

Item II.1
**LANCASTER COUNTY CONSERVATION DISTRICT
BOARD MEETING MINUTES
December 2, 2020**

The 824th regularly scheduled Board Meeting of the Lancaster County Conservation District (LCCD) was held via Zoom Call-In only on Wednesday, December 2, 2020, at 7:30 PM.

The following Directors were present: Daniel Heller, Chairman; Herb Kreider, Kent Weaver, Treasurer; Jay Snyder, Bob Shearer, Ken Meck, Sonia Wasco and Commissioner Craig Lehman.

The following Associate Directors were present: Greg Strausser.

The following District Staff were present: Christopher Thompson, District Manager; Gerald Heistand, Business Manager; Jeff Hill, Ag Department Managr; Rich Snyder, E&S Department Manager, Kent Bitting, Justin Furnia, Sallie Gregory, Kevin Lutz, Samantha Adams, Francesca DePrator, Adam Stern and Suzanne Kopp.

The following Cooperating Agency representatives were present: Heather Grove, Natural Resources Conservation Service and Elwood Blake, Department of Environmental Protection.

The following guests were present: None

Chairman Dan Heller called the meeting to order at 7:30p.m. Chairman Heller expressed how thankful we need to be that we work in a time of technology, so that we can continue to hold meetings via Zoom during this pandemic. Ken Meck provided the invocation for the meeting.

Adam Stern took a moment to introduce himself as the interim IT person until a replacement for Justin Furnia can be hired.

Dan Heller recognized Commissioner Lehman with a plaque and planter that had been delived to his house earlier that morning. On behalf of the Board, Dan extended his gratefulness to Commissioner Lehman for all the wisdom and knowledge he has offered to the Board for the last 13 years of service on the Board of Directors.

Commissioner Lehman thanked everyone for their support over the years he served and announced he is not going up for re-election as commissioner at the end of his term this time. He stated that working with the Lancaster County Conservation District and serving on the Board has been some of the most rewarding work he has done during his time as a commissioner. Chris Thompson echoed what Dan Heller stated about Commissioner Lehman's service to the Board of Directors.

Additions to the Agenda:

1. RCPP Proposal
2. 2021 County Action Plan award.

Both of these were received the Wednesday before Thanksgiving.

An opportunity was given for public comment: None was offered

II. Agency Reports

1. USDA, NRCS

Heather Grove reported that the NRCS positions that are currently open, are being filled. An offer has been made for a Resource Person with a tentative start date at the beginning of 2021.

2. PA DEP Field Rep Report

Elwood Blake stated that the 2021 Conservation District Director Nominations are due at this time. Elwood also stated that the 2019 District Audits are due December 31, 2020 and the Clean Water Academy has added five more courses in the past month. E-Permitting is scheduled to go live in January 2021. Trainings for the E-Permitting will be held before the system goes live. Elwood also stated that the General NPDES permit for CAFO's was amended with a January 1, 2021 effective date. The CAFO Annual Report and Annual NOI Installment Fee deadline has been extended. The Chesapeake Bay Update was an award that was made to Lancaster County Conservation District. Dave Gates has moved on from being the Water Quality Supervisor and Andrea Blosser has taken his place.

Chris Thompson stated that there were two candidates up for re-appointment and are going before the Board of Commissioners. Bob Shearer and Herb Kreider are up for re-appointment. Chris also stated that the page of dates for meetings and trainings are in your Board packets – but he wanted to highlight the fourth category which is Building for Tomorrow Leadership Program where they will be talking about Board Leadership. These will be trainings specific for directors. Chris requested that the directors consider attending these trainings.

Herb Kreider wanted to state that he feels that we are adding complexity to the programs, but not improving water quality. Dan Heller feels that this should be a conversation with the State about this complex paper work. Chris Thompson reported that more paper work is not making the water cleaner but he said he was told that PA is so far behind other States that they are ratcheting down on PA with this addition complex paper work. Chris said he will continue to pursue this with different officials to try to simplify the paper work.

