

MINUTES

Regular Meeting

January 26, 2010

I. CALL TO ORDER AND INTRODUCTION OF GUESTS

The meeting was called by Chairman Rice at 10:00 a.m. at the Mezzanine Conference Room, Fort Jackson Building, Waynesburg, Pennsylvania.

Directors present were J. Robert Rice, Chairman; Bradley Eisiminger, Vice Chairman; Tom Headlee, Treasurer; Jim Cowell, Secretary; Dave Coder, Commissioner Representative; Archie Trader, Director; Theresa Matscherz, Newly Appointed Director; Frank Blaker, Associate Director; Greg Hopkins, Associate Director; and Bill Wentzel, Associate Director. Guests and District staff in attendance in alphabetical order by last name were Cheryl Cowen, County Solicitor; Sherene Hess, Coordinator, Penn's Corner RC&D; Mary Jane Kent, Administrative Assistant for Program Support; Lindsay Kozlowski, Resource Specialist; Chuck Kubasik, Field Representative, DEP; Robbie Matesic, Acting District Manager; Suzy Petery, SDC, NRCS; Becky Salosky, Fiscal Officer; John Scott, Regional Director, Pennsylvania Department of Agriculture; Lisa Snider, Assistant District Manager/Watershed Specialist; and Tracy Zivkovich, Director, Human Resources.

II. OATH OF OFFICE

Commissioner Coder administered the Oath of Office to reappointed director, Tom Headlee and newly appointed director, Theresa Matscherz.

III. REORGANIZATION

- a. **Mr. Rice opened the floor for nominations for District Chairman. Dave Coder nominated Bradley Eisiminger and Jim Cowell seconded. (Motion Passed). Mr. Rice, who served as Chairman for the past 44 years, wished Bradley the best.**

Chairman Eisiminger opened the floor for nominations for Vice Chairman. Dave Coder made a motion to nominate Archie Trader and Tom Headlee seconded. (Motion Passed)

For the office of Treasurer, a motion was made by Dave Coder to nominate Tom Headlee and Jim Cowell seconded. (Motion Passed)

For the Office of Secretary, a motion was made by Archie Trader to nominate Jim Cowell and Dave Coder seconded. (Motion Passed)

- b. Commissioner Coder made a motion to table action on the appointment of Associate Directors and to allow the current directors to continue serving until the board takes action. Tom Headlee seconded. (Motion Passed)**
- c. Lisa reported that it's been a long time since our Committee List has been updated. Dave Coder made a motion to table this matter until the next meeting. Tom Headlee seconded. (Motion Passed). Lisa said that we will organize a list of those eligible to serve and mail it for consideration at the next meeting.**
- d. Lisa gave an update on the PACD Delegates. She said that Jim Kenney is the primary voting delegate; Tom Headlee is the first alternate; Martin Niverth is the second alternate; and she is the third alternate. She also said that Martin's name has been deleted from PACD's list, but is still included on our list. Robbie stated that since Martin is not part of the day to day activities of the Conservation District, that another staff member should be appointed. A motion was made by Archie Trader to remove Martin's name and appoint Bradley Eisiminger as a voting delegate. Dave Coder seconded. (Motion Passed)**

Lisa announced the current delegates of Penn's Corner RC&D. They are Archie Trader, Commissioner Representative; Robbie Matesic, Alternate Commissioner Representative; Jim Cowell, Conservation District Director; Laurel Rush, Alternate Conservation District Director; and Lisa Snider, Member-at-Large. After discussion, no changes were made.

A motion was made by Archie Trader to hold Conservation District meetings the third Tuesday of every month at 10:00 a.m. in the Mezzanine Conference Room. Dave Coder seconded. (Motion Passed)

IV. EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS

The board granted permission to Ms. Matesic and Ms. Zivkovich to attend. Associate Board member Greg Hopkins also asked for permission to attend the Executive Session. However all employees rights are protected and confidential, so because Mr. Hopkins is not a director, he was denied permission. **A motion was made by Dave Coder to enter into Executive Session to discuss personnel matters. Tom Headlee seconded. (Motion Passed)**

V. RECONVENMENT

A motion was made by Archie Trader to reconvene the meeting. Tom Headlee seconded. (Motion Passed)

VI. PUBLIC COMMENTS

No Public Comments were received.

