

**Southern Conservation District  
April 11, 2013  
Board Meeting Minutes**

The Southern Conservation District board meeting was called to order at 9: 45 a.m. by Carl Mullins, SCD Chairman. The meeting was held at the SCD office, 463 Ragland Road, Beckley, WV. Ken Scott led the board in the Pledge of Allegiance. Ray Lafferty opened the meeting with prayer.

**Supervisors Present**

Carl Mullins	Bill Bollenbach
Sid Howard	Dvon Duncan
Ken Scott	Don Windon
Virgel Caldwell	Curtis Murphy
Randall Patton	Jason Angell
Ray Lafferty	

**Supervisors Absent**

John Brenemen

**Others Present**

Becky Floyd, WVCA	Larry Layman, WVCA
Christi Meador, SCD	Danny Carter, SCD
Jesse M. Purvis, Nat. Park Service	Bill Harris, NRCS

**Approval of Southern Conservation District Board Meeting Minutes**

**Bill Bollenbach moved to approve the March 14, 2013 board meeting minutes as mailed. Virgel Caldwell seconded. The motion carried.**

**Approval of SCD and CDO Invoices for Accounting Purposes**

**Dvon Duncan moved to approve the SCD general account and CDO account registers and bank reconciliations for March 2013 as prepared by Mike Akers and Associates. Ray Lafferty seconded. The motion carried.**

**WV Conservation Agency Officer Report**

**Ray Lafferty moved to approve the March 2013 Co-Administered funds report as prepared by the WV Conservation Agency. Jason Angell seconded. The motion carried. Virgel Caldwell abstained.**

Becky Floyd presented the following invoices for payment approval from the SCD interest bearing account:

Stantec	\$1,308.84
Southern CD	\$15,800.00

**Virgel Caldwell moved to approve the invoices for payment as presented. Don Windon seconded. The motion carried.**

Larry Layman reviewed the WVCA March financial report for SCD funds.

Becky Floyd reported she will be out of the office April 29-30 due to WVCA staff training.

The SCD O&M meeting originally scheduled for April 18 has been rescheduled for May 7, 2013 at the SCD office. The meeting will begin at 10:00 a.m.

Becky read an email from Judith Lyons reflecting a call from Mary Lou Wright thanking the WVCA and SCD crew for the excellent job they did in Wyoming County on a stream blockage removal.

Becky reported on March 21<sup>st</sup> the WVCA IT Helpdesk received a call that an IP address from China was working its way through the state's computer network. The IT staff closed the port in the WVCA's firewall that allows traffic to the SAGE server. The Agency has assured the districts that the system was not hacked. As a result of this the Agency IT staff installed extra steps to access their accounts in SAGE. The second option was a Static IP Address which is what the SCD has now through Suddenlink. Becky reported during this process her computer died and the Agency had to replace her computer. Everything is up and running again and appears to be fine.

A copy of the answer the District received from BRIM on field days being covered under their current policy was distributed for review and discussion.

### **Southern Conservation District Program Coordinator**

Christi reported she has distributed over 200 Pollinator Packets. April 18 she will be at the Backyard Bird Program at the Shady Spring Library where the packets will be distributed and refreshments provided.

Christi will be Hinton in April making soil babies with the students later this month.

Plans are underway for the May 24 field day at Don Windon's Farm. Christi reminded supervisors to take the original field day date of April 22 off their calendars. The field day was changed due to waiting on a response from BRIM on coverage.

The SCD Public Speaking Contest will be held in May 18 at Glade Springs Resort. The details are being finalized with Glade Springs next week.

The SCD will be hosting their annual land judging contest at the Plant Materials Center on May 2.

The next newsletter will be mailed out in early May. Please give Christi any information that you want in the newsletter by May 1.

