

**LANCASTER COUNTY CONSERVATION DISTRICT  
BOARD MEETING MINUTES  
March 2, 2016**

The 770th regularly scheduled Board Meeting of the Lancaster County Conservation District was held on Wednesday, March 2, 2016, at 7:30 PM, in the multi-purpose room of the Farm & Home Center, 1383 Arcadia Road, Lancaster, PA.

**The following Directors were present:** Kenneth Meck, Chairman; Herb Kreider, Roger Rohrer, Dick Shellenberger, Jay Snyder, and Commissioner Craig Lehman. Don Robinson, Director Emeritus, was also present.

**The following Associate Directors were present:** Darrell Becker, Frank Burkhart, Gregory Strausser, Robert Wagner and Kent Weaver.

**The following District Staff were present:** Christopher Thompson, District Manager; Gerald Heistand, Business Manager; Jeff Hill, Ag Program Manager; Kevin Seibert, Ag Compliance Coordinator; Nate Kurtz, E&S Program Manager; Matt Kofroth, Watershed Specialist; and Andy Hake, Ag Conservation Technician.

**The following Cooperating Agency representative was present:** Heather Grove, Natural Resources Conservation Service.

Chairman Ken Meck called the meeting to order at 7:35 PM and provided the invocation for the meeting.

There were no guests to be introduced at the meeting.

There were no additions to the agenda.

Opportunity was given for public comment. None was offered.

Chris Thompson brought the Board up to date on the tornado damage and cleanup effort on the Eby farm in the eastern end of Lancaster County. He reported that in one day volunteers had cleaned up the worst of the debris and by the end of the week the site should be ready for rebuilding. The faith of the community came through with response from neighbors and a call to action. All Eby family members came through the storm safely. Dennis Eby sends his thanks to all persons who have shown concern through this ordeal.

**Agency Reports**

**1. USDA, NRCS**

Heather Grove reported that they just finished interviewing several good candidates for the vacancy left by Adam Gagne and are now waiting for final approval. The next step for personnel is to advertise for Rob Weaver's replacement. The first round of EQIP applications has been ranked, and they now need to obligate the funding by April 29<sup>th</sup>.

**2. PA DEP Field Rep Report**

Chris Thompson referred to the March 2016 DEP Conservation District Field Rep Talking Points in the handout packet and mentioned that Elwood Blake, our DEP representative, wanted to thank everyone who expressed concerns over his recent loss. Thompson referred to section four, on page 1, where SCC appointed an advisory committee to seek out District input on the use of CDFAP funds. He encouraged directors to consider volunteering for the state Envirothon to be held May 24-25.

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### Consent Agenda

Chairman Ken Meck gave opportunity for directors to withdraw any of the items from the Consent Agenda for additional discussion. Hearing that there were no items to be removed, he requested a motion to accept the items on the Consent Agenda. Dick Shellenberger moved to approve all items on the Consent Agenda. Roger Rohrer seconded the motion. Motion passed unanimously.

The Consent Agenda included the following items:

1. **Minutes of February 3, 2016 Board meeting**
2. **Technical Assistance Requests/Cancellations**
3. **Nutrient Management Plan Approvals**
4. **Conservation Plans Acknowledgement**

### Additional Business

1. There were no items removed from the Consent Agenda.

2. **Treasurer's Report**

Gerald Heistand reported that total assets have not changed much recently; however, for 2016 we have a milestone of over one million dollars in restricted account funds. He noted that we are not planning to return any of the \$271,000 in borrowed reserve account funds until we see movement with our fourth quarter reimbursement requests. We are currently waiting for \$375,000 in reimbursement funding. On the Income and Expense report, it was noted that General Operations will be positive for most of 2016, because the 2016 budget did not include a delay in the 3<sup>rd</sup> quarter payments from the previous year. The treasurer's report will be filed subject to audit.

3. **Ag Compliance Review Committee Report**

Kevin Seibert reported that the Ag Compliance Review Committee reviewed the four compliance cases that were detailed in the mailing.

For the farm at 1428 Lime Valley Road, owned by Dana Good, the committee recommends sending out a Notice of Violation (NOV) with a request that a conservation plan be submitted to LCCD by June 1, 2016.

The farm at 192 Green Acre Road, owned by Spahr Residuary Trust, is making progress, so the committee is not recommending any action at this time.

For the farm at 637 Winter Hill Road, owned by John L. King, the committee is recommending that a letter be written to explain that the manure management plan is not complete, and that an updated plan should be submitted to LCCD within 30 days of receiving the letter. Seibert reported that Andrea Blosser, DEP, confirmed that the District does not have the authority to issue a NOV for Chapter 91 violations. Andrea is agreed to do a courtesy call letting the farm owner know that DEP is concerned about the identified violation.

