

LUZERNE CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
325 SMITHS POND ROAD, SHAVERTOWN, PA 18708  
April 16, 2020

REGULAR MEETING MINUTES

Timothy Ference, Chairman, called the meeting of the Luzerne Conservation District Board of Directors to order at 6:13 PM, noting that the meeting was being held via video/phone conference and was being recorded to aid in the preparation of the meeting minutes.

Longmore noted that Carl DeLuca from DEP was on the call along with Stephen Maakestad from Mericle Commercial Real Estate Services.

**ROLL CALL - BOARD MEMBERS:**

Timothy Ference	Chairman	Present via phone
John J. Wilkes, Jr.	Vice-Chairman	Present via video
Tracey Chonko	Secretary	Present via phone
Leonard J. Burger, Jr.	Member	Present via phone
Walter Griffith	Member	Absent
John P. Hanish, Jr.	Member	Present via phone
Gary A. Moyer, Sr.	Member	Present via phone

**DISTRICT EMPLOYEES:**

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

**AGENCY REPRESENTATIVES:**

Andrew Kears	NRCS	Present via phone
Carl DeLuca	DEP	Present via phone/verbal presentation

**ORDER OF BUSINESS**

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

**PUBLIC COMMENT:** None. Ference noted that the public could ask questions during the meeting.

**MINUTES:** Submitted by Josuweit.

**\*\*Motion by Wilkes, seconded by Hanish to approve the January 16, 2020 meeting minutes as submitted. The motion carried.**

Ference noted for the record the board did not meet in February or March, with the first canceled for lack of business and the second due to the COVID-19 pandemic.

**FINANCIAL REPORTS:** Submitted by Josuweit.

Longmore noted the E&S fee income only reflects a one-month decline, and the district is still receiving plans and new applications. He also pointed out that this is the first Account Balances report that doesn't show the 2016 Nescopeck Creek GG grant account because it was recently zeroed out and closed.

**\*\*Ference ordered the Financial Reports to be filed for audit.**

## **ACTION ITEMS:**

### **Continuity of Operations Plan**

Ference noted Item 3a in the board packet that was prepared by Longmore as a draft to address events that affect the district's normal operations, such as the COVID-19 pandemic. Longmore explained that the draft incorporated the most recent guidance from the Governor, Secretary of Health, and the President's pandemic response taskforce. DEP and the SCC asked districts to provide continuity of operations plans. Longmore compiled guidance from several agencies and developed the draft plan in response to the request. He will send it to the SCC once approved by the board. The document addresses the continuation of district operations in situations that require the closure of the district's physical office – whether temporary or long-term – such as pandemics, severe weather, or natural disasters. He reviewed a few additional proposed revisions to the draft included in the board packets. Longmore noted that staff are currently working from home following his interim instructions and guidance, and it is going quite well. He invited any questions or input on the draft plan.

**\*\*Motion by Hanish, seconded by Moyer to approve the Continuity of Operations Plan with the revisions explained by Longmore. The motion carried unanimously.**

### **Updated Local QAB Roads Program Policies & Procedures**

Ference referenced Item 3b, the revised roads program policies and procedures document preceded by the 2/25/2020 QAB meeting minutes. The QAB made two recommendations to the district board: first, to revise the QAB policies and procedures document as presented and second, to revise the application ranking sheet by adding additional criteria to address local priorities. Ference asked if anyone had questions pertaining to the revised policies and procedures.

**\*\*Motion by Hanish, seconded by Burger to approve the recommendation of the QAB regarding the revisions to the DGLVR Program policies and procedures. The motion carried unanimously.**

### **Revised Roads Program Grant Application Ranking Criteria**

Ference noted the second QAB recommendation to approve the revised project application ranking criteria sheet, which was included in the packet as Item 3c. The sheet is used by the QAB to evaluate and score each project and is a major consideration for grant recommendations by the board. Ference asked if anyone had questions on the proposed revised form.

**\*\*Motion by Hanish, seconded by Wilkes to approve the revised DGLVR Program Grant Application Ranking Criteria. The motion carried unanimously.**

### **Survey & Engineering Contracts for Stout Project**

Ference explained that further information is needed from DEP regarding the grant for the Stout project on Nescopeck Creek before work can proceed. He entertained a motion to table the item until the next meeting.

**\*\*Motion by Chonko, seconded by Burger to table the motion until the next meeting. The motion carried unanimously.**

### **Updates to PA Municipal Retirement System Plan**

Ference noted the information included in the packet under Item 3e. Longmore explained the resolution and checklist document regarding the district's retirement plan with the PA Municipal Retirement System (PMRS). Every so often they review the plan. Apparently, the IRS had some revised regulations that is requiring PMRS to review all their plan agreements. The district's original agreement was executed in 1995 and then updated in 2013. This review and update would not make drastic changes, but since they are opening the agreement for revision, it gives the district the opportunity to consider components of its plan and make any desired changes or clarifications. Longmore spoke with a PMRS staff attorney who made suggestions based on their conversation. Longmore requested a review of the checklist by the board to decide on possible changes or clarifications. Any changes reflected in the checklist will be crafted into a new plan agreement which will be presented later for signatures. The checklist was reviewed, and there was agreement by the board members to accept the criteria outlined in the checklist with the following exceptions:

- Bonus payments to employees would not be included as compensation on which retirement benefits are paid.
- An employee who is regularly scheduled to perform at least 30 hours per week would meet the plans definition of a Full-time Employee.
- Newly hired full-time employees would be eligible for membership in the plan at their employment commencement date, instead of after 90 days, as stated in the current plan agreement.