**Conservation Cooperator Agreements**

Danny Carter presented the following agreements for approval:

Fayette County Farmers Market – Fayette County

Sandra McKinney – Raleigh County

Shirley Love – Fayette County

**Sid Howard moved to approve the Conservation Cooperator Agreements as presented. Curtis Murphy seconded. The motion carried.**

**AgEP and LIP cancellations**

Danny Carter presented the following frost seeding application for cancellation:

Carlos Adkins \$ 175.00

Danny stated Mr. Adkins has requested the application be canceled due to him not being able to complete the frost seeding this year.

**Bill Bollenbach moved to cancel the frost seeding application for Carlos Adkins. Ray Lafferty seconded. The motion carried.**

Jason Angell recused himself from the room due to voting on AgEP applications and cancellations.

Danny Carter presented the following LIP application for cancellation:

Eddie Niswander \$ 152.00

Mr. Niswander has requested to transfer his LIP application to the AgEP program.

**Ray Lafferty moved to cancel the LIP application for Eddie Niswander. Ken Scott seconded. The motion carried.**

**Considerations of AgEP applications for approval:**

Danny Carter presented the following AgEP lime application for approval:

Eddie Niswander \$ 184.00

**Ray Lafferty moved to approve the lime application for Eddie Niswander as presented. Virgel Caldwell seconded. The motion carried.**

**AgEP payments for board approval:**

Carl Mullins asked that the board review Nutrient Management payments and then the frost seeding payments due to questions on several of the invoices submitted for reimbursement.

Sid Howard presented the following frost seeding payments for board approval:

Shane Lilly \$485.50

Ricky Richmond \$318.35

Rhonda Dortch \$125.00

Mike Lester \$500.00

Joyce Crawford \$500.00

CW Hopkins \$399.00

John W Farrell \$500.00

**Sid Howard moved to approve the frost seeding payments as presented. Virgel Caldwell seconded.** Ken Scott asked that Jason Angell be brought in the room for this vote. Carl Mullins read the list for approval again. **The motion carried.**

Sid Howard requested that Gary Wheeler frost seeding payment and Mike Lester's nutrient management payment be deferred until later in the meeting.

Sid reported on the last AgEP Committee meeting and the balance shown in the AgEP database program and SAGE account based upon the report submitted by Jennifer Skaggs.

Sid stressed how important it is that all approved AgEP applications be completed by May 31, 2013. At this time the district has 21 requests from landowners with approved lime applications for the district to spread their lime.

### **Visiting Agency Reports**

#### *National Park Service*

Jesse Purvis reported on different festivals being held this spring.

#### *Natural Resources Conservation Service*

Bill Harris distributed the written report for the Princeton Field Office.

#### *WV Conservation Agency*

Larry Layman reviewed the WVCA agency report for April 2013. Larry thanked supervisors for their support on Ag Day. Larry stated districts are asked to submit their county and district farm winners by May 31.

Larry stated copies of the power point presentation Jennifer Skaggs gave at the quarterly meeting have been placed in each notebook. Jennifer will be here in May to review this with the group. Next year's AgEP funding allocations for FY14 will be based upon 2 factors as recommended by the state Ag Committee (dollars approved and dollars paid out). Larry discussed the letters of request (LOR) process that will be followed for FY14 AgEP funds.

Districts are encouraged to submit their Plan of Work prior to June 15, 2013. The one-time grant funds (\$5,000) report is due to Guthrie by June 30, 2013. A report of FY13 CDO grant funds is due on or before September 1, 2013.

Districts are encouraged to submit comments on the draft WVCA Strategic Plan to Brian Farkas by May 15<sup>th</sup>.

The next State Conservation Committee meeting will be held April 16 at 10:30 a.m. in Guthrie.

The group reviewed Legislative Rules and State code 19-21A on possible changes to Title 63 which changes the WVSCC authority on removing Conservation District Supervisors from office.

### **WV Association of Conservation Districts Update**

Ray Lafferty reported the WVACD spring quarterly meeting was held April 7-8, 2013 at Pipestem State Park.

Ray stated Brian Farkas reported to the WVACD on budget cuts in the WVCA FY14 budget.

