

**MINUTES OF MERCER COUNTY  
SOIL CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
590 HUGHES DRIVE  
HAMILTON SQUARE, NJ 08690  
JULY 14, 2022**

**MCSCD SUPERVISORS**

Scott Ellis  
Gary Mount  
Lucia Huebner

**STAFF**

Paul Schiariti, P.E.  
Linda Sandusky

**OTHERS**

Lewis Goldshore, Esq.

The meeting was called to order by Chairman, S. Ellis at 1:05 pm. The Statement of Adequate Notice was read.

**CORRESPONDENCE**

Brochures were received by the District: Beauty from Bulbs John Scheepers Fall 2022, and Van Engelen Inc. Fall 2022 Wholesale Price List.

The Director's Report was given.

**NON-POINT SOURCE POLLUTION PROGRAM**

20 - APPLICATIONS RECEIVED  
2 - PREREVIEW INSPECTIONS  
27 - REVIEWS  
97- INSPECTIONS  
1 - PRE-CONSTRUCTION MEETINGS  
23 - FINAL REPORTS OF COMPLIANCE  
5 - CONDITIONAL REPORTS OF COMPLIANCE  
2 - VIOLATION NOTICES  
0 - STOP WORK ORDERS  
0 - DENIALS  
0 - CERTIFICATION DELEGATIONS  
7 – 251 EXEMPTION DETERMINATIONS

**CHAPTER 251**

The district manager received a notification from NJDEP's Incident Reporting System, through the NJ Department of Agriculture regarding a potential violation at 1107 Great Road in Princeton NJ on June 7, 2022. The district manager followed up with an inspection, the next day. The subject project is covered under a Plan Certification. Additional disturbance in the rear of the site outside the approved Limit of Disturbance was occurring, to install a sanitary sewer lateral from a dwelling under construction. The

area in question appeared to be within or adjacent to a wetlands area. The district proceeded with the issuance of a violation notice. A subsequent meeting was held between the district manager and the applicant to discuss the remedial restoration work required.

The district issued a violation notice for a warehouse project (58 Thomas J. Rhodes Industrial Drive Warehouse) in Hamilton Township. The project was being constructed outside of the approved Sequence of Construction that requires detention basins be fully constructed and permanently stabilized prior to any new impervious surfaces being added. The district manager had several conversations with the construction managers to discuss this matter. During an inspection, it was noted that the building concrete slab had been poured prior to the completion of one of the detention basins. The district proceeded with the issuance of a violation notice.

The district received a complaint regarding soil disturbance at several residential lots within Bear Creek Estates, a regulated project with an active Plan Certification. The district manager conducted an inspection. Additional information provided indicated that excess fill soil from a pool installation was spread on a neighbor's lot and the area may have been regraded to prevent the installation of a retaining wall. However, the area is within a drainage easement, is currently unstabilized and is discharging sediment onto the roadway and subsequently into the drainage system. The district manager prepared letters to each homeowner requesting they contact the district and address the sediment control issues and stabilization issues. The district manager also reached out to the developer to inform him of the activities and the potential impacts to the drainage system.

### **COMPUTER SYSTEM**

The district manager ordered a new Laptop Computer for work use. The current laptop is running slowly and having issues connecting to the projector, hindering presentations. The District Supervisors recommended that a new Laptop be purchased.

### **BUILDING MAINTENANCE**

The Office Administrator recommended that the district contract with our landscaper for a mid-year tree / bush / shrub trimming as well as weeding and general landscape maintenance throughout the grounds. The Office Administrator contacted our Landscaper, who subsequently met with the district manager to go over landscape issues. We later received an estimate and executed the same.

The Office Administrator noted ants around the chimney area within the conference room. She contacted our pest control contractor, who treated the area over several visits.

### **PROFESSIONAL LIABILITY INSURANCE**

The Office Administrator contacted the districts insurance provider to inquire about additional liability coverage for both Supervisors and staff. An application was received for additional coverage. The district is in the process of preparing the application, for a premium quote for possible additional liability coverage.

The district manager also reached out to the Ag. And Natural Resources Division Director regarding current coverage which may include Tort Claim Liability coverage, for Supervisors acting within their official capacity.

