

Item II.1
**LANCASTER COUNTY CONSERVATION DISTRICT
BOARD MEETING MINUTES
November 4, 2020**

The 823rd regularly scheduled Board Meeting of the Lancaster County Conservation District (LCCD) was held in-person on Wednesday, November 4, 2020, at 7:30 PM at the Farm & Home Center, 1383 Arcadia Road, Lancaster, PA and also by a Zoom Call-In.

The following Directors were present: Daniel Heller, Chairman; Herb Kreider, Kent Weaver, Treasurer; Jay Snyder, Bob Shearer and Ken Meck all attended in person, with Sonia Wasco attending via Zoom.

The following Associate Directors were present: None present.

The following District Staff were present: Christopher Thompson, District Manager; Gerald Heistand, Business Manager; Jeff Hill, Ag Department Manager; Rich Snyder, E&S Department Manager, Kent Bitting, Justin Furnia, Matt Kofroth, Kevin Seibert, Kevin Lutz, Holly Shaub, Samantha Adams, Francesca DePrator 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 extended a big thank you to everyone at the District for doing their best during the pandemic to continue to get the work accomplished daily. Dan also expressed how thankful we need to be that we work in conservation and that conservation is held to a high standard and broadly supported by elected officials across the nation Bob Shearer provided the invocation for the meeting.

There were no additions to the agenda other than additional correspondence.

An opportunity was given for public comment: None was offered

II. Agency Reports

1. USDA, NRCS

Heather Grove reported that Mark Myers would be filling the open position for NRCS. They will be advertising to fill the seat that Mark Myers is leaving vacant.

2. PA DEP Field Rep Report

Elwood Blake stated that a memo was received from Central Office that the Federal Government is looking closely at receipts from Conservation Districts for auditing purposes. They are asking for itemization for expenses that they are not accustomed to seeing. He feels they are not unreasonable requests but they do not normally have this information handy, so it is a timely task and causes payment delays. He also stated that the State Conservation Commission was encouraging Districts to hold their meetings virtually and they would like to keep this option moving forward.

102 e-permitting NPDES General Permit Applications will start to be accepted as of January 20, 2021. Internal trainings will be provided on January 5-6, 2021 and also January 19-20, 2021.

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Chris Thompson also highlighted that the Chesapeake Bay and Conowingo WIP is out for review and staff members are reviewing it. Chris requested feedback from any Directors who would be willing to read and review it as well.

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, Bob Shearer moved to approve the Consent Agenda which included items numbered one through four. Herb Kreider seconded the motion. Motion passed unanimously.

Bob Shearer raised a question regarding Nutrient Management plans approval – If an operation was expected to put in a Manure Storage BMP in 2017 and didn't do that, then how is he getting a new three-year plan? Jeff Hill replied that the Landowner is allowed to get a plan – but the BMP has to show the original implementation date and he will be non-compliant until that BMP is put in. Also, Jeff explained that all Nutrient Management Plans must be reviewed and approved by the District Board, however, at 180 days if they aren't acted on by the Board they are deemed approved. Guidance from the SCC says that if the Board can't approve in the timeframe of 180 days, then it automatically gets approved. The Consent Agenda included the following approved items.

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- #1 – Minutes of October 7, 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.

2. Treasurer's Report

Gerald Heistand reported that the General Operations fund was down this month at \$290,000 – because we are waiting for \$546,000 coming from the State for two months of Nutrient Management reimbursements that we have not received to date.

A new account has just been added to the report for Health Care – a review was done of our health records and there is a \$61,000 refund expected will be moved to an account for LCCD use.

Income and Expense Report – Gerald stated that he wants the General Operations Net Income to be above \$125,000 at the end of the year and it is currently at **-\$52,135**. The Activities Fund is currently at \$19,000 which is high. The Grants fund is currently at \$1,096,539.

Bob Shearer questioned if the State was going to be sending the funds they owed to us. Gerald said DEP confirmed money is being sent and we would be receiving it shortly.

