

**LUZERNE CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
325 SMITHS POND ROAD, SHAVERTOWN, PA 18708  
December 12, 2019**

Item 2

**REGULAR MEETING MINUTES**

John J. Wilkes, Jr., Vice-Chairman, called the meeting of the Luzerne Conservation District Board of Directors to order at 6:05 PM at the district's office and noted that the meeting was being recorded to aid in the preparation of the meeting minutes. The meeting began with the pledge of allegiance to the flag of the United States of America.

**ROLL CALL - BOARD MEMBERS:**

Timothy Ference	Chairman	Excused
John J. Wilkes, Jr.	Vice-Chairman	Present
Timothy J. Connolly, Jr.	Treasurer	Excused
Tracey Stevens	Secretary	Excused
Leonard J. Burger, Jr.	Member	Present
John P. Hanish, Jr.	Member	Present
Chris Maylath	Member	Present
Gary A. Moyer, Sr.	Member	Present
Matthew Vough	Member	Excused

**DISTRICT EMPLOYEES:**

Hunter Bednarczyk, E&S/NPDES Program Technician	written report submitted
Heather Graham, E&S/NPDES Program Coordinator	Present/written report submitted
Deborah Josuweit, Office Administrator	Present/written report submitted
Jennifer Lauri, Ag Conservation Specialist	written report submitted
John Levitsky, Watershed Specialist	written report submitted
Joshua Longmore, Executive Director	Present/written report submitted
Michael Schlauch, Conservation Specialist (Ag & Roads Programs)	written report submitted

**AGENCY REPRESENTATIVES:**

Andrew Kears	NRCS	Present/written report submitted
Peter Tarby	DEP	written report submitted

**ORDER OF BUSINESS**

(\*\*Denotes motion or action taken by the district board)

**PUBLIC COMMENT:** None

**MINUTES:** Submitted by Josuweit.

**\*\*Motion by Moyer, seconded by Hanish to approve the November 21, 2019 meeting minutes as submitted. The motion carried unanimously.**

**FINANCIAL REPORTS:** Submitted by Josuweit.

**\*\*Vice-Chairman Wilkes ordered the Financial Reports to be filed for audit.**

**ACTION ITEMS:**

**E&S/NPDES Compliance Issues at Proposed Warehouse Development Project**

Longmore provided an informational sheet that Graham put together for board review. Graham has been inspecting IDC Property, LP's Proposed Warehouse Development, formerly Techneglas, site in Jenkins Township. The building has been demolished and an NPDES permit was issued for new construction in 2014. Graham conducted her first inspection on the site in December of 2014. In 2017, she documented pollution and

referred the issues to DEP. Graham continued to do inspections at DEP's request. She has documented issues and violations which are under the district's jurisdiction, but also observed other types of active water pollution which DEP is aware of. DEP's water quality staff tested discharges repeatedly and have documented multiple pollution events. Longmore noted that district staff don't usually bring this type of issue to the board, but with the ongoing and longstanding problems not being resolved there are two primary concerns. One is the time frame is taking DEP to bring enforcement actions against the responsible parties, and second is the pollutants that have been documented and continue to be discharge from the site. A brief discussion was held on the type of contaminants that have been documented on the site and to where the discharges drain. Graham explained that she has had several meetings with DEP, the permittee, and engineers to discuss the violations. Under the delegation agreement, the district is to continue inspecting and documenting site conditions even after it is referred to DEP for enforcement. DEP has indicated recently that they will be proceeding with enforcement actions in the near future. It was the board's consensus that Longmore should send a letter to DEP expressing concerns about this issue and requesting them to take enforcement action on this site.

**\*\*Motion by Moyer, seconded by Hanish to authorize Longmore to write to DEP to express the board's concern over the violations that have been occurring and the length of time it is taking to bring enforcement action on this project. The motion carried unanimously.**

### **Discussion Regarding E&S/NPDES Program Operations**

Longmore informed the board of local and statewide complaints from the developers and some consultants about the length of time it takes to get NPDES Permit approvals. Some legislators have proposed bills to change the permitting process to reduce the time frame. The Legislative Budget and Finance Committee recently conducted a review of DEP and district permitting programs. The report on their findings stated that the system is broken, that it takes too long for permit approval, and there are inconsistencies among DEP regions and districts. Longmore reported that earlier in the fall his review of this district's 2019 permit processing data showed that 21 permits were issued on an average of 72 business days, which is less than 3 months. PACD has formed an ad-hoc committee to try to identify ways of improving the system, possibly including suggested legislation. Longmore and Graham explained the permit review process and where delays are commonly found. Districts are required to follow DEP's program procedures for implementing the program. DEP just released an updated general permit and revised permitting procedures, which may improve the process. Longmore, Graham, Bednarczyk and Josuweit have also been meeting to develop suggestions for improving the statewide process and to discuss ways of improving the process on the local level. Board action is not requested at this time, but Longmore wanted the board to be aware of the situation. Information will be sent out in January detailing the new DEP procedures that will be followed going forward.