For the farm at 2146 Oak Lane, owned by Clair Garman, the committee is recommending that LCCD issue a NOV and instruct the farmer to get the rows on the contour by June 1, 2016. The farmer has received an inspection report and we have come to the place in the policy where the Board needs to make a decision.

Roger Rohrer moved that the LCCD Board approve the Committee's recommended actions for the three farms (Dana Good, John L. King and Clair Garman) as detailed above. Dick Shellenberger seconded the motion. Motion passed unanimously.

#### **4. Planning for Chesapeake Bay Delegation Agreement**

Kevin Seibert reminded the Board that the topic of the Bay Delegation Agreement was discussed at earlier meetings. It is now clear that if LCCD decides that Bay Technicians will not be conducting compliance visits, then the District will forgo \$337,000 in funding from DEP, effective July 1, 2016. We are bringing this to the Board at this time for planning purposes. Dick Shellenberger moved, pending a review of the finalized DEP Chesapeake Bay Program Technical Assistance Funding Program agreement, to accept the idea of using Bay Technicians for compliance visits. Roger Rohrer seconded the motion. Motion passed unanimously. A final determination will be made after the Agreement details are known.

#### **5. New District Ag Compliance Department**

Kevin Seibert informed the Board that this informational item explains how LCCD could accomplish compliance goals, and still maintain our Ag advocacy mission, if the Bay Delegation Agreement is accepted. This proposal would essentially use three staff persons to concentrate doing compliance visits, allowing the other technicians to continue doing conservation planning and the design implementation of BMPs. Plans are to bring this item back to the Board next month with more details. Chris Thompson mentioned that he and a few conservation partners are working to reboot the original “reboot” concept to include more than a culture of compliance.

#### **6. Personnel Committee—Request to Hire**

A handout with the Personnel Committee’s recommendation was provided to all directors. Chris Thompson reported that the District’s experience was similar to that reported by NRCS, with a very good round of candidates. Fourteen applications were received, and the interview committee chose five for interviews, and then narrowed the selection down to three good candidates. The last time the District searched for an ag technician, the candidate pool was not very good. Therefore, after doing an analysis of the District’s funding status, it was suggested that with this opportunity the District should consider hiring three new ag technicians. Information on the candidates and the funding situation for three positions was vetted with the personnel committee. After review, the committee recommends that the Board hire Brady Hess in March, Rachel Milliron in May, and Leslie Weller in August. Thompson informed the Board that Leslie Weller will be completing an internship project at LCCD before she is officially graduated and able to be hired in August. Leslie is scheduled to begin her internship project at the District in May. Thompson reminded the Board that the three ag technicians will put the District office at full capacity. Expansion of District staff in the future will require additional office space. Roger Rohrer moved that the District hire three new Ag Technicians (Brady Hess, Rachel Milliron and Leslie Weller) as detailed in the handout. Dick Shellenberger seconded the motion. Motion passed unanimously.

#### **7. Pension Trustee Committee Report**

Gerald Heistand reported that at the January meeting, Kent Weaver, of the Pension Trustee Committee, informed the Board of the Committee’s recommendation to move forward with Fulton Financial Advisors, pending the outcome of their responses to several voiced concerns. The three main issues to be vetted were: 1) the selection of an actuarial service provider that was acceptable to both parties, 2) finding a stable value fund that was similar to the Standard Stable Asset Fund II, and 3) timing funds transfer so that staff would have ample time to take any necessary steps to avoid a possible stable asset termination fee. Heistand explained that the result of these concerns as recommended by the committee are: 1) use the PA Retirement Solution, Inc. company for our retirement plan consulting services, 2) sign an agreement with the Reliance Trust Company to offer District employees the Reliance MetLife Stable Value Series 25157-Class 35 fund, and 3) delay moving assets from The Standard to Fulton Financial Advisors until June 30, 2016. Heistand told the

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Board that approval of these three recommendations carries with it the approval that the District will be going with Fulton Financial Advisors as the District's pension company. A meeting to share these details with staff has been scheduled for March 17<sup>th</sup> at 9:00 AM.

In response to Director Shellenberger's question about the companies' proposals, Chris Thompson informed the Board that when comparing proposals, Everence was competitive with Fulton Financial Advisors. One of the reasons for choosing Fulton Financial Advisors was that they are local and have positive name recognition. The District already has Everence as the broker for our health plan, and by going with Fulton Financial Advisors for pension, there is diversification of providers. He emphasized that the biggest savings will be experienced by the employees, not the District. In answer to the question of what the savings will be to the employee, Heistand informed the Board that the starting base fee paid by an employee on all his/her funds invested is currently 1.05% with The Standard, is quoted as 0.6% with Everence, and quoted as 0.5% with Fulton Financial Advisors. Other than the base fees, employees will have mutual fund expense ratio fees, and there are recordkeeping and plan administrative fees that can be paid by either the District or the employee, depending on how the plan is set up. The pension trustees will be involved with how the new plan is set up. Jay Snyder moved to accept the recommendations of the Pension Trustee Committee. Commissioner Craig Lehman seconded the motion. Motion passed unanimously.