The WVACD summer quarterly meeting will be held at Blackwater Falls State Park on July 8-9, 2013. The WVACD fall quarterly meeting will be held at Flatwoods October 28 and 29<sup>th</sup> and possibly the 30th. Supervisors are encouraged to attend the fall meeting for special training that the WVACD will be presenting. Please let Jim Moore know if you have any suggestions for supervisor training.

The state Envirothon will be held April 18-19 at the Wood County 4-H Camp near Mineral Wells. The group discussed the need to have a teacher to be willing to coach and train an Envirothon Team in order for SCD to compete again since Kelley Sponaugle retired as the coach from the SSHA team.

Bill Bollenbach reported a discussion was held on Ethics and the \$1,000.00 law related to supervisors and if someone wants to go over the limit it would have to be considered on a one time basis by that individual supervisor.

The WVACD is still looking for space to store their items.

### **2013 SCD Conservation Farms**

Becky Floyd reported copies of the rules and bio sheets for this year's contest were placed in each supervisor notebook. The bio sheet has to be completed for each farm.

The following names were submitted as county conservation farms:

McDowell County	James Wimmer
Mercer County	William Vance
Raleigh County	Daniel Vineyard
Wyoming County	Fred and Betty Halsey

A lengthy discussion was held on when to hold the county farm tour due to everyone's schedules during April and May. **Ken Scott moved the supervisors tally the scores at the end of the farm tour with the highest scoring farm being selected as the 2013 District Conservation Farm. Dvon Duncan seconded. The motion carried.**

Danny Carter will contact each farmer to make sure they still want to compete and to schedule the farm tour for the week of May 6 with May 9th being kept open for the board meeting. Danny will notify supervisors and NRCS representatives once the dates have been finalized with the farmers. Becky Floyd will send the Bio Sheet to Bill Harris and Gary Redden for their assistance in completing the farm information.

### **Supervisor Reports/Committee Updates**

Sid Howard presented the draft changes to the SCD AgEP Policy and program changes for FY14 which will start July 1, 2013. Sid thanked Jennifer Skaggs, Larry Layman and Becky Floyd for their assistance with the review of the program. Sid encouraged supervisors to take the draft policy changes and draft applications home for review and asked them to provide comments to him prior to the April 24 AgEP committee meeting. The committee will review these again and present final drafts to the board for approval at the May 9 board meeting.

Dvon Duncan reported the SCD Plan of Work Committee met to begin the development of the SCD Plan of Work for 2013-14. Dvon reviewed the items the plan of work will cover and the items that will be covered under partnership support. A discussion was held during the meeting to have 319 representation in the SCD to help address items in the Plan of Work. **Bill Bollenbach moved to have the board request the WVCA to place a 319 person in the SCD to assist with 319 projects in the district. Ray Lafferty seconded. The motion carried.** A letter will be mailed to Brian Farkas making the request. Dvon suggested a second meeting be held with our partners on the afternoon of May 9 to include conservation partners to review the draft. The District will have a working lunch meeting following the board meeting. Becky will send out an invitation and copy of draft to partners and SCD supervisors.

Randall Patton reported on stream clean-ups in McDowell County coming up this month, Randall has talked to the people in charge of the fishes and loaves community garden project and he will continue to assist with this project.

Sid Howard reported he received a Notice to Proceed from Washington to begin changes to the SCD building in accordance with the new lease agreement for federal offices in the SCD meeting. The Building Committee will meet on April 15, 2013 at 10:00 a.m. to begin this process.

Don Windon reported on the OM&R inspections and stated he enjoyed having Brian Farkas attend the inspections.

Curtis Murphy reported the April 6 auction was very successful. Over 300 people attended. Curtis thanked Jeff Meador for having all of the equipment up and running. The district cleared \$81,751.50 after the auctioneer's commission. Curtis thanked Christi Meador for setting up the church vendor that provided food for the event. The board thanked Curtis for his assistance with setting up the auction.

Carl Mullins submitted the minutes of the McDowell County Solid Waste Authority meeting for January.

