

DRAFT

## MINUTES

### ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT

#### BOARD OF DIRECTORS

April 16<sup>th</sup>, 2012

The Meeting was **CALLED TO ORDER** by the Chairman at 9:02 AM. Directors T. Pahucki, M Pillmeier, D. Hulle, J. Wright and G. Keeton were present, along with K. Sumner, K Breitenfeld and K. O'Dell (OCSWCD), R. Baglia (CCE) and Ford Barber (FSA).

#### CORRESPONDENCE

An invoice from NYACD was passed around for \$1,500. Sumner recommended to the board we pay ½ the bill now and wait until later in the year to decide to pay the remainder. Motion by Hulle, 2<sup>nd</sup> by Wright to pay \$750. Now. Carried.

Another invoice was received from the auditors for \$3,200. Motion by Wright, 2<sup>d</sup> by Keeton to pay the \$3200. As invoiced. Carried.

Next was an invoice for the New York State Fair for \$100. Motion by Wright, 2<sup>nd</sup> by Hulle to pay the \$100 as invoiced. Carried.

A letter was sent by Orange County Soil & Water Conservation District to Neal Halloran, Town of Goshen Building Inspector following up on certified letter received by OCSWCD from Halloran.

Lastly was a discussion on payment of the invoice received by the NYS Envirothon Committee for \$450. Wright made a motion not to pay the \$450, 2<sup>nd</sup> by Pahucki. Carried.

Wright made the Motion, seconded by Keeton, to accept March's **FINANCIAL REPORT**.

Followed by discussion on payment for engineering for ACRF. It was noted that toward the end of all payments we held back 10% of all payments due to SWCC holding back 10% of total contract awarded. This was preceded by discussion on ACRF work.

#### SWCD STAFF REPORTS

**C. DeGroodt (SWCD)** – is currently not at the meeting due to the tree and shrub program.

**K. O'Dell (SWCD)** – The seeder is in use.

O'Dell has also been working on an SPCC plan for ACE Farms as requested by landowner Tyler Etzel (owner). It was noted that any farm with over 1320 gallons of fuel on any parcel needs a SPCC plan. This was followed by discussion on fuel storage on farms.

Lastly O'Dell & Sumner did a live stake planting at DeBucks Sod Farm on 4/22/12.

**K Bre itenfeld (SWCD)** \_ Visited Montgomery ES, Pakanasink ES, Round Hill ES & Walden ES.

Envirothon: Orange County has four teams participating in the Hudson Valley Regional Envirothon. There are two from Mount Academy (formally Fox Hill) and two from Warwick Valley High School. The Mount Academy is the defending Regional & State Envirothon champions.

Did another round of water testing for the follow up Cornell project and send two rounds of samples to Cornell for analysis.

Attended a meeting if the QCWA.

Finished assembling the districts education & other activities for the MS4's to include in their annual MS4 annual reports and send this information out to the Counties MS4s and include was also information on the educational

program at

OCWA.

Earth Team: Did some follow up with P. Mason from NRCS regarding stream walk program volunteers and insurance coverage.

Report for 2-20-12 board meeting is appended to the minutes.

**K. Sumner (SWCD)** – The Pochuck Dike relocation made the county list and was actually #1. This list went into NYS for funding and we haven't heard any news yet regarding the funding. The county actually listed eight projects total and requested the seven original projects scale the budgets back to be able to fund all projects. This took the Pochuck Creek Dike relocation project from a budgeted amount of \$250,000 to \$175,000. This was followed by discussion on the project. Pahucki asked if OCSWCD would be handling contracting if the grant request is funded. Sumner said he is unclear how this will be handled. The Town of Warwick was the formal applicant, so there is no real reason to expect that Soil and Water will be doing the contracting. M Pillmeier noted that according to the county executive 'this project is #1 on the county's list as agriculture is not FEMA eligible'.

Sumner & John Brown attended a conference on Ag Biomass in Saratoga last month to speak about the mobile pelletizer. Next week there is a meeting planned at the Kirby farm to work on the equipment and possibly interview someone for a part time pellet project manager position.

In addition Sumner has been conversing with a representative from DEC to possibly get an intern for the summer. This person could possibly do stream assessments as well as various other tasks but currently the DEC person has not given Sumner a copy of the proposed work plan. Sumner did show some concern towards hiring an intern in addition to the possible new technician he would like to hire by the end of June. On May 1<sup>st</sup> the Water Quality Committee is meeting and he hopes to discuss if they can do a collaborative work plan with other agencies to share an intern. The DEC rep has started getting pushy for an intern to start June 1<sup>st</sup>. In addition DEC has chosen two candidates for the position and has given the names and contact information to Sumner. Rose from CCE stated they may be able to supervise an intern if the work plan allowed for it. Sumner did interview a local person for a possible intern position and mentioned the DEC opportunity to her but she was not receptive to the DEC position as it was too demanding.

ACRF: Sumner stated he has been having some difficulties with John Glebocki, one of the first award recipients of one of the larger awards. Sumner, Glebocki and Jeremy Valentine (from Lehman & Getz) all met at Glebocki's farm one day to discuss culverts. During the visit the first two pipes installed were ok by Valentine, but the third culvert was not installed to his standard and therefore he refused to sign off on it. Glebocki proceeded to get very upset and they returned to the farmstead. After Valentine left Sumner stayed and talked with Glebocki regarding the remainder of his contract. Sumner stated that actually Glebocki received around \$3,000 for irrigation pipes and that no other farmer in the ACRF awards received money for this type of loss. This was followed by discussion on culverts & engineers standards. Sumner concluded that he is still trying to work with Glebocki to pay him a fair amount for his land leveling and ditching then hopes this matter is settled.

Wallkill Maintenance: Since we got concurrence from the four towns and the county to start work on the 2012 work we extended Surburban Excavating's contract until the end of March. Pahucki mentioned he would like to see the trees on the ledge behind Biaks's house on Celery Ave removed. Sumner mentioned that he agreed but he mentioned the contractor was tied up with other work downstream of the Pellets Island Bridge. Sumner also mentioned that there is still no approved bid packet yet for 2012 maintenance work on the Wallkill. Pahucki suggested we use the same bid packet from the last bid. This was followed by various discussion on bidding for the project. Sumner indicated he was not comfortable writing and issuing bid packets/contracts without some type of professional legal review. He asked the Board if they wanted to consider seeking private sector legal assistance for the bid packet development. There was no interest in pursuing this option at this time. Pahucki requested Sumner send him a copy of the last bid packet for the Wallkill Maintenance Work. Lastly we have a check ready to be given to Surburban for the \$14,000 for work completed the beginning of this year on the Flood Control Project maintenance work overseen by the four towns and the County..

County MS4 Audit: Sumner stated he fed the county information needed for their MS4 permit. He reminded the board that it is no longer SWCD's responsibility to handle the county's MS4 permit as it has been handed to the county department of planning. This was followed by discussion on the marginal rating the county received from the audit.

## **Partner Agency Reports:**

**