- Employees' voluntary contributions to their retirement plans will be remitted to PMRS on a quarterly basis, along with the quarterly plan report and employer's contribution.

Ference asked if the board members wanted any more discussion on any of the checklist items or the proposed amendments.

**\*\*Motion by Wilkes, seconded by Chonko to approve Resolution 2020-1 regarding the proposed retirement plan update, as discussed. Roll call vote: Wilkes – yes, Chonko – yes, Griffith – absent, Hanish – yes, Moyer – yes, Ference – yes. The motion carried unanimously.**

### **Tax Reporting Issue Regarding Retirement Plan**

Ference introduced another issue that is related to the retirement plan. Longmore explained that during his review of the PMRS plan agreement update information and while doing his own tax return he discovered that the district has been incorrectly treating employees' voluntary contributions as non-taxable income for federal income tax purposes. Typically, voluntary contributions to 401K or similar retirement plans are treated as non-taxable income. This is how the district has been treating the contributions since 2009 when a new payroll system was set up. However, with his discovery of language within the current plan agreement and information within the update checklist, Longmore inquired about the issue with the PMRS attorney handling the agreement update. The attorney confirmed that the district has been incorrectly treating the voluntary contributions as pre-tax income. When Longmore inquired about what can be done to address the issue, PMRS advised that the district consult a CPA or tax attorney. He contacted the district's payroll company, which is a division of a local accounting firm, and discussed the issue. The tax issue has been rectified for 2020, but they have requested a description of the work that would be needed to address the past problems before they can provide an estimate of the cost. Longmore discussed the issue with the district's auditor, and he suggested contacting a tax attorney and perhaps the IRS to determine what is required to correct the problem and how far back they will require amended tax records. Because of the pandemic, Longmore was unable to reach anyone at the IRS. Before contacting an attorney, Longmore wanted to inform the board of the situation and receive members' input on the issue. Ference asked if any more information or details are needed. Board members agreed that it would be best to consult a tax attorney and work with a CPA to address the issue.

**\*\*Motion by Moyer, seconded by Burger to authorize Longmore to take the necessary measures with the IRS and/or tax professionals to resolve this issue. The motion carried unanimously.**

### **Employees' Paid Time Off During COVID-19 Emergency**

Ference referenced the Families First Coronavirus Response Act handout that was included as Item 3g item in the board packet. Longmore stated that the employee leave requirements of the Act don't currently apply to the district's operations since staff is remotely working from home. Josuweit is the only one who is restricted by just how much of her normal operation she is able to do remotely. Most of the other staff can take work home, with fieldwork is being offset by inside work, video conferences, and teleconferences. Referencing the handout, he explained that the Act provides for two weeks (80 hours) of special sick leave benefits to any employees who had to take time off or could not work during the COVID-19 pandemic, but it didn't become effective until April 1<sup>st</sup>. By then the district had adjusted operations to remote working, so Josuweit was continuing to work partially in the office by herself and remotely from home. Since that time, she hasn't had to use any leave benefits and has been able to work full-time. However, for the first two weeks while the district was adjusting to the situation, she had to use 24 hours of her paid time off benefits while the office was closed. Because of the unprecedented nature of the situation and the need to close the office before April 1<sup>st</sup>, Longmore inquired if the board wanted to consider the intent of the Act and credit back the paid time off that Josuweit used because of the pandemic.

**\*\*Motion by Wilkes, seconded by Chonko to credit back to Josuweit the 24 hours of paid time off that was used prior to April 1, 2020 because of the COVID-19 pandemic. The motion carried unanimously.**

Longmore also reported on the work the staff is performing and the communication he is having with them. Once the government starts lifting restrictions, his intent is to follow the same guidance as the state agencies – DEP, PDA, and SCC – as the district resumes normal operations. Under current orders and guidance, that will be at least until April 30<sup>th</sup>. If adjustments are needed for individual staff member's situations, he will work with them to make acceptable accommodations in accordance with the Act, which extends some benefits to the end of the year. No action is needed at this time.

### **New Workers Compensation Insurance Policy**

Longmore reminded the board that DGK Insurance shopped around at the end of last year to find better rates for the district's business and auto insurance. They also reviewed the workers compensation insurance that runs from

April to April and received a quote from Brickstreet Insurance for \$1,160, based on an estimate of total salaries for the 12-month period. That is a significant savings over the current policy provided by Selective Insurance which was over \$3,000 last year. Longmore recommended switching to Brickstreet for the workers' compensation insurance. A brief discussion was held.