Curtis reviewed the schedule for the crew for the coming months. The SPRP work has been completed and the crew is currently doing O&M work in Mercer County.

Carl Mullins asked the board to review the response from the Ethics Commission dated April 1, 2013 concerning the question raised on the lime tickets submitted with Jason Angell's name on the top. Carl asked Jason to begin the discussion. Jason Angell discussed the events and stated he will recuse himself from the votes on the Ag Enhancement Program for anyone in Summers County. Sid Howard stated he feels the Ethics Commission's response brought up more questions that may need to be clarified. The group discussed the tickets being submitted by landowners from Angells Farm Supply and if the board should request clarification on these tickets as well as the tickets with Jason's name on the top. At this time the response only refers to the tickets with Jason's name on the top. Jason questioned will landowners get approved that bought fertilize from Angell's Feed Store and stated he feels landowners should not be punished for purchasing seed or fertilize from the store.

Carl asked Larry Layman for his comments. Larry stated the board has discussed recusal at various times and felt this may need to be covered again to help provide direction in the future on the difference on abstaining from a vote and recusal from a vote. Larry reviewed the difference between the two and the responsibility of the board members to address this as items arise.

Larry reminded the board that everything in the April 1 response was driven by the two invoices the district submitted to the Ethics Commission with Jason Angell name and not the store's name. Jason Angell asked to be on record stating the two invoices submitted to the Ethics Commission were from landowners that had called the SCD office and Danny Little had referred them to Jason (gave store number ) and said they could spread the lime. Jason stated he did not contact those people to request their business. Carl Mullins stated he will lay this file on the table so it may be reopened.

Carl Mullins suggested the board as a whole seek clarification from the Ethics Commission on the items in their response letter dated April 1, 2013. Ray Lafferty suggested the letter be sent stating that this is an urgent matter and to request a quick response. The group discussed concerns on landowners possibly not being able to be reimbursed pending a final decision on this matter.

Carl Mullins asked the board to vote on the AgEP payments that were earlier put on hold until the board could review the response from the Ethics Commission. Both landowners submitted paid invoices from Angells Feed Store. Jason Angell recused himself from the room due to these tickets being from Angells Feed Store. Jason asked how he will know in the future who has purchased material from his store so he will know to recuse himself from the room. Carl said the district will have to work on this. Danny Carter stated Gary Wheeler and Mike Lester have already purchased their seed and fertilize. These were applications taken by the previous grassland technician. Carl Mullins asked if these tickets said Jason Angell or Angell Feed Store. The invoices submitted from Gary Wheeler and Mike Lester are from Angell Feed Store. Bill Bollenbach questioned how we can penalize the farmer when they were never told in advance they could not use the Angell's Feed Store as a vendor. Bill suggested the District work to get an

answer before July 1 and at that time address these questions prior to taking new applications. Danny Carter stated he has a list of vendors that he was given to provide to landowners when they call in and ask who can they use and sometimes he is specifically asked if they can use Angell's. Danny stated also the vendors he has that spreads lime is SCD, Angell's, and Dennis Meadows. He asked at this point does he need to take Angell's off the vendor list. The group reread the paragraph concerning the district should not provide the name of the board member Angell's business until an advisory opinion authorizing such a practice. Bill Bollenbach stated he would advise the district not give out any names other than the SCD as a lime spreader and not recommend any vendor until the SCD can obtain an advisory opinion.

**Sid Howard moved to approve payment to:**

Gary Wheeler \$500.00 (frost seeding)

Mike Lester \$1,750.00 (nutrient management)

**Randall Patton seconded. Dvon Duncan stated she will abstain from the vote due to having questions on the Ethics Commission opinion at this time. Ray Lafferty, Virgel Caldwell and Don Windon also abstained from the vote. The motion carried with 5 supervisors voting on the motion and no negative votes being heard.**

**Ken Scott moved the meeting be adjourned. Randall Patton seconded. The motion carried.**

The meeting was adjourned.

Respectfully submitted

Dvon Duncan  
SCD Secretary