VII. APPROVAL OF MINUTES

On a motion by Archie Trader, the minutes of the December 1, 2009 meeting were approved as distributed. Jim Cowell seconded. (Motion Passed)

VIII. TREASURER'S REPORT

On a motion by Archie Trader, the Treasurer's Reports were approved with the following additions. Dave Coder seconded. (Motion Passed)

General Fund

CK #645 Bradley Eisiminger – District Mtg. Travel - \$26.40

CK #646 Jim Cowell – District Mtg. Travel - \$35.20

CK #647 Greg Hopkins – District Mtg. Travel - \$44.00

CK #648 Scotty's Pizza – Meeting Lunch - \$ 74.00

Mr. Headlee discussed the decline of interest rates. He said that the account at First National Bank is drawing about .75 percent of interest and he would like to speak to County Treasurer Corey Grandel to see what he would advise. **Putting the funds into Certificates of Deposits (CD's) was discussed and Mr. Trader made a motion to allow Mr. Headlee to take a look at CD's and see if a better interest rate can be obtained. Dave Coder seconded. (Motion Passed)**

Regarding personnel, Chairman Eisiminger stated that Ms. Matesic has been serving as "Acting District Manager" and that it's been a long time since we have had a full time Manager. **Consequently, a motion was made by Archie Trader to recommend to the Commissioners that they name Lisa Snider as the District Manager. Theresa Matscherz seconded. (Motion Passed)**

In another personnel matter, a motion was made by Dave Coder to recommend to the Commissioners the rehiring of Bill Wentzel as Second Technician on a part-time basis. Tom Headlee seconded. (Motion Passed)

Chuck Kubasik asked that since Lisa was appointed as the District Manager, would her old position as Watershed Specialist would be filled. Robbie said that this was discussed and that we will move forward and advertise the position.

IX. CORRESPONDENCE

- a. **A motion was made by Jim Cowell to pay the NACD dues of \$775.00. Dave Coder seconded. (Motion Passed)**

- b. Lisa announced that Barbara Beshore of DEP retired on January 15th. She said that Barb helped a lot with the Chapter 102 program.
- c. Lisa announced another retirement, that of Bruce Golden, Coordinator of the Western Pennsylvania Coalition of Abandoned Mine Reclamation (WPCAMR). Mr. Kubasik added that they have appointed, the Regional Watershed Coordinator for the WPCAMR, Andy McAllister, to replace Mr. Golden as the Coordinator. Stu Demanski, former Watershed Manager with DEP, will assume the position that Mr. McAllister held. Both position changes will take effect on February 1st.
- d. Mary Jane discussed the next item of business, the Pennsylvania State Association of Township Supervisors (PSATS) annual meeting. She said that last the year, the Conservation District and the County Association split the cost of the conference. **A motion was made by Dave Coder to allow Mary Jane to attend the conference and split the cost. Jim Cowell seconded. (Motion Passed)**
- e. Lisa announced that the Southwest No-Till Conference will be held on February 3rd. Mr. Cowell said that he plans to attend and he will mail the registration. Ms. Petery said that she has room for one more in the government vehicle if someone would like a ride.
- f. Although it did not appear on the agenda, the last item of correspondence discussed was the Project Grass meeting to be held on February 17th. Suzy noted that there was a date change. Lisa said that she thought that Mr. Kenney plans to attend and she will forward the information to him.

X. REQUESTS FOR ASSISTANCE

No Request for Assistance forms were received.