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3. Budget and Finance Committee Report

Gerald Heistand stated that the committee met before the Board Meeting tonight. The following are the notes from that meeting:

- A. The 2021 Budget has in it a new full-time Grants Coordinator. The District has substantially increased its number of grants.
- B. For 2020 it is projected that LCCD will be carrying over one million dollars more for pass-through grants for Ag BMPs. So, there is an additional Ag Technician position in the 2021 budget, to assure that ag compliance and BMP installation goals are met.
- C. The Ag Department has moved a SWAT staff person (Steve Reiff) into a Bay Technician Position for the same reasons expressed in B above.
- D. We have procured additional funding through the CEG and CBAIP Compliance grants to help cover the above changes.
- E. The District has contracted with Paragon, an outside consulting company to provide HR services at \$30,000 per year. This cost is charged to each District program.
- F. We are providing a COLA increase to all staff, and an additional \$500 to staff who have been with the District more than 12 months. Longevity bonuses are provided for staff at their 15, 20, 25, etc. year anniversaries.
- G. The overall health care premium for the new fiscal year September, 2020 to August, 2021 is lower than what we paid this year and \$61,322 was released from our Eliance self-funded insurance working account. Funds from the most recent three plan years total \$144,171.
- H. YTD the District has brought in over one million more in pass-through grant funding than it was able to spend. So, in 2021 the budget is planned so we have about \$900,000 more being spent than we will bring in.
- I. The Ag Department is expecting to pull from its reserves to meet 2021 budget assumptions.
- J. The E&S Department is expecting a slight increase in their reserves in 2021.

The District budget is based on a calendar year; however, State contracts are written on a fiscal year and end on June 30 2021. The District budget is built on the assumption that 100% of the State contracts will be funded and renewed.

Kent Weaver stated the reason we are proposing a negative balance budget of **-\$23,000** is because there are budgeted expenses, we don't expect to have to pay, which will balance the budget. Also restructuring of employment is another cause for the negative balance.

Dan Heller stated that once we get the Grants Coordinator hired, they can help get more funds thru grants to alleviate that deficit.

Ken Meck asked about the increase in professional services line item – it was explained that we are hiring an outside firm as Human Resources & Payroll Services. This is at an annual cost of \$30,000 and the contract was signed and they started on November 1, 2020.

Paragon, the new Human Resources firm will be meeting the staff at the November staff meeting.

4. Personnel Committee Report

Sonia Wasco stated that in September 2020, the personnel committee tabled action to hire an Ag Technician, to see how Covid played out, but that the committee is now asking for approval from the Board to move forward to advertise for that Ag Technician position. Sonia announced that they received a resignation letter today from Justin Furnia. He will be giving a four week notice to try to help out in transitioning his responsibilities over to someone else. Sonia is requesting to approve to advertise for Justin Furnia's position as well.

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Chris Thompson thanked Justin for his services and wished him well in future endeavors.

Kevin Seibert shared that the Compliance Department is being affected by the employee turnovers at the District. The Compliance Department is in need of at least one full time Compliance Inspector. Chris Thompson stated that DEP needs to realize that the current Compliance Department has set the bar very high and that the standards set by our current Compliance team are not realistic to maintain in the future. Chris is requesting more financial support from DEP to help retain good staff members.

Ken Meck moved to advertise two positions. Kent Weaver seconded the motion. Motion passed unanimously.

5. Millcreek Tributary Focus

Matt Kofroth stated that the Watershed Program applied for a 2021 Section 319 Nonpoint Source Pollution Prevention Grant. The grant would focus on riparian buffer installation projects on tributaries of Millcreek. The project would entail outreach to property owners on tributary sections to gauge interest in buffers, fencing and crossings. The grant requested is for \$121,000 with most of the funding going towards the buffers, fencing and crossings.

Sonia Wasco questioned how much work has been done on Millcreek? Matt stated this grant is the 10th phase for Millcreek and will help clean up the water quality and they are getting the plain sect involved to get this accomplished.

Jay Snyder moved to approve going forward with the grant proposal. Bob Shearer seconded the motion. Motion passed unanimously.

6. Nutrient Management Expired Plan Referral Update

Jeff Hill stated that there were four farmers out of 92 that still needed to update their Nutrient Management plans. Dave Smucker's plan came into the District today – so that leaves three farmers that have been issued the 3rd strike letter of non-compliance.

Herb Kreider moved to refer these plans forward to the State Conservation Commission for further action. Kent Weaver seconded the motion. Motion passed unanimously.

