

**MORRIS COUNTY SOIL CONSERVATION DISTRICT
SUPERVISORS MEETING
MARCH 24, 2010**

The regular meeting of the Morris County Soil Conservation was held on the above date at 550 West Hanover Ave., Morris Township, New Jersey. The meeting was called to order at 2:00 p.m. The following individuals were present: Vice Chair Louise Davis, Treasurer, Jeanette Bonin, Secretary, Margaret Nordstrom, Peter Nitsche, Rutgers Extension, Jim Wick, NRCS. James McDonald, Attorney, Laura Lande, Attorney, Paul Fox Jr. and Shelly Zellars Administrative Assistant. Joseph P. Dunn, Director.

Meeting was chaired by Vice Chair Davis in the absence of Chairman Welch

Correspondence

- NJACD Supervisor Workshop 4/17
- Regional Supervisor meeting/dinner 4/6/2010 in Mt Lakes
- Letter from James McDonald, attorney for Harding Twp.
- Ken Sick nick- Request for reimbursement/rain barrels
- Letter Request for Fee Waiver, Rutgers NJJDEP 319h

No correspondence that is actionable.

Roll Call for Supervisors

Member Bonin, yes
Member Nordstrom, yes
Member Ashley, no
Member Davis, yes
Member Welch, no (Excused Absence)

Approval of minutes: Motion made by Member Nordstrom, seconded by Member Bonin and all approved to approve minutes of February 24, 2010 with minor punctuation corrections.

Staff presentation- Progress Jackie Connelly will do April meeting

Single Family issue to be discussed at the May meet of the Board per the request of Chairman Welch

Nomination Committee to meet March 26, 2010 via teleconference at 10 am.

Alternate signature for time sheets- Motion made by Member Davis, seconded by Member Bonin and all approved to have Chairman Welch as alternative for timesheet signature.

Harding Township Exempt Status/Ordinance-

Mr. Dunn introduced the topic stating that the NJ Soil erosion & Sediment Control Act [Act] allows for Harding to implement the day to day activities of the Act such as review, inspection and enforcement of its own Soil Erosion and Sediment Control ordinance. The Act, refers to towns which are approved by through a process established by the State Committee as "Exempt Municipalities". Mr. McDonald, attorney for a resident in Harding Township is challenging the status of Harding's exemption. He is questioning the status of Harding's ordinance and whether it has been changed since 1972. Mr. McDonald's client is Mr. William Huff of Tempe Wick Road in Harding Township. Mr. Huff is constructing a barn and building an addition to a single family residence. Mr. MacDonald had indicated that the Harding Code Book had provided a history of changes to this ordinance subsequent to the issuance of exempt status. Mr. McDonald claims the ordinance has been amended 5 or 6 times resulting in 12 changes. Mr. McDonald stated that the ordinance is defective. Mr. MacDonald referred to rule established by the State Committee regarding revisions and the loss of exemption. Mr. MacDonald applied the Morris District flow chart to his client's activity and determined that the work was not a project as defined under the Act.

Laura Lande, Attorney for Township of Harding. Ms Lande thanked the Board for appropriately limiting the hearing to the exempt status of the ordinance rather than the enforcement action before municipal court.

Paul Fox, P. E. - Mr. Fox gave a detailed history of the approval issued for the barn construction as well as the violations observed and cited by both himself and the NJDEP. These alleged violations deal with creating land disturbances outside the approved limit of disturbance line indicated on the certified plan. At this time of inspection several violations notice were issued. The matter is now proceeding as an enforcement issue in municipal court. Mr. Fox indicated that per Mr. James Sadleys request, the Sate Committee had been sent correspondence which included copies of the current ordinances and no follow up or comments had been return to Harding Township.

Mr. Dunn asked the Harding Township officials, if they could definitively answer the question whether the ordinance had been revised subsequent to the exemption. Mr. Fox answered that there were no revisions to the ordinance.

Mr. Dunn indicated to the Board that staff was unable to determine if the ordinance under the Act had changed. During the codification process the section of the Code Book reserved for soil conservation was revised. It is uncertain if this revised language was a

result of a revision to the ordinance authorized under the Act or the result of editing in language from other ordinances authorized under the land use and police powers of the municipality.

Mr. Dunn recommended that Harding Township receive a Conditional Satisfactory with the requirement that this language be corrected in the code book and if needed the requisite ordinance no later than June 15, 2010.