### **HUNT LAKE DAM**

District Supervisors, S. Ellis and G. Mount along with the district manager, P. Schiariti, hosted a meeting with the Secretary of NJ Department of Agriculture, D. Fisher and Division Director, F. Minch to discuss Hunt Lake Dam issues. It was determined that a letter be prepared to Secretary Fisher, outlining the issues and concerns related to the Dam. District council with assistance from the district manager, prepared a letter for the Secretary. Additional comments were solicited from S. Ellis and G. Mount.

The district received a letter from Julie Hawkins, NRCS State Conservationist regarding the Assessment Request previously made by the district. The letter indicated that the NRCS will proceed with that assessment. The letter further recommended that the lake be drained as an interim risk reduction measure, while the assessment is being prepared.

The district manager conducted a follow up inspection after the request to the municipality was made to mow the embankments. The mowing was adequately completed. During that inspection, it was noted that the Auxiliary Spillway sustained additional erosion adjacent to the area (both sides) that was previously repaired.

### **SSCC**

The district manager attended the State Soil Conservation Committee Meeting on 06-13-22 at the Department of Agriculture new office located in Riverview Plaza. Several topics covered of significance to the district's operations included State Senate Bill S2639, that would allow for any municipality to claim an "exempt" status any time for any reason. It is unclear why this bill was being introduced. However, the impacts could be substantial to districts. F. Minch is in the process of researching the impetus behind the bill, and the potential ramifications if the bill were to be signed into law. Another topic of discussion was the NJDEP's Emergency Rules covering flooding and stormwater management. An emergency rule was proposed to be filed within the NJ Register, in early July. However, it was determined that the Rule be temporarily postponed until feedback and input is received by stakeholders directly impacted by a Rule change. Several of the noteworthy items within the Rule are related to flood zone elevation increases and future precipitation depths, extrapolated to the year 2100.

Supervisor appointments / re-appointments were also voted on. District Supervisor T. Wang was re-appointed for an additional 3-year term.

### **EXEMPT MUNICIPALITIES**

The district manager prepared and submitted electronically the 2022 Exempt Municipality Report, to the SSCC. The only municipality in Mercer County, which enacts all aspects of the Soil Erosion and Sediment Control Act, is Lawrence Twp. The Twp. received a Satisfactory rating. The district maintains a very good working relationship with the municipality.

**NJDEP**

The district hosted a meeting with NJDEP and various stakeholders throughout the state regarding the potential adoption of the new NJDEP Flood Hazard Area Control Act Emergency Rule. Representatives from NJDEP, NJDOT, SSCC, NRCS, Districts, and Consulting Engineers were present. The potential impacts of the Rule were discussed from differing perspectives. It was agreed that all attendees would provide written comments to NJDEP, through the SSCC.

**MOTION 1**

A motion to approve the Director’s Report was made by L. Huebner, seconded by G. Mount, carried unanimously.

**MINUTES**

The minutes of the June 9, 2022 meeting were reviewed by the Board.

**MOTION 2**

A motion to approve the minutes was made by G. Mount seconded by L. Huebner, carried unanimously.

The Treasurer’s Report was presented to the Board. The District was in the black for this period and for the Fiscal Year 2022 which ended June 30, 2022.

**MOTION 3**

A motion to receive and file the Treasurer’s Report pending audit was made by L. Huebner, seconded by G. Mount, carried unanimously.

**CLEANING AGREEMENT**

The Board discussed the current cleaning service. They agreed to renew the cleaning service agreement for Fiscal Years 2023 & 2024 with Yulia Leliukevich.

**MOTION 4**

A motion to renew the cleaning service agreement with Yulia Leliukevich was made by G. Mount, seconded by L. Huebner, carried unanimously.

**AUDIT FISCAL YEAR 2022**

The Board discussed the Accountants, Nightlinger, Colavita & Volpa agreement for the pending audit of Fiscal Year 2022 which ended June 30, 2022.

**MOTION 5**

A motion to approve the pending audit agreement was made by G. Mount, seconded by L. Huebner, carried unanimously.

