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**LANCASTER COUNTY CONSERVATION DISTRICT
BOARD MEETING MINUTES
September 2, 2020**

The 821st regularly scheduled Board Meeting of the Lancaster County Conservation District (LCCD) was held in-person on Wednesday, September 2, 2020, at 7:30 PM at the Farm & Home Center and by Zoom Call-In.

The following Directors were present: Dan Heller; Chairman, Robert Shearer; Vice Chairman, Kent Weaver; Treasurer, Ken Meck, Roger Rohrer, Herb Kreider, Sonia Wasco, Jay Snyder and Commissioner Lehman.

The following Associate Directors were present: Greg Strausser.

The following District Staff were present: Christopher Thompson, District Manager (attended in person); The following staff participated through Zoom: Gerald Heistand, Business Manager; Stacey Meyer, Finance Manager; Jeff Hill, Rich Snyder, Adam Hartz, Justin Furnia, Kevin Seibert, Francesca DePrator, Matt Kofroth, Kevin Lutz, Kent Bitting and Amanda Goldsmith.

The following Cooperating Agency representatives were present: Heather Grove; Natural Resources Conservation Service, Elwood Blake; Department of Environmental Protection and Brenda Shambaugh; Executive Director of Pennsylvania Association of Conservation Districts.

No guests were present.

Chairman Dan Heller called the meeting to order at 7:40 p.m. Roger Rohrer provided the invocation for the meeting.

Dan Heller announced Sonia Wasco as the recent recipient of the PACD Ann Rudd Saxman Conservation District Director Excellence Award. Brenda Stambaugh continued by speaking about the award and all the great things Sonia Wasco has done. Dan Heller presented the award to Sonia Wasco. Sonia expressed her appreciation for her years at the District, the work we do and thanked everyone for the award recognition.

The following additions to the agenda were announced:

Chris Thompson announced one addition to the agenda.

1. Addition to Agenda as Action item #9 under Additional Business, Ombudsman Agreement.

An opportunity was given for public comment. None was offered.

I. Agency Reports

1. USDA, NRCS

Heather Grove announced that the Soil Conservationist position vacancy left by Kefeni Kejela was posted and interviews were conducted on Monday and Tuesday. A tentative offer was made and the position should be filled soon.

2. PA DEP Field Rep Report

Elwood Blake reported that the DEP Field Rep Talking Points that were in today's packet starts out with a listing of the latest connections they have concerning Covid-19, the State and the Conservation Districts. Elwood announced that the information packets for the 2021 Conservation District Director nominations and appointments were mailed out to the county chief clerks and copies sent to district managers. An

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informative webinar will be held later in the month concerning the nomination packets. Also sent out to districts was the applications for CDFAP funding and the Nutrient Management Program with a return date no later than September 15, 2020. Dirt & Gravel and Low Volume Road Program payments were forwarded to the Comptroller for processing and payment by the Treasury Department.

Elwood Blake also announced that the Dairy Indemnity Program's CARES Act-funding is still available for farmers to claim in direct relief for financial losses due to discarded or displaced milk during Covid-19. The deadline to apply is September 30, 2020.

The Employment Law for Conservation Districts webinar serious done in August by Adam Long of McNeese Wallace & Nurick LLC will have a follow up session on September 23, 2020 from 1:00 pm to 3:00 pm in which District Manager and Directors are encouraged to participate.

DEP Chesapeake Bay Office staff are working with PACD to set up a call with Bay Watershed Conservation District Managers, Board Directors and staff to discuss the approach to Phase 3 WIP outreach to the Tier 3 and 4 counties. Additionally, there was a notice that was delivered to Conservation Managers. PA DCNR is conducting a survey of landowners who have forested parcels. They would like to get 500 responses to this survey to help ascertain their future work in forests. Elwood also discussed that on September 12, 2020 will be a water program reorganization. Watershed Support Section and the Conservation District Support Section will be moved to the DEP Chesapeake Bay Office along with the creation of Agriculture Compliance Department in the DEP Chesapeake Bay office.

Questions or Comments:

Chris Thompson commented that the director nominations have started for terms that are expiring. Directors will be contacted by the Commissioner's Office or nominating organization to confirm or reaffirm their desire to serve.

Chris also report that the DCNR survey was received and will be sent out to Board Members and has a due date of September 11, 2020.

II. Consent Agenda

Chairman Dan Heller gave the opportunity for Directors to withdraw any of the items from the Consent Agenda in order to have additional discussion.