XI. OLD BUSINESS

- a. Upon Lisa's request, Mr. Chuck Bailey of Bailey Insurance was present to explain bonding for individuals who sign checks. He said that currently there are two bonds in place; one for Tom Headlee for \$25,000.00 at a cost of \$100.00 annually and the other for Jim Kenney also for \$25,000.00 at a annual cost of \$150.00. He explained that the Treasurer's Bond has its own rate and that other board members would have a lesser rate. He also said that anyone signing checks should be bonded and you can

select individual limits. He said that it really has nothing to do with your budget, but how much is in your accounts at one time. He said that we would need to check our by-laws to see if our Treasurer is required to have a separate bond. If he is not, you can put everyone under one bond making the price a little cheaper. Mr. Bailey distributed a list of the rates and said that he would be available for discussion. He suggested that if our by-laws do not require the Treasurer to have a separate bond, he would put everyone on the same bond. He briefly reviewed the prices and said that the rate is \$3.50 per thousand for the board members. The Treasurer is a little more complicated, with the first twenty-five thousand with one rate, the second twenty-five thousand has a lower rate, and anything over that has an even lower rate. A “schedule bond” which is a group bond, has a 25 percent discount rate.

Mr. Bailey asked how many people sign checks. Lisa said that currently, it is four, Mr. Headlee, Mr. Kenney, Becky and herself. Robbie said that we would like to be consistent with other county offices in which staff does not sign checks. She explained that typically staff reviews invoices and prepares checks, and the board members sign checks. Mr. Bailey said that they don't recommend an exact amount. (??) Mr. Kubasik added that most Districts go with the amount they would have in their accounts at one time. Lisa explained that no checks are written out of the one account; funds are transferred from time to time. Mr. Bailey thought that it would need to be included.

Mr. Bailey said that for bonds over \$25,000, each individual would have to be named and some information provided.

Chairman Eisiminger asked for suggestions as to how it should be done. Robbie said that for convenience, she suggested that each member of the board would have check signing authority. **Commissioner Coder made a motion to bond Chairman Eisiminger; Vice Chairman Trader; Treasurer Headlee, and Director Kenney or if it's more cost efficient, to bond everyone. After further discussion, it was decided to table action until prices could be compared. (Motion Died on the Floor for the Lack of a Second).**

- b. The Second Technician reappointment was discussed earlier in the meeting.

- c. Regarding the West Nile Virus Program, Lisa reported that she returned the remaining chemicals and pesticides to DEP and they gave her an inventory of all items. She spoke to Ed Farrell of DEP about the possibility of the county providing a part-time coordinator and what support DEP could provide. The coolers, transportation of the samples, dry ice, analysis, and the use of the web site would be provided. The county would need to provide salary and mileage. If we do not hire a coordinator, DEP will come at least once a month for sampling and spraying. Lisa said that they could only promise to come once a month. She said that when the program first started, the E&S Technician performed the duties before and after his regular work hours. She would like the board to begin to consider this option, and she will continue to assemble more information, so that a decision can be made at a future meeting. Lisa said that she could take a look at the former coordinators logs to determine where and when to sample. Concern was expressed about how DEP would do the sampling. The board agreed that Lisa will prepare additional information for consideration at future meetings.
- d. Martin Niverth was present to give an update of the Dunkard Creek Public Meeting held on December 3rd jointly with the Conservation District and the Upper Mon River Association from Morgantown WV. He distributed information that was published in the Dominion Post. The four hour public meeting was attended by 200 and was widely reported in PA and WV media. Speakers represented US EPA, US Army Corps, PA DEP, WV DEP, PA FBC, WVDNR, WVU, CMU and PSU Extension. Waynesburg University developed a DVD. Martin reported that Consol's Blacksville #2 Outfall is back in operation. WV DEP allowed that to happen and to monitor at various points for water quality, TDS content, and the presence of Golden Algae. He has been in contact with West Virginia officials who have a website that included the latest information. It shows that the Love Ridge outfall measured 11,780 parts per million on January 14th, which is extremely saline. He also said that the Pennsylvania Fork of Dunkard Creek appears to be within the context of fresh water with little or no measurable dissolved solids. Martin noted that water of different chemistry remains separate for a little while before it does mix. He has been in contact with Oklahoma and Clemson Universities who have extensive experience with Golden Algae. Oklahoma results of samples from Pennsylvania and West Virginia contain some pretty impressive counts in various locations. Martin said that West Virginia has now taken over the monitoring and the recent samples are showing no Golden Algae.