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2022-6278-T	2017-5443-EW(R)	2022-6221-H(R)	2021-6183-H
2022-6254-H	2022-6293-H	2022-6300-H	2021-6113-P
2022-6286-P	2022-6288-R	2022-6270-R	2022-6294-WW

## **MOTION 6**

A motion to approve plans recommended for certification by staff was made by L. Huebner, seconded by G. Mount, carried unanimously.

## **EXTENSION UPDATE**

M. Melendez sent an update to the District Manager. M. Melendez could not attend the meeting since she is at Michigan State University for the Beta Test of the Produce Safety Inspector Training.

NJDA has been conducting the second round of Food Safety Modernization Act (FSMA) Produce Safety Rule Inspections on New Jersey Farms. Farms targeted are those who were first inspected in 2019, and those where there were recommendations for corrective actions. Extension has been providing compliance assistance for farms who request ahead of their inspection.

The Mercer 4H fair will be held at Howell Living History Farm on July 30 and 31, 2022. Mercer Farmers donate produce items to the market wagon, where items are sold and proceeds directly support 4H Clubs in the County.

The Somerset County Agent position will be open for applications through the end of July. They are looking for someone who can work with Commercial Agriculture and assist with Produce Safety Outreach.

M. Melendez has had increased calls from farms with disease issues on a variety of crops, due to increased humidity having a negative impact.

The Master Gardeners will host their annual Evening in the Garden at the Mercer Educational Gardens located at the Equestrian Center. The event will take place on July 14<sup>th</sup> from 6-7:30 pm.

## **SSCC UPDATE/NJACD UPDATE**

F. Minch sent a brief update. The proposed bill for Exempt Municipalities changes, originated from Long Beach Island Officials. F. Minch is requesting a meeting with the Mayors to discuss the issues that are of concern. Since the Legislature is on summer recess, there is time before the Bill will be reviewed, debated, and possibly advanced.

SSCC personnel are continuing with edits to the Offsite Stability Standard. They are also in the process of preparing a new Solar Development Standard.

The Training Committee is meeting today to discuss upcoming staff training.

SSCC is working on Deer Fencing Rules. Anyone interested can contact Tim Fekete at the Department of Agriculture to be put on a list of interested parties.

## **UNFINISHED BUSINESS**

### **HUNT LAKE DAM**

Additional erosion was noted within the emergency spillway during an inspection. Stormwater flow may have originated from the spillway itself, the spillway embankments, or from a swale adjacent to the Route 31 embankment. It does not appear that the flow originated from within the dam through the spillway. The previous erosion gully was repaired with compacted DGA, topsoil, seed, and erosion control blankets. The new gullies are forming on both sides of the previous repair.

S. Ellis inquired about the original topography at the end of the spillway. District Manager indicated that the original topography did not show a drop off/shear embankment at the end of the spillway. The current condition (shear embankment) appears to be a result of a swale adjacent to Route 31, that flows by the end of the spillway. Therefore, this circumstance is being created by an external influence. The District Manager will be contacting C. Oman, DEP, to discuss an additional repair solution.

The District received a letter from Julie Hawkins, NRCS State Conservationist agreeing to do the Assessment Reports. They recommended lowering the lake water surface level (drain the lake). This is being recommended as a precaution. A copy of the letter went to Clint Oman, DEP, and DEP Dam Safety. Dam lowering likely requires a permit from DEP and removal of all fish from the lake, which is an extensive process that involves collecting the fish, storing the fish somewhere else, and returning the fish if the lake is restored. Another concern would be opening a 50-year to 60-year-old valve to release the water. Most likely there is sediment around the valve, which may need to be removed. These tasks cannot be considered regular maintenance.

L. Goldshore recommended sending a response letter back to J. Hawkins, NRCS State Conservationist with regard to the dam lowering and our current position as this should not be considered regular maintenance.

A letter outlining the issues with Hunt Lake Dam was signed by the District Chairman to be sent to Secretary Douglas Fisher in response to the last meeting with the Secretary.

## **NEW BUSINESS**

Next Meeting: August 11, 2022

The Board agreed to have the Picnic Meeting September 15, 2022 at 3:00 pm.

The meeting adjourned at 2:20 pm.

Respectfully submitted,

Paul Schiariti, P.E.  
Secretary to the Board