Gerald Heistand made the Board aware of a correction to the minutes, Page 4, Item III.2, Treasurer Report. It was reported there were findings in the Auditors report about segregation of duties. There were no findings in the Auditors report, so it was asked to strike the first sentence in paragraph four. Sonia Wasco motioned to approve the correction to the minutes, Ken Meck seconded the motion. Motion passed unanimously.

Chairman Daniel Heller gave the opportunity for Directors to approve the Consent Agenda as corrected in order to have additional discussion. Hearing none, Herb Kreider moved to approve the Consent Agenda which included items numbered one through four. Bob Shearer seconded the motion. Motion passed unanimously.

The Consent Agenda includes the following approved items.

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

III. Additional Business

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1. Items removed from Consent Agenda

There were no items removed from the Consent Agenda.

2. Treasurer's Report

Gerald Heistand reported on the Balance sheet, the General Operations is at a good balance. It has increase \$50,000 from last month. The Grants line item is normally negative but due to receiving a CAP Grant advance of \$160,000. Working Capital now shows positive. The E&S account has increased about \$40,000 which is unusual. Part of this is due to extra plans being received and that there was one less payroll to process. D&G Roads has increased \$60,000 and LVR has increased \$120,000 due to receiving an advance into their accounts.

On the Income & Expense sheet, everything looks good. Under Scholarship we paid four students, some of which have been requests for their second year. Other than what has been mentioned, there is nothing unusual.

3. Personnel Committee Report

Chris Thompson reported that our Continuity Plan (COOP) remains in place and remains the same as last month. Work continues to get done and we plan to extend the plan through the end of September with the Boards approval. More than likely, it will be asked to extend through the end of October which will be asked at the next Board Meeting.

Herb Kreider motioned to approve the continuation of the Continuity Plan (COOP) through the month of September. Sonia Wasco seconded the motion. Motion passed unanimously.

Sonia Wasco reported that in the last month we advertised two open ag team positions. One for a Compliance Specialist and the other for a Resource Technician. Of the 11 applications received, 5 were selected by the Interview Committee for interviews. It was agreed unanimously on the top two candidates to put forward. Lauren Shaffer, former intern with the PA Farm Bureau and DEP's Clean Water Program was selected for the Compliance Specialist and Amanda Goldsmith, former LCCD intern and current LCCD SLF Technician for the Agricultural Resource Technician. The Interview Committee is requesting the Board to issue a formal "Request to Hire" for a start date of September 8, 2020.

Sonia Wasco motioned to approve the Request to Hire. Herb Kreider seconded the motion. Motion passed unanimously.

4. Low Volume Road Quality Assurance Board Report

Herb Kreider reported that the Quality Assurance Board (QAB) reviewed 9 Low Volume Road application submitted by 7 municipalities worth over \$295,000. The Lancaster County Low Volume Road Program has approximately \$200,000 to allocate to these local projects. The QAB has recommended awarding contracts to Drumore, Rapho, East Earl, Quarryville and Brecknock municipalities for the Low Volume Road projects in 2020/2021. Herb Kreider asked the Board for approval to move these awarded projects to the contract phase of the LVR program.

Herb Kreider motioned to approve the contract for the Low Volume Road projects. Ken Meck seconded the motion. Motion passed unanimously.

5. Nutrient Management Delegation Agreement

Jeff Hill announced that the Nutrient Management Delegation Agreement was released. The 5-year delegation agreement is now in its 4th year. The District's agreement is scheduled to be worth \$480,000

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annually. The same amount as it has been for several years. Jeff Hill asked the Board for approval to continue with the Nutrient Management Delegation agreement.

Roger Rohrer motioned to approve the Nutrient Management Delegation agreement. Robert Shearer seconded the motion. Motion passed unanimously.

6. Retirement Plan Committee Report

Gerald Heistand report that Retirement Plan Committee met with Amy White tonight to review and make sure the plan meets committee expectations to give the staff a good retirement opportunity. The CARES Act was discussed which would make it easier to remove funds if an employee should have an emergency or was affected by the Act and needed to withdraw funds from the plan. It was unanimous that currently it is not necessary to evoke that change. If an employee had an emergency or was affected by the CARES Act, we could call Fulton Advisors and have them put this amendment onto the plan and then that would allow employees to remove funds without incurring a 10% penalty. Any loans will still need to be paid back.

The committee also took a look at the TDF Fund (Target Dated Fund) to make sure it was geared towards the employees and a good quality fund. Amy White informed the committee that they are on the conservative side which is where it should be if you don't want to lose money. Those funds also move on 7 years past retirement, then at that point they become more conservative.