III. Consent Agenda

Chairman Daniel Heller gave the opportunity for Directors to withdraw any of the items from the Consent Agenda in order to have additional discussion. Hearing none, Ken Meck moved to approve the Consent Agenda which included items numbered one through four. Sonia Wasco seconded the motion. Motion passed unanimously.

The Consent Agenda includes the following approved items.

- #1 – Minutes of November 4, 2020 Board meeting**
- #2 – Technical Assistance Requests/Cancellations**
- #3 – Nutrient Management Plan Approvals**
- #4 – Conservation Plan Acknowledgement**

IV. Additional Business

1. Items removed from Consent Agenda

There were no items removed from the Consent Agenda.

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2. Treasurer's Report

Gerald Heistand reported that the biggest change is that Low Volume Roads spent \$100,000 and this money went out to Townships this past week. \$100,000 has come into the District from Spotted Lantern Fly and Mill Creek Programs. E&S balance has gone up by \$40,000.

The Income and Expense report shows that the General Operations is currently at **-\$35,000** and that is up from the balance of **-\$52,000** last month. The Chesapeake Bay technicians and engineer's money is expected to come in at \$120,000 and that is looking positive to come in before the end of 2020.

Sonia Wasco asked if we are still working on our Spotted Lanternfly Grant? Gerald stated we are trying to spend the rest of the grant funding by paying independent contractors that are out doing the work and also purchasing supplies so we have them to start the new year. Sallie Gregory reported that Amanda is finishing up the SLF work and the funding will be finished by the end of 2020.

3. Budget and Finance Committee Report

Gerald Heistand stated on November 4, 2020 the Board had a chance to review the financial report. The items changed from last month are we received CAP Funding in the amount of \$1,000,000 and that was entered into the budget. In 2021 we expect to bring in \$4,000,000 and we expect to pay out \$4,600,000.

Dan Heller questioned if Chris Thompson and Gerald Heistand felt we were in a good financial position at the District. Craig Lehman said Conservation District's requested \$275,000 from the County was approved and will be paid out of ACT 13 funds. Craig stated that the money will solely be funded from ACT 13 and is scheduled for adoption on December 23, 2020. Chris Thompson highlighted that we received another million dollars that put a ripple effect into play and really pulls and stretches the staffing resources. The District continues to receive money to put projects on the ground, but money is not being received to hire more staff to do the work. Chris stated if we don't have adequate resources to keep staff or get better funding to hire addition staff we will have to start saying no to the extra money coming into the District for projects.

Sonia Wasco pointed out that the PACD meeting stated that there is not going to be an increase in State funding.

Dan Heller reported that this is the biggest budget the LCCD has ever passed.

Kent Weaver moved to approve the budget as presented and Sonia Wasco seconded the motion. Motion passed unanimously.

4. Personnel Committee Report

Sonia Wasco stated that the COOP Update will be given by Chris Thompson. Chris reported that he has asked monthly to carry the COOP plan from month to month, however, Chris is now asking the Board of Directors for a formal action to carry the COOP plan until March 31, 2021. This is being asked due to the increase in Covid cases in Lancaster County. We will continue to operate remotely and have the staff in the office on a rotating schedule and continue to wear masks, do field work and follow CDC guidelines.

Sonia Wasco stated that a request is being made to advertise for the Education and Outreach Intern position.

Sonia Wasco moved to approve the Personnel Committee Report as presented. Ken Meck seconded the motion. Motion passed unanimously.

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Sonia Wasco requested an update on the open Ag Technician positions. Chris Thompson stated that they have engaged the HR department Paragon to help do the interview process. Paragon has received 30 applications. Paragon narrowed down the applications received to 11 applications to be reviewed by the District personnel. Chris has requested the additional 19 applications from Paragon so he can see if there are any out of the remaining 19 that might be a good fit. Chris stated that they will be interviewing three to six of the applicants the week before Christmas. Chris is hoping to have a request to hire to present to the Board of Directors at the January Board meeting.