Martin explained that Golden Algae is a single-celled plant/animal, and that it can make its energy from the sun or from something that it eats. When conditions are not right, it has the ability to form a “spore” which is an extremely resistant state of being and difficult to measure. Martin said that normally the algae lives suspended in the water and when it enters a state of dormancy, it lives more like an inorganic piece of material. Martin explained that this means that you can test the water and find no Golden Algae, but that does not mean that it’s not there. He said he does not like the results of these tests because WV DEP’s data does not list the salinity or the temperature. He has been talking to folks to remedy this. He added that these are important because the algae tend to live in high salinity and it’s active at a certain temperature. Martin said that there has never been a recorded bloom at a temperature under 53 degrees. According to Ron Schwartz of DEP, Golden Algae has been found at Whiteley, South Fork of Ten Mile, and Enlow. He said that we have a situation that we have to watch closely and we have to be concerned with the TDS and how much we allow. He also said that the only thing that can prevent another incident similar to what happened in Dunkard Creek is monitoring the water chemistry and having the ability to control it.

Martin also distributed a copy of an appeal filed by Friends of Dunkard and Penn Future against PA DEP alleging that certain Dunkard Creek discharge permit modifications were agreed to by PA DEP, without having a public meeting. We are watching this situation closely.

Robbie asked Martin what action he recommended. Martin said that he thinks we should request that TDS levels be a part of the outfall permitting process. He stressed that we need to look at total dissolved solids. Robbie asked the board if they would like Martin to draft the necessary correspondence to DEP and to our elected officials regarding this matter.

Suzy asked if permits are required to withdraw water from the streams. Lisa said that drilling companies must prepare Water Management Plans for PA DEP review, and are only required for the fracturing of a Marcellus gas well.

A motion was made by Dave Coder to have Martin write a letter to the legislators (including the Governor) and DEP. Archie Trader seconded. (Motion Passed)

- e. Lisa reported that she received notice from Sherene Hess that an application, with the Conservation District as a sponsor, was submitted to

Penn's Corner RC&D for the Core 4 Calendar Project. She said that Laurel submitted the application and with GCCD being the sponsor we need to report progress to Penn's Corner. Ms. Hess added that it's a joint project between the Southern Alleghenies RC&D and Penn's Corner. She also said that the calendar is one component of a larger project that Southern Alleghenies is doing and Penn's Corner's participation is to help develop the calendar and distribute it to the farmers. She said that the Ag Committee is handling this project and they hope to have it published by summer. She also said that NRCS is providing some of the funding but additional funding will be sought.

- f. Lisa gave an update on the Floodplain Management Program. She said that a few weeks ago, they participated in a conference call requested by FEMA and learned that Greene County municipalities will be receiving new floodplain maps sometime in May, 2010. The maps will be sent to the municipalities for review of the boundaries and the county will receive copies also. The floodplain boundaries, that have been there for many years, will not be moved. They will be depicted on aerial photographs to be more easily understood. The municipalities will have time to review them and determine if the actual floodplain boundaries have changed over time and if a revision of the map is warranted. She also said that DCED is heading up the project and that this will be the time for municipalities to speak up if changes are needed. A County-wide Public Meeting will be scheduled, prior to the maps being mailed, to explain the maps and the process and to discuss the revised Floodplain Ordinance for municipalities. When the time comes for the municipalities to adopt their new maps, they will also be asked to adopt a new Floodplain Ordinance. Lisa has spent time during the past year with the municipalities reviewing their current ordinances to compare and incorporate the current guidelines. Since the new Ordinances will be a part of the updating the Floodplain Program throughout the county, she did not mail deficiency letters to the municipalities. When the new language is received, Lisa will have to review each municipality's ordinance to ensure everything has been addressed. She said that all the municipalities will have to change their ordinances to comply with FEMA's flood insurance criteria and rates.