### **2020 Budget Revision**

Longmore explained the revised 2020 budget. A few changes were made to the previous version because of updated amounts. Actual business and auto insurance numbers were received, and an adjustment was also needed under the wages category because a formula did not carry over on a spreadsheet. All other expense items that were approved in November remain the same. On the income side, the county allocation will remain the same as 2019, instead of increasing by \$5,000, which was previously requested, and E&S/NPDES fee amounts have been adjusted to reflect the most current trend. The two income decreases left a hole in the budget, so a General Fund Reserve allocation of \$29,000 was included to balance the budget. At the end of 2018 audit Knaub noted the reserve balance was about \$469,000. The 2019 income will not meet budget because of the drop in E&S fees, so both deficits will lower the reserve to approximately \$400,000. A brief discussion was held on the revised budget.

**\*\*Motion by Burger, seconded by Maylath to accept the Revised 2020 Budget as presented. The motion carried unanimously.**

### **2020 Business/Auto Insurance Proposals**

Longmore noted that he meet with DGK Insurance, the district's broker. Selective Insurance, the district's current provider, is proposing a renewal at just over \$12,000 for 2020, about a 10% increase over 2019. DGK is now brokering with another company, Astra Insurance, which has a comparable policy. They have all the credentials needed to provide insurance in PA, and their proposal is \$8,571. Longmore recommended switching to Astra Insurance.

**\*\*Motion by Moyer, seconded by Hanish to move to Astra Insurance through DGK. The motion carried unanimously.**

### **2019 Capital Reserve Fund Transfer**

Wilkes noted the Capital Reserve Fund Transfer that was included in the 2019 budget. Longmore reminded the board that transfer was included in the 2019 budget with the expectation of income being higher for the year. The original amount approved for transfer from the General Fund into the Capital Reserve Fund was \$12,000. Instead of transferring the full amount, Longmore proposed reducing the amount to \$6,371.50 because of some larger capital improvement expenses this year.

**\*\*Motion by Maylath, seconded by Hanish to authorize Longmore to transfer \$6,371.50 from the General Fund to the Capital Reserve Fund. The motion carried unanimously.**

### **Proposed Mine Affected Community Energy and Environment Act (H.R. 4735)**

Wilkes noted that House Bill H.R. 4735 was written by local U.S. Congressmen Meuser and Cartwright. Longmore reported that Trout Unlimited contacted Levitsky for his input because they are considering writing a letter of support. The bill would provide tax incentives to cogeneration plants that burn waste coal. The idea is to help them compete in the energy market and provide economic benefit to continue cogeneration with waste coal products. PACD supported a similar bill from the state legislature which supports the federal effort. EPCAMR, a few other districts, and several other environmental organizations also have supported this bill. Longmore asked if board would authorize a letter of support.

**\*\*Motion by Burger, seconded by Hanish authorizing a letter of support for Bill H.R. 4735. The motion carried unanimously.**

### **2020 Board Meeting Schedule**

Wilkes reminded the board of the need, as a public agency, to publish the meeting dates and times for the new year. Discussion was held on the meeting dates, with an agreement to set the reorganizational meeting as Thursday, January 16, 2020 and to consider the other dates for 2020 at that meeting.

**\*\*Motion by Burger, seconded by Hanish to approve the reorganization meeting to be held on Thursday, January 16, 2020 at 6:00 PM. The motion carried unanimously.**

### **COOPERATING AGENCY REPORTS:**

NRCS – Kearsse discussed some highlights from his written report.

PA DEP – Tarby provided a written report.

PACD – Provided a written report.

### **CORRESPONDENCE & ANNOUNCEMENTS:**

- PA Farm Show – Public Official Day, Harrisburg PA – 1/8/2020
- January LCD Board of Directors Meeting – 1/16/2020 @ 6:00 PM.
- PACD/SCC Winter Meeting is scheduled for January 22-23, 2020 at Wyndham State College, Boalsburg

Hanish provided an overview of a recent meeting of the Governor’s Invasive Species Council, noting especially their discussions on the threat of the snake fish. He also reported that involvement with Conservation Districts on addressing invasive species and potential grant opportunities were mentioned during the meeting.

Longmore will review the meeting minutes to see about the potential grants. The next meeting of the Council will be held in March, and a Spotted Lanternfly meeting will be held later in the spring.

### **EXECUTIVE SESSION:**

The board entered executive session to discuss personnel issues at 7:17 PM.

### **RETURNED TO REGULAR SESSION:**

The board returned to the regular meeting at 7:31 PM.

Wilkes requested a motion to approve the promotion of Michael Schlauch to Conservation Specialist 2, Step 4.

**\*\*Motion by Moyer, seconded by Hanish to approve the promotion of Schlauch to CS2, Step 4. The motion carried unanimously.**

Wilkes requested a motion to approve bonuses in the total amount of \$6,350, as discussed in the executive session, for district staff members in recognition of continued outstanding work.

**\*\*Motion by Moyer, seconded by Burger to authorize the bonuses as discussed. The motion carried unanimously.**

**\*\*Motion by Hanish, seconded by Maylath to adjourn the meeting. The motion carried unanimously.**

The meeting adjourned at 7:32 PM.

*This meeting was recorded on a digital recorder to assist in the preparation of the official written minutes.*

*Respectfully Submitted by: Deborah Josuweit, Office Administrator*

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*Approved by action of the Luzerne Conservation District Board of Directors on January 16, 2020.*

*Timothy Ferenc*  
Chair or Vice Chair

*Tracy Stevens*  
Treasurer or Secretary