In addition, the committee reviewed the participation rate, the fees and if the plan has been doing well. Sonia Wasco added that in review, the employees have been participating at an excellent rate with a good investment level and that the funds are performing very well compared to their peers. All in all, the Committee is pleased with the investment plan's performance.

Kent Weaver motioned to approve. Herb Kreider seconded the motion. Motion passed unanimously.

7. Strategic Plan Review

Francesca DePrator reported on the Strategic Planning Document and brought to the Boards attention a few key points as listed below.

- Ag Section: Initiative #4, Maintaining and enhancing partnerships with legislators and agencies.
- E&S Section: Initiative #3, Burdens that current delegation agreements have been placing on the department. There will be an ask to the Board for some guidance.
- Watershed Section: Continue implementing projects and improving data collection. The Board will be asked to evaluate the Districts roll in administering the Dirt & Gravel Road Program due to restrictions.
- Education Section: Educating and empowering critical audiences and expand outreach to Plain Sect educators. Create a sustainable funding program through an annual appeal with the Foundation.
- Foundation Section: Grants are critical at achieving our mission. Sometimes the cost of the grants administration or grants partnerships are greater than the return. When sponsoring grants there is a need to identify funds to offset the operational expenses.

Questions or Comments: Dan Heller brought attention to the Ag Program section; Point #4, Bullet Point #1, Promoting Legislative Actions. It was asked if the District has any limitations on its political advocacy. Chris Thompson commented he will get back with the SCC and make sure.

With the Boards approval, the Strategic Plan will go onto a Printer where they will do some formatting and spellchecking. A final document should be available by next month.

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Sonia Wasco motioned to approve sending the Strategic Plan onto the Printer. Kent Weaver seconded the motion. Motion passed unanimously.

8. NRCS SWAT Agreement

Jeff Hill reported that over the past couple of years Jim Saltsman and Steve Reiff have been working for NRCS and getting paid through NRCS at a 75% rate with the District or PACD subsidizing funds. With funds coming from the Conservation Excellence Grant and the Chesapeake Bay Phase II Grant, enough funding has been accrued for BMP's that additional engineering support is needed. Beginning October 1, 2020, Steve Reiff will be back on the LCCD engineering team to assist with District related BMP implementations. At this time Jim Saltsman will remain in the SWAT Agreement and continue to provide engineering assistance to NRCS. With anticipated additional funding for BMP's, bringing Jim Saltsman back will be revisited in the near future.

Ken Meck motioned to approve Steve Reiff returning to LCCD. Kent Weaver seconded the motion. Motion passed unanimously.

9. Ombudsman Agreement

Chris Thompson reported on the Ombudsman Proposal that was just received. Funding was cut by 15% which takes the funding from \$62,500 to \$53,000. However, the scope of work will still remain the same. This is a position shared by two counties, Lancaster being one and Blare County being the other. Both counties get the same amount of funding. Shelly Dehoff is responsible for territories east of the Susquehanna where as the other Ombudsman is responsible for territories west of the Susquehanna. Early in 2020, the Governor authorized funding by allocating 5/12's of the funding which was normally assigned to different programs. The balance of Shelly Dehoff's funding for salary, benefits and some special projects will come out of commissioner funds. Chris Thompson asked the Board for approval to sign the agreement as stated.

Robert Shearer motioned to approve signing the agreement. Jay Snyder seconded the motion. Motion passed unanimously.

IV. Reports/Information

1. Correspondence, News and Updates

Chris reported on items included in the day of packet. First item was a news article that featured Amanda Goldsmith demonstrating a few practices and control measures for Spotted Lanternfly. It also describes the program we have had with the municipalities, local Game Clubs and other partners in the county.

The second item shared, was legislation proposal by Farm Bureau and Chesapeake Bay. Working with Senator Yaw, they have crafted a proposal called the ACAP (Agriculture Conservation Assistance Program), which is for funding to get BMP's on the ground.

The third item, called MEB (Most Effective Basins) is an effort by EPA and DEP to identify priority areas within their scope of work. EPA has announced significant funding for addressing conservation efforts in different regions. The MEB is where they feel they can make the biggest impact. Lancaster will receive an additional \$300,000 from EPA to help get BMP's implemented. One requirement is the funds must be used in the designated MEB areas.

2. E&S/NPDES Monthly Projects Report

Richard Snyder reported for the month of August they had 35 new plan submissions which is a slight increase from August of 2019. From July 22, 2020 to August 31, 2020, 27 new complaints were received with a majority having significant violations. Overall, it has been a busy month for E&S.