Motion made by Member Davis, seconded by Member Nordstrom and all approved to send Conditionally Satisfied Exempt Municipality Report to the State Committee as required by April 15, 2010 with the conditions to be satisfied by June 15, 2010.

Personnel- Joe Dunn and Louise Davis have been working on updating the personnel policy. They hope to complete it within the next few months.

Finance- Motion made by Member Davis and seconded by member Norstrom and all approved to approve payment of bills for Month of March 2010.

Motion made by member Davis and seconded by Member Norstrom to approve transfer of Certificate of Deposit under recommendation by Jackie Connelly our bookkeeper all approved.

NRCS- Jim Wick

Deadline for Funding of projects is April 1, 2010. Money that is not used for funding will be returned to Federal government for other states.

Met with Todd Kuehn of Lotta Lettuce, staff of MCSCD District and NJDEA. Will bring written report to April meeting.

Mr. Dan Mull is now our new conservationist.

RD&D- Progress. Member Davis traveled to Washington DC speaking with delegates and encouraging them to reconsider funding for RC&D program.

Mr Dunn met with rules committee in Trenton.

Mr. Dunn met with PSE&G regarding the county wide installation of power lines (Susquehanna) through the county. Fee will be used from fee schedule and upon depletion of funds we will track and bill.

Jones Lane Washington Twp.- Mr. Dunn received a complaint on Jones Lane in Washignton Twp. Forestry client has an approved plan but hired logger who did not

follow plan. Mr. Dunn commented that upon payment of his forestry plan he will inspect lot and fail him if plan has not been followed...

SSCC- Funding within Dept of Agriculture has been cut by 20% in state level.

Extension- Met with Master Gardners on small fruit and Bi-local fruit farming.

New Business

Morris Township Rental of GPS—Motion made by Member Davis, seconded by Member Norstrom and all approved to allow rental of equipment with person to accompany rental time.

Forestry Fees- Draft letter to be mailed to forestry clients indicating fees. Fees' will be determined by promptness of payment. Motion made by Member Davis, seconded by Member Nordstrom and all approved to send letter drafted by Mr. Dunn outlining forestry fees for coming year.

Envirothon- May 8, 2010. Staff Member Sheila Hall will be attending envirothon. Mileage will be paid.

Nursery Tree Prices- Motion made by member Davis, seconded by Member Norstrom and all approved to lower nursery tree prices in order to move inventory.

Rain Barrels- Motion made by Member Davis, seconded by Member Nordstrom and all approved to reimburse Ken Sicknick \$150.00 for rain barrels he purchased for district.

DPW Parsippany Fee Waiver- Motion made by Member Davis, seconded by Member Bonin, and all approve to waive fee for DPW Parsippany Fee Waiver.

Supervisor Training- Supervisor Training to be held in Somerset on April 16, 2010.

Exempt Municipalities-

Chester Township Conditional Satisfactory review
Chatham Township- Conditional Satisfactory review
Mt. Lakes Boro- Conditional Satisfactory review
Randolph Township- Conditional Satisfactory review
Harding Township- conditional satisfactory review

Motion made by Member Nordstrom, seconded by Member Davis and all approved to accept conditional satisfactory reviews for Chester Township, Chatham Township, Mt. Lakes Boro, Randolph Township and Harding Township with deadline of June 15, 2010 for conditions to be completed.

10 Municipalities with cooperative agreement – Motion made to approve (10) Mendham Twp, Mendham Boro, Pequannock Twp. Chester Boro, Lincoln Park, Long Hill, Lincoln Park, Kinnelon Borough, Boonton Twp. Denville Twp. Made by Member Bonin, seconded by Member Nordstrom and all approved.

Motion made to approve

251 Certifications-

Motion made to approve 251 Certifications.

RFA Authorizations-

Motion made to approve RFA Authorizations

Executive Session

Motion made by Member Bonin, seconded by Member Nordstrom and all approved to leave public meeting and go into Executive Session at 3:25 pm for the purpose of litigation.

Motion made by Member Bonin, seconded by member Nordstrom and all approve to leave Executive session and go into public meeting at 3:45 p.m.

Motion made by Member Bonin, seconded by Member Norstrom and all approved to adjourn meeting at 3:46 p.m.

Next meeting to be held on April 28, 2010.