7. CEG Approval

Jeff Hill reported that Kevin Lutz and Kent Bitting will now be the leads for the CEG Program. Kevin Lutz stated that we have two CEG Applications for approval for the Board. Daniel Lapp has requested funding for a manure stacking structure and variety of BMPs in the amount of \$113,316 of CEG funds.

The second approval is for Noah Kreider & Sons/Kreider Farms which have requested funding for an 1810-foot grassed waterway, access road and a waterbar in the amount of \$35,000 of CEG funds.

Herb Kreider requested that before and after pictures be taken of these CEG projects and that pictures be shared with the Board of Directors.

Ken Meck moved to approve these two CEG Applications. Jay Snyder seconded the motion. Motion passed unanimously.

8. DEP County Action Plan amendment to a previously approved Grant Approval

Kent Bitting reported that Benuel King was approved for \$8,384.50 for implementation of a lined waterway. Since the approval it has been determined that underground outlets are also necessary. The new estimated total project cost is \$15,777.31. It is recommended that the additional \$7,392.81 be awarded for the project. (Two previously approved projects have decided not to use their CAP funding so their funds are available to apply to this request).

Bob Shearer motioned to approve the additional CAP Funds requested. Ken Meck seconded the motion. Motion passed unanimously.

V. Reports/Information

1. Correspondence, News and Updates

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

- County Action Plan Report – County Action Plan Management Team
- Spotted Lanternfly Flyer – Amanda Goldsmith, SLF Program Coordinator
- Thank you notes to the Board of Directors – Multiple staff members
- Farmland Trust Annual Report

2. E&S/NPDES Monthly Projects Report

Rich Snyder reported that in October 2020 we have received sixteen more complaints and two of the complaints had significant problems that needed DEP guidance. (The Vintage Business Park had three complaints on that one property). The E&S team also received 27 new plans in October 2020 and some of these new plans are very large projects.

Administrative items that we are working on are an E&S application and fee modification to bring to the Board next month as well as a work flow protocol for the e-permitting work that will be starting in 2021.

Herb Kreider asked for an update on last month's report about the man who put the pond in without a permit – did he pay fines and keep the pond or how was it handled? Rich Snyder stated that a final decision is pending from DEP, but a permit after the fact is being requested and possibly paying restitution into the State. Another option is possibly having to move the pond.

3. Ag Committee Report

Jeff Hill stated that he shared a PowerPoint presentation last week for some of the Board member to show the direction that the department is moving in 2021. Details included:

Issues/Concerns

Improved efficiency with quicker conservation.
Workloads have changed and time frames are different.
Staffing changes (2010 to 2016 we lost 26 employees).

Items Being Addressed

Make NMP the backbone of the department and give bonus/merit increases based on workload.
Engineering should be involved from start to finish of BMP implementation (no longer have the tech being the lead).
Compliance staff will move forward in the same way.
Retention of staff – making sure they are enjoying their work and increasing salaries.

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Expected Outcomes

More balanced workloads.

Less middlemen.

Better staff retention.

Dan Heller stated that the Board supports Jeff Hill in moving forward to update the work plan for the Ag Department.

4. PL566 Update

Matt Kofroth stated that last year we were the awardees of the PL566 Planning Grant for the Chiques Creek Watershed. This funding is through NRCS. The open bidding process to find applicable firms for this planning grant received only one bid that was four times the budgeted amount of the NRCS Grant. It was recommended that sponsorship of this grant return to NRCS for workplan revisions and rebidding.

5. Millcreek Phase 9 Update

The LCCD Watershed Program, along with Millcreek Preservation Association, was recently awarded a 2020 Section 319 Nonpoint Source Pollution Prevention Grant for stream restoration work along two sections of Mill Creek. The projects involve farms owned by Steven Lantz and Joseph Oberholtzer. The grant awarded in the amount of \$206,350 is for the stream projects and LCCD project management costs.

A contract will need to be e-signed by Kent Weaver and Dan Heller.

Additional Public Comment:

Chris Thompson reported that Commissioner Lehman is stepping down from the District Board of Directors at the end of 2020. Commissioner Ray D'Agostino will be taking Commissioner Lehman's place on the Board of Directors.

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.

Meeting Adjournment

Chairman Dan Heller officially adjourned the meeting at 9:23pm.

Suzanne Kopp
Recording Secretary