days from the time of the inspection is required for the end report. We recommend that the individual who was on sight or the representative of the compliance issue be the signature on that as well. It is to show that they were there or received it. It's an acknowledgement; it doesn't show that they agree with the report but that you received it. Mark, "What occurs if there is a minor violation? Let's say the silt fence was down from a storm and they bring personnel in immediately to correct it while the inspector is there, does that still get reported or no?" Shane. "If it was the observation while you were there, so yes it would also get reported." Mark, "It could go onto say that the correction was taken care of while on site?" Shane. "It could be put on the report that it was not in compliance at the time of the inspection but was corrected at the time. That can be part of that report." Dave Moyer, "I have a question, I have witnessed in other areas when a piece of silt fence needs to be repaired and there's not a report sent out they'll come back and check. Shame on you if you don't fix it, but they give you a week. Other agencies whether it be through a conservation district or another operation where they work to give you a week to take care of it. I see that many times. Shane, "I'm involved in doing an inspection protocol with the state; we are doing a training on protocol. Our recommendation is that there is always a report done, there should always be photographs taken of the site when you are there as well. For some reason what could be in compliance today, but might not be in compliance tomorrow. We have a time frame of which the client was in or out of compliance. So anything that you witness, state the facts, what actions were taken, what things were spoken, we don't want your opinion, just the facts. That should be documented at every site." Mark, "Are photographs taken when inspectors are on site of the violation?" Shane, "That's our recommendation. It also has a check spot to mark on the inspection report itself for photos taken. I highly recommend that always be done because that's an accurate representation of the site. It doesn't leave it up to interpretation, it's the photograph. Those photographs should

be kept in its original format so they should not be addressed or changed to anything to show more detail. You should always have the original photograph on file. So if it does go to court and someone says, "Oh you adjusted this photo," especially with digital. The digital format we do have requirements on that. "Charlie, "Just getting back to the documentation." Are we physically going out into the field and handing over this document?" Adam, "We mail the document out. We bring it back for quality control and to make sure that if there is something that we need to review that we do it and it's up to our standards." Charlie, "Can we email these things?" Adam, "they do go out by email as well." Lori, "Email and hardcopy." Bob Heil, "I am going to chime in from my former carrier which we dealt with all the time, minor violations observed in the field. I agree you have to follow protocol. Whether it's the state protocol or something like at you have to follow because you could be audited DEP, EPA or DRBC in the future and they are going to say why isn't your staff following the established procedures? So you have to follow that. However, I know from personal experiences and where I worked it varied by inspector. Here it might vary by counties or region. People sometimes use personal discretion. That can be very good and sometimes that can be bad, because where do you draw the line.

Mark, "Review of the 105 permitting for Stream Occupancy during construction activity?"

Adam, " There was some question on a Trout Unlimited Project were they would use an excavator in the stream to do some fish structure and habitat enhancements so Chairman Hanyon asked if we could provide a little background of how that process started. The process comes with a series of general permits that I believe the one from the photograph was a GP1 which would have been a fish enhancement structure. The photos, the work done behind Weis Markets off of 611 was to create habitat. So the process of getting that excavator in the stream they would have to go through an evaluation of allowable activities and I think based on their sequencing in how they propose to actually get the equipment into the stream and back it out. They had to follow a sequence that was acceptable by the permit. Lori, "In general there would be a number of Chapter 105 permits that would allow work to be done in a stream. Whether it's putting in a dock or a minor road crossing, or wetlands or small stream crossing and at all times it has to be reviewed on an individual basis as to the impacts to minimize the work that needs to be done instream, vs. what can be done from the edge of the stream bank. Alternative options need to be explored first." Mark, "Thank you, any questions?" Dave, "It's been my experience with the 105 is that to allow the excavator to move to one side of the stream, it's not feasible to have an excavator move up and down the stream. You are putting yourself in a bad position by running an excavator inside of the stream. You have a plume of mud in front of you and not to mention than that you the hydraulic line dump all that oil in the water. So when you are working in an active stream that is not the correct way to be working in the stream." Lori, "There are times when there are allowances if it minimizes impacts and other alternatives were explored." Shane, "Just by a photo I can't tell if that was the proper track that they were

going up and down the stream or if they got just access there." Adam, "In that in particular project everything was staged prior to. They only made one trip through the stream bed and they worked their way from front to back and there was no back and forth. To get access to that stream otherwise from the bank they would have to clear cut the entire riparian buffer which would have caused more disturbance and erosion, everything was staged all the boulders were placed before the excavator even got to the creek.

Mark, "District Managers Report." Adam, "Does anyone have any questions my monthly activity?" Mark. "No questions?"