### **8. Low Volume Road QAB Recommendations**

Matt Kofroth reported that the Low Volume Road (LVR) QAB Committee met prior to the Board meeting to review 15 LVR applications submitted by 10 municipalities, requesting \$420,000. The Lancaster LVR program had \$250,000 to allocate to local projects. A handout sheet was provided, listing the 10 projects in six municipalities recommended by the committee for funding. It was noted that the municipalities are submitting good projects that definitely provide an environmental benefit. Commissioner Craig Lehman moved to approve the 10 recommended projects at an estimated cost of \$253,490. Roger Rohrer seconded the motion. Motion passed unanimously.

## **Reports/Information**

### **1. Correspondence, News and Updates**

The following correspondence, news and update items were circulated at Board meeting:

- News Article – 'Right Now Ag Is the Largest Polluter' Dairy Farmers Learn What DEP Has in Store– Lancaster Farming, February 13, 2016
- News Article – Conservation District to award 3 scholarships – LNP, Lancaster, February 6, 2016
- Obituary – F. Edwin Rohrer – February 9, 2016, LNP, Lanc. (Ed is father of Roger Rohrer)
- Letter from Secretary John Quigley – February 11, 2016 – Response to the District's January 12, 2016, letter regarding the new Chesapeake Bay Restoration Strategy.
- Letter from Capital RC&D with two documents to provide information about their activities, 2015 Capital RC&D Accomplishments Update and summary of Capital RC&D's new strategic plan.
- PACD South Central Region Meeting Invitation & Agenda
- News Article – Officials urge farmers to mark their progress – LNP – February 29, 2016

There was Board discussion on how the farmer survey may be used. Jeff Hill reported on the Colerain Township meetings that are being held. This effort may be a good example of how townships can take a more proactive role in meeting the goals for agriculture. This voluntarily action on the part of municipalities may reduce the need for Ag compliance.

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### **2. E&S/NPDES Monthly Projects Report**

Nate Kurtz provided a report listing the E&S plans submitted during the month of February along with a financial report.

### **3. 102/105 Delegation Agreement Renewal**

Nate Kurtz reported that the District sent a letter of intent to DEP saying that Lancaster will continue with the Chapter 102 responsibilities as well as take on the complaint part of the 105 program. This will come to the Board as an action item at the April meeting.

### **4. Stormwater Quality Certification**

Nate Kurtz reported that E&S staff are looking to pursue Certified Professional in Stormwater Quality certification. This makes sense to have a stepping stone to an E&S Technician's overall professional development plan, as current staff are encouraged to have the Certified Professional in Erosion and Sedimentation Control certification.

### **5. State Ethics Commission RTK Request/Statement of Financial Interests**

Kevin Seibert referred to Item IV.5 on page 18 of the mailing. He emphasized that if there is a PA Right to Know request for Ethics Forms from the public, the Lancaster RTK officer should check with the state authorities to verify whether or not Ethics Forms are subject to open records requirements. An investigator for the State Ethics Commission requested copies of director and staff Ethics Forms. He informed Seibert that there is no reason District administrative persons seal the forms, and if a form is submitted to the District that is glaringly deficient, it is the District's duty to report the instance to the Commission. Several directors thought it would be worth Seibert's time to get an answer from the RTK office before a request for Ethics Forms is made.

### **6. TeamAg Penn Vest Projects**

Chris Thompson referred to page 19 of the mailing that lists PennVest projects that are taking place in Lancaster and York Counties. Citing LCCD's continued involvement with Electrocell, Chris noted that Chester County CD is administering the listed PennVest projects in both counties.

### **7. Banquet Committee Update**

A sign-up sheet was passed around the room for directors who did not yet contact the office with their banquet RSVPs.

### **8. PACD Winter Meeting Report**

Chris Thompson reported that votes were taken on the 10% PACD dues increase, as well as the Coal Refuse-to-Electricity Tax Credit Initiative. It was noted that all directors are eligible and welcome to attend the joint annual conference on July 27-28.

### **Additional Comments:**

Chris Thompson reviewed the upcoming meetings that were listed on the agenda.

Herb Kreider reported that the PUC made a decision that Ag methane digesters will not have production cap limits as a result of the push to meet Chesapeake Bay goals.

Roger Rohrer reported that farmers should seriously consider enrolling their marginable crop ground with the FSA office.

### **Meeting Adjournment**

Chairman Ken Meck officially adjourned the meeting at 9:28 PM.

Gerald M. Heistand  
Recording Secretary