5. E&S Committee Report

Richard Snyder reported that there was a significant increase in the number of mistakes on the permit applications and with fees being submitted incorrectly to the District. A committee was formed to review and revise the fee schedule and the application and the documents are being presented to the Board for approval. Jay Snyder and Greg Strausser were consulted to look over the changes and discuss their concerns and questions with the new fee schedule and application. The revised document is now a three-page document compared to the old document that was five pages.

If approved, the fee schedule will be in effect by January 1, 2021.

Dan Heller asked what the percentage of increase in the total of the fee increase would be. Rich stated that the new fee structure should generate an average of 10% increase in the two programs.

Kent Bitting asked that if the Ag Department submits a 105 project, would the farmer then have to pay the additional \$100 fee for the E&S control plan approval. Rich stated yes that would be the case.

Jay Snyder moved to accept the E&S fee schedule as presented. Bob Shearer seconded the motion. Motion passed unanimously.

With the action, the next step is to submit this formal fee schedule to the State Conservation Commission in order for this to become effective as of January 1, 2021.

Rich also reviewed highlights from the minutes of the E&S Committee Meeting held on November 18, 2020.

A. Chapter 102 E-Permitting Update

** Update Provided

** "Go Live" Date for General NPDES Permit NOIs is Tentatively Anticipated for 01/20/2021

** Internal Training is Scheduled for 01/05/2021 & 01/06/2021, and 01/19/2021 & 01/20/2021

** 4.5 Hours of Internal Training Daily

B. Schatz Garage vs. Melhorn Drive Basin Modification – Mount Joy Borough

a. Appeal / Litigation Update

** Update Provided

** Second Set of Interrogatories and Another RFD were Electronically Filed with DEP SCRO on 11/16/2020

** LCCD, in Conjunction with DEP SCRO, is Currently Preparing a Response

b. Florin Hills

** The Joint LCCD / DEP SCRO Investigation Continues

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C. Stauffer CAP / Enforcement Update – East Donegal Township

** Update Provided

** Both Full Implementation of the CAP and Permanent Stabilization were Verified During LCCD's Inspection on 10/27/2020

** LCCD, in Conjunction with DEP SCRO, is Preparing a Penalty Matrix

** Completion Anticipated Either 12/2020 or 01/2021

** Upon Completion, it will be Forwarded to LCCD's E&S Committee for a

** Recommendation, and LCCD's BOD for Approval

D. Haydn Manor – East Hempfield Township

** LCCD Received a Resubmission on 11/09/2020, and Deemed it Complete on 11/18/2020

** LCCD is Currently Conducting a Technical Review

E. Tamarack / Spread Eagle MHP – Providence Township

a. General NPDES Permit Status

** LCCD Received a Resubmission, and Deemed it Complete on 10/28/2020

** LCCD is Currently Conducting a Technical Review

b. Enforcement Referral

** An Enforcement Referral was Completed, and Forwarded to DEP SCRO on 10/05/2020

F. Enola Low Grade Rail Trail – Eden Township, Et. Al.

** LCCD is Currently Attempting to Schedule a Conference Call with the Applicant, the Applicant's

Designer / Design Team, and DEP SCRO

G. Shady Grove Campground – East Cocalico Township

** LCCD Conducted / Completed a Comprehensive Inspection on 10/02/2020

** LCCD is Currently Awaiting a Conference Call with DEP SCRO to Discuss Chapter 102 Issues, Chapter 105 Issues, and a Compliance Strategy

H. Updated LCCD Review Application & Fee Schedule

** Both Presented and Discussed LCCD's Updated Review Application & Fee Schedule

** With Both Jay Snyder (In-Person) and Greg Strausser (Electronically), Discussed the E&S Committee's Questions, Comments, and / or Concerns. Both Committee Members were in Favor of LCCD's Updated Review Application & Fee Schedule

I. Staff Workload

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6. Scholarship Report

Sonia Wasco stated that Gerald Heistand presented the budget to the scholarship committee of the funds that were available for the upcoming year. It was discussed during a committee meeting that if we continue giving two \$2,000 scholarships we will be reducing the principal of the scholarship fund.