**\*\*Motion by Wilkes, seconded by Hanish to approve the new workers' compensation insurance policy with Brickstreet Insurance. The motion carried unanimously.**

#### **Start of 2019 Mosquito-borne Disease Control Program Season**

Ference noted that the Mosquito-borne Disease Control Program season will soon start. Longmore stated that it was originally planned to bring seasonal program specialist Martin back on April 6<sup>th</sup> and the second employee back in May. Since the office was closed and DEP hadn't provided guidance regarding program operations, Longmore delayed the start. DEP finally got clearance from the governor's office to operate the mosquito control and surveillance activities and open the lab. Longmore spoke with the regional biologist and communicated with the program leader in Harrisburg, and they agree with Martin returning on Monday, April 20<sup>th</sup>. Martin is ready to return doing field surveillance and control activities per DEP guidance, with fieldwork easily done with minimal, to no, in-person contact. She would come to the office in the morning to collect gear/supplies, go out to set traps and do treatments, return to the office, and then do data entry from her home. Longmore requested the board's approval to bring Martin back on April 20<sup>th</sup> and to either bring Ryan Sotelo back as the second technician in early to mid-May, if he is available and interested, or start the process to fill the second position. Wilkes mentioned the need for protective gear for fieldwork and will discuss this further with Longmore.

**\*\*Motion by Burger, seconded by Hanish to authorize Longmore to begin the 2020 MDC program by bringing Martin back to work on April 20<sup>th</sup> and hiring a part-time technician to start in May. The motion carried unanimously.**

#### **Spotted Lanternfly Quarantine Expansion (Inc. Luzerne County)**

Ference noted that the county is in the expanded quarantine area for the Spotted Lanternfly (SLF). Longmore reported that the PA Department of Agriculture (PDA) has not formally offered an agreement for the district's involvement in their established SLF program. He was invited, with others in the newly quarantined counties, to join in the monthly SLF conference calls for updates. PDA staff are trying to figure out how to operate the program under the current pandemic restrictions. Longmore wanted the board to be informed and asked for the board's guidance on pursuing any involvement with new programs or funding opportunities for SLF control, surveillance, or public outreach activities if the PDA offers them to the district.

**\*\*Motion by Wilkes, seconded by Hanish to authorize Longmore to pursue involvement in the program as information becomes available. The motion carried unanimously.**

#### **Additional Items**

Ference noted two additional items related to DGLV Road Program projects. Longmore stated that two Lake Township projects are completed, but final paperwork hasn't been processed. The contracts have expired, so extensions are needed. Schlauch requested extensions to June 30, 2020 for the contracts for the Hollowich Road and North Mountain Road - Phase 6 projects. This will allow the opportunity to wrap them up and keep those contracts active in the program's GIS system until final payment is made.

**\*\*Motion by Moyer, seconded by Wilkes to grant the contract extensions for Lake Township to June 30, 2020, as described. The motion carried unanimously.**

Ference noted that the State Ethics Commission has indicated that the Statements of Financial Interests forms are still due by May 1<sup>st</sup>, but there will not be any actions or penalties for late forms if they are filed by July 15<sup>th</sup>. Its not officially an extension, but it is a grace period.

Ference noted staff reports are included in the board packets.

#### **COOPERATING AGENCY REPORTS:**

NRCS – Longmore noted that Kears had left the video conference.

DEP – DeLuca gave a verbal report on the process of how DEP is presently working.

PACD – Provided a written report. Longmore and Ference participated in a Northeast Regional PACD webinar conference call on April 3<sup>rd</sup>. Two actions were taken on items that were previously discussed at a past board meeting. The first was to support a bylaws amendment to move Armstrong County Conservation District to the

Northwest Region. That motion carried. The second motion was for PACD to encourage the PDA to develop a delegated agreement with conservation districts to provide funding and authority to battle invasive species. That motion was also accepted and approved.

**CORRESPONDENCE & ANNOUNCEMENTS:**

- May LCD Board of Directors Meeting – 5/21/2020 at 6:00 PM.
- Ference spoke for the board to express appreciation for the hard work Longmore has put in to address the unprecedented impacts of the pandemic on the district’s operations and for preparing all the action items that were considered by the board at this meeting.

**\*\*Motion by Burger, seconded by Wilkes to adjourn the meeting. The motion carried unanimously.**

The meeting adjourned at 7:45 PM.

*This meeting was recorded to assist in the preparation of the official written minutes.*

*Respectfully Submitted by: Deborah Josuweit, Office Administrator*

-----  
*Approved by action of the Luzerne Conservation District Board of Directors on May 21, 2020.*

  
\_\_\_\_\_  
*Chair or Vice Chair*

  
\_\_\_\_\_  
*Treasurer/Secretary*