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Of the plans submitted, there were 3 PPL Trans Line pole replacement and rebuilds that totaled approximately \$28,000. A few other projects mentioned was a Stauffer property in East Hempfield Township which is a commercial development and a large residential development project in Manheim Township which totaled almost \$15,000.

Richard Snyder discussed a few points from the August 27, 2020 E&S Committee meeting. There was not a quorum, so no formal actions were taken. A few points brought to the Boards attention are as follows;

- The Chapter 102 E-Permitting has had no recent correspondence from DEP. The previously rumored date to go live was September 1 and 2, 2020, it is now November 1 and 2, 2020.
- The Stauffer CAP Enforcement update in East Donegal Township conducted a pre-construction meeting. Eric Hout has been receiving periodical updates relative to current Earth disturbance activities. They have been moving forward implementing their Correction Action Plan (CAP) and should be moving to the Board in October for a potential enforcement and penalty phase.
- The Wyndam Host / Tanger Outlets in East Lampeter Township received a complaint in late April, early May and continues to receive complaints with each successive runoff event. The following Compliance Assistance measures need to be completed; E&S BMP installation/maintenance by August 10, 2020 and application for a major amendment to an existing NPDES Permit by August 31, 2020.
- 492 Hollow Road in Bart Township where a complaint was received regarding the responsible party filling in three ponds. Dave Bednar responded to the complaint and requested DEP's assistance. It has significant Chapter 102 and 105 violations. Dave is receiving periodic updates on the Chapter 102 violation in moving forward with complying. Currently waiting for a response from DEP on how to move forward with the Chapter 105 violation.
- A priority complaint was received from DEP in regards to the Vintage Business Park in Paradise Township. They were pumping sediment laden runoff from a small depression on the site, directly into London Land Run. The site has been visited twice but were not caught in the process of pumping yet. DEP has earmarked this site as a priority to keep an eye on.
- On August 7, 2020, Sides Mill Road in Strasburg Township saw historic localized flooding with 4" to 6" of rain an hour. E&S received an influx of emails concerning property, infrastructures, dam, bridge and pond failures. E&S assisted the people affected in getting three emergency permits under the Chapter 105 program to replace two bridges and restore the stream channel below the dam breach. Still waiting on additional submissions for GPS's as well as a potential restoration of the stream channel and embankments of the pond.

3. Ag Conservation Excellence Program

Jeff Hill reported that the Conservation Excellence Grant (CEG) has been open and accepting applications. There has been a lot of interest and thus far the District has received two applications from Steven Smucker and Sarah Hodgekiss both of which have been withdrawn due to review of further information and other funding being available. There is currently one more application that has just been received which is a District project that will come before the Board at the October meeting for approval.

4. Scholarship Update

Chris Thompson informed the Board that due to the cancellation of the March 2020 Annual Awards Banquet, the 13th Annual Ann Brown Scholarship Fundraiser Auction was held the week of August 10 through August 14, 2020 as an online silent auction. Justin Furnia created an auction page on the Districts website which was updated frequently throughout the week as bids were emailed to Adam Hartz.

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A total of 17 items were up for auction which resulted in a grand total of \$1,367.00 to support the scholarship fund. Most of the bidders were staff and Board members with several outside bidders that totaled in 83 bids from 25 bidders.

Adam Hartz reported an update that there was a minor change. One of the winners requested to have their item shipped which resulted in a cost of \$8.70. The winner did pay for the shipping and at the same time gave a little extra as a thank you. The grand total with that change is now \$1,383.30.

Additional Comment:

Sonia Wasco highlighted a few items discussed at the PACD Executive Committee meeting, one being some new unemployment insurance that will save the District some money which will be announced at a later date.

Also announced was the winter PACD/SCC meeting has now been changed to a virtual meeting and the South-Central Regional meeting is now set for October 14, 2020 which can be registered for online.

October 7, 2020 will be the next Board meeting which will be conducted at the Farm & Home Center for Board member and Zoom for all others.

Calling for an Executive Session:

At 9:45 pm the Executive Committee called for an Executive Session to discuss a legal matter.

Calling the Meeting Back to Order:

Chairman Heller called the meeting back to order at 10:02 pm and Roger Rohrer and Sonia Wasco moved to receive the Executive Committee report and approve the recommendation to hire a solicitor for the purposes of representing the District against the Ronald Gantz complaint and civil action.

Chairman Dan Heller officially adjourned the meeting at 10:07 pm.

Stacey Meyer
Recording Secretary