XII. NEW BUSINESS

- a. Lisa presented the U.S. Geological Survey Partner Agreement for topographic maps sales. Changes have been made such as the number

of maps we have to order at one time to receive a discount and no handling fee will be charged for orders placed on the web site. **A motion was made by Archie Trader to approve the agreement contingent on the review of the solicitor. Tom Headlee seconded. (Motion Passed)**

- b. Chuck Kubasik discussed the next item of business, District Priorities. He said that DEP is asking each Conservation District for their top two priorities in order for them to assist in meeting those needs. He said that we have a lot of needs, but they are only asking for the top two or three. He also said that it does not necessarily have to be DEP related, it could be water quality issues, funding needs, staffing, etc. and how DEP can help us with those needs. He said that budget cuts have completely eliminated two enforcement positions in the 102/105 program, which in turn affects Districts, and could be an example of a priority need.

Commissioner Coder said that clearly that Greene County's priorities are water quality issues. He doesn't believe that PA DEP is doing their job in making their case to the legislature or the Governor for the money that they need to operate properly. There seems to be a disconnect when you hear about the enforcement and the water situation. Commissioner Coder also said that PA DEP's problems are very large. Chuck said that they realize the enormity of the problem and even though they pleaded their case, funding was still cut. He also discussed loopholes in the laws that allow for some problems in protecting water quality. Commissioner Coder said that we are talking about the quality of our drinking water, a major resource, "something needs to be done". Robbie said that we will take everyone's comments and compile them to respond, but the top priorities will be the need to protect water quality. PA DEP has helped to understand some of the things we need to understand as a county, but much more help is needed from DEP because Greene County is facing serious water quality situations as a result of existing extractive industry activity and all the new activity.

Public water supply was also discussed. Suzy reported that the Heinz Endowment is looking to work with people in Western Pennsylvania as "citizen's watchdog" groups. They would take complaints about well sites, tanker truck hauling, etc. She suggested that Lisa contact Heather Fowler, Watershed Specialist in Fayette County.

Chairman Eisiminger thanked Mr. Kubasik for his assistance and said that Lisa will get back to him regarding this matter, and the highest priorities are water quality and water quality.

- c. Lisa announced that effective January 1, 2010 our mileage rate will be \$.50 per mile. This was a reduction from \$.55 per mile.
- d. Robbie discussed the next item of business, Conservation Easements in the Farmland Preservation Program. She said that during the past year, the Farmland Preservation Board has activity engaged a conservation easement on Robert and Susan Petery's farm in Wayne Township. She also said that everything is moving along and now there is a need for a significant expenditure of funds for the completion of a title commitment, an appraisal, and a survey. The sales agreement will be revised by the County's Solicitor, Cheryl Cowen. The Petery easement will be different from the Cree easement in that it will have a pro-rated share owned by the County of Greene. The Cree easement is 100 percent Commonwealth owned because it was paid for by state dollars, through the PA Dept of Agriculture, State Agricultural Lands Preservation Board.

Suzy requested to speak and said that she was on annual leave and wanted to officially sever herself from being a USDA employee. She asked why this appeared on the agenda as an action item and not an item of information since the Farmland Preservation Board is its own board. She also said that they are in process and that they have made application and she does not view this as a conservation easement. She also said that they fulfilled everything to the Farmland Preservation Board as far as wanting to move forward in the process to have the appraisal done, which is the next step.

Mr. Trader explained that the Farmland Preservation Board needs to borrow money from the Conservation District in order to complete the survey, etc. Robbie said that at last night's Farmland Preservation Board meeting they agreed to open their own checking account and they need to borrow money to do that. Mr. Trader explained that the Farmland Preservation Board receives money from the county to purchase easements, not for administrative costs. He also noted that administrative costs are to be reimbursed once the easement is approved by the State Agricultural Land Preservation Board. In the interim the Conservation

District Board is the funding mechanism. Mr. Trader said that once the Farmland Preservation Board is reimbursed for the administrative costs, then the Conservation District Board will be paid back.