Other Business: Adam, "I have a contract here for our Pitney Bowes postage printer. Currently we have an outdated machine they are upgrading to one that prints a special bar code. Current price for this contract is \$52.00 per month that price is going to increase to \$65.62 a month. There is a 20 to 40% savings on postage because of this new bar code. So although there is an increase in the monthly payment we will recoup the costs by saving on each package that goes out. That is a 5 year contract with Pitney Bowes at \$65.62 a month." Mark, "Any comment from the board?" I'd like to entertain the motion to approve the contract that is presented. Bob, "I'll make the motion." Dave, "2nd the motion." Mark, "motion passed." Adam, "The second thing to be approved is the Conservation District Unconventional Gas Well project allocation worksheet which is the funding we get for the unconventional gas wells through the Conservation District Fund Allocation Program. This is essentially just confirming the funding they are giving us, we're putting in the proper spots for district manager reimbursement, first technician or agricultural technician. Mark, "The only problem I have with that is that the funding could change, so board approval maybe not be appropriate at this time, but Adam wants to move this on. So maybe what I would suggest is that it gets board approved subject to approval by the state. Do I have a motion to that effect?" Adam, "There is a time line to get this sent into Green Port soon, they could definitely change it if they decide to change our funding this year but we have to get approved to enter it into Green Port." Charlie made the motion, 2nd by Dave, motion passed. Mark, "Let's just give you the flexibility because whatever money they give you it what it's going to be, it just has to be adjusted accordingly." Do I a second to the motion Mark 2nd and Charlie also 2nd the motion, all in favor.

Mark, "One thing I want to bring up under this item is that, Adam and spoke briefly prior to the meeting to get me up to speed because I just found out about this yesterday. I just want to say for the record that the BWA does not speak for this board in terms of policy or regulation and it almost appeared to me, to be making statements over what the policy of this board is. The only person that could speak for this board and policy and operations of this district is the chairman or the district manager. I just want to say that for the record. I am not saying that was done or that there was any violation. I just want to put that on record that the district manager agreed,

the board agreed that that was a fair statement. I don't want the public to be confused by any other publication that's speaking for this board or making statements or facts about what this board does." Bob Heil, "So if we could just change the title of that." Mark, "If you want to say conservation district news, that's fine, but not Monroe County Conservation District. It almost appears as though you are speaking for this board." Bob Heil, "Well the intent was to report on the happenings of the county under environmental works with other projects that are going on. I will reach out to our communications people to see if they could remarket the headline or retile the headline. We will take that into consideration." Mark, "Thanks."

Mark, "Moving onto cooperating agencies." Shane, "We do have The Dirt and Gravel Low Volume Road Annual Maintenance Workshop which is going to be in Sayre this year. That is next week the 26th thru the 28th. One of the interesting things is the 26th they are going to have a Municipal Day. So they can come up and look at storm water projects. There is also the PACD Regional Meeting that is going to occur on October 20th at our regional office so if there is any questions or comments. We always invite all the board members if they are interested. It's also a good opportunity to see what else is going on in the region as well as the state. We did meet with the commissioners on September the 14th to discuss a number of issues. I think it's going to work well with the October 18th meeting you are going to be having. Some of the same players that were involved in that discussion will be there for that meeting as well." Adam, "We are still working on confirming. That was the round table discussed before that Jan, Joe and I will be working on the agenda." Shane, "I thought we reached a lot of agreements as well as an opportunity to say here is where we need to do some work. My boss Joe is looking into a couple of things that were discussed. We also suggest there are some things outside of our jurisdiction that might be for the State Conservation Commission to take that opportunity to discuss with them." Charlie, "one of the other things that was discussed was the photographs Dave has. We also discussed the Delaware Clean Water Basin Commission, there were concerns of the mud flowing into the Pocono, the McMichaels, to the Brodhead and into the Delaware River." Shane, "I believe that one of the things that came up was the possible use of Going Greener monies. Ron Yablonsky was going to be getting in touch with the district on that to discuss those options. There are some things that are on public property, those are different scenarios."

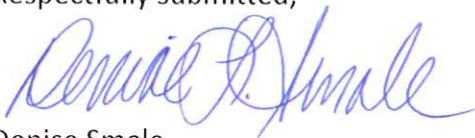
Jennifer, "You do have a copy of my report. We are closing out our fiscal year at the end of the month. Any funds need to be done by 3rd week of October. Monroe County ended up with 6 contracts \$226,085.00. There may be more rounds for our funding this year. We take applications year round."

Planning Commission, "We preserved another 36 acres of farm land in Polk Township. Second week in October we will be in Harrisburg preserving more farms just around 60 acres and the 3rd week in October we will be preserving 26 acres."

No public comment.

Meeting adjourned 9:00.

Respectfully submitted,



Denise Smale
Recording Secretary

THE NEXT MCCD BOARD OF DIRECTORS MEETING WILL BE HELD ON THURSDAY, OCTOBER 19, 2017 AT 8:00 A.M. AT THE MONROE COUNTY CONSERVATION DISTRICT OFFICE IN BARTONSVILLE, PA.