Gerald Heistand stated that this was a sudden change due to the fact that bonds that were paying 4% and 5% in interest have been called due and interest rates have dropped drastically. So, we are not generating enough interest to pay the scholarships as we have in the past. The committee is looking for formal guidance from the Board as to how to handle the principal of the funds. The committee also requested guidance from the Board as to how many scholarships they would like us to give each year and the amount of those scholarships. Herb Kreider stated that he felt that we should maintain the principal and even try to increase the principal balance.

The Board suggested that we should give two \$1,000 scholarships from this point forward. If at some date in the future more money is donated to the principal of the scholarship fund, then the Board can revisit and make new determinations.

Ken Meck moved to give two \$1,000 scholarships. Jay Snyder seconded the motion. Motion passed unanimously.

Gerald also wanted the Board to keep in mind that we have called this the Ann Brown Scholarship for the past 20 years, but other people have been giving large amounts to the principal of the fund so that possibly a change to the name of the scholarship should be considered in the future. This topic will be discussed by the Foundation.

V. Reports/Information

1. Correspondence, News and Updates

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

- Thank you notes to the Board of Directors – Multiple staff members
- Chesapeake Bay Commissions 40th anniversary brochure

2. E&S/NPDES Monthly Projects Report

Rich Snyder reported that in November 2020 we have received 25 new total plan submissions. Total complaints for November have been reduced to five for the month. One of the 25 new projects is a very large residential project in West Hempfield Township. The E&S Committee Meeting was held on November 18, 2020. E-Permitting is set to go live on January 20, 2021. Trainings for E-Permitting will be held on January 5, 6, 19, 20, 2021 for 4.5 hours each day.

3. Extraordinary Give Update

The Extraordinary Give was held November 20, 2020. There were 68 donors and \$5,425 was raised in support of Lancaster County Youth Conservation School and Lancaster County Envirothons.

4. Litigation Update

The Lancaster County Conservation District litigation from the stream restoration work that was done in 2018 reached a new milestone. Last week our legal counsel filed preliminary objections to Mr. Gantz's complaint. This includes a 'notice to plead', which requires Mr. Gantz to respond within 20 days (as of 12/3/20). If Mr. Gantz does not respond by tomorrow we can file a request that the preliminary objections be acknowledged and unopposed and the case will be dropped.

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5. PACD/SCC Report and Winter Meeting Registration

Chris Thompson stated that the announcement for the Winter Meeting will be virtual and the dates that are set aside for the different meetings are in the Board Packet. All Board members are welcome to attend any of the meetings. Registration is usually \$400-\$500 dollars but this year registration is free to attend these virtual meetings. Everyone needs to register to attend the meetings. Chris encouraged everyone to attend the meetings.

Additions to the Agenda:

Chris Thompson reported on the following additions to the agenda:

Regional Conservation Partnership Program (RCPP) – The Clean Water Partners are putting together with other partners a proposal for the NRCS Regional Conservation Partnership Program application. The award is expected in the Spring of 2021. Projects would not begin until 2022. The proposal is for \$10,000,000 and it would be funneled thru the Conservation Foundation.

The County Action Plan funding – Chris reviewed that in 2020 the District received \$700,000 for projects identified in our County Action Plan and to hire a CAP management team. The CAP management team is comprised of LandStudies, David Miller/Associates Inc. and Farmland Trust. The team are the mediators between DEP and the groups working on the projects on the ground. These funds are funneled through the District. The District used \$100,000 of the funds for the Ag Department to get projects done and the balance of the funds went out to different partners such as TeamAg and Red Barn Consulting to get projects completed on the ground quickly.

Additional Public Comment:

Justin Furnia extended a thank you to all the Board of Directors for all the opportunities he was given and for his time employed at the District. Chris Thompson stated that Justin will be a third-party consultant to help out with our IT needs until the District finds a replacement. Chris thanked Adam Stern for stepping up to be the interim and learn the IT side of things in the transition of Justin leaving.

Dan Heller wished everyone a Happy Holiday and a Merry Christmas.

Meeting Adjournment

Chairman Dan Heller officially adjourned the meeting at 9:27pm.

Suzanne Kopp
Recording Secretary