Mr. Cowell stated that the Farmland Preservation Board is asking the Conservation District Board to fund their administrative money and that it's his opinion that it should not matter who's farm it is. Suzy reiterated that they are not in Conservation Easement, but in the process.

Robbie explained that since 2007, the Board of Commissioners has committed and certified to the Bureau of Farmland Preservation \$23,082.00. The certification states that these dollars will be spent toward the purchase of an easement and specifically excludes administrative costs. The Farmland Preservation Board is requesting an additional \$5,000. **A motion was made by Archie Trader to loan the Farmland Preservation Board \$5,000 for the administrative costs associated with the Petery Easement in Center Twp and the Milesky Easement in Wayne Twp. Jim Cowell seconded. (Motion Passed).**

XIII. STAFF REPORTS

Mr. Cowell commented that it has really been nice to get staff reports in their packets so they have time to review them and all agreed to continue that practice.

XIV. REPORTS FROM COOPERATING AGENCIES AND GUESTS

- a. Suzy Petery – Regarding Farm Bill Programs, they are a little behind in completing field evaluations and rankings for the Environmental Quality Incentives Program (EQIP) applications. These probably will be completed in late February and/or early March and she said that there are quite a few applications in Greene County. She also said that a lot of conservation was completed “on the ground” which is important for water quality. Greene County is included in a special air quality funding under EQIP. They are in the process of doing contracting for the Conservation Stewardship Program with one application for 141 acres. There is a three year pilot program to do “high tunnels” which will benefit locally grown foods. Three applications have been sent to Greene County landowners for this program. One CREP plan has been completed for a buffer for a

little over 10 acres that trees will be planted in an area feeding into the Dunkard Creek Watershed. A 195 acre conservation and grassland management plan has been written for a farm in Center Township. She congratulated Lisa for her promotion to District Manager and said that she was glad to hear that we will be hiring a new Watershed Specialist. She stressed that agriculture, going out on the farms, and meeting with landowners to encourage them to do best management practices is all important to water quality and nutrient management..

Suzy also said that the State Conservationist has accepted a position in Washington, DC. Phase II of the Environmental and HAZMAT Study for the dam site removals on Dunkard Creek has been completed. In closing, Suzy distributed a copy of information regarding Fayette Conservation District's tree sales program.

- b. Greg Hopkins stated that he had an idea that he would like to bring to the board for consideration to incorporate food from local growers for meetings and events. He feels that it would be a unique idea for the Conservation District to promote. He suggested that if we would decide to pursue this matter that we speak to Dan Wagner of the Culinary Arts Department at the Vo Tech. Chairman Eisiminger thanked Greg for his suggestion and said that it will be considered. Cheryl Cowen stated that there is "The Slow Foods Movement" where they promote local produce.
- c. John Scott – John reported that the Westmoreland Conservation District serves locally grown foods at their annual banquet and Beaver County sponsors a "Farm City Day" where they serve products grown in their county. He thought Greg had a very good idea. In closing, John reported that Russell Redding was confirmed as the Secretary of Agriculture.
- d. Sherene Hess – Sherene reported that Penn's Corner has adopted their Annual Plan or Work. It includes many things that are important to all 9 of the counties in the Southwest Region. Some of the projects are continuing and some are new initiatives including exploring the feasibility of real time water quality monitoring for water resources that may be impacted by drilling. She reminded the group that Penn's Corner is a non-profit organization and a 501-C3 and was founded to solve local problems with a regional focus.

- e. Lisa presented a scrapbook and photo album to Mr. Rice for his 44 years of dedicated service. She said that it includes letters from many of the agencies and Lisa read the one from the Southwest Project Grass Chapter. She said that the book will be passed around to the group for signatures.

XV. NEXT REGULAR MEETING

The Next Regular Meeting will be February 16th.

XVI. ADJOURNMENT

On motion by Tom Headlee, the meeting was declared adjourned at 12:25 p.m. Dave Coder seconded. (Motion Passed)

Respectfully submitted,

Rebecca K. Salosky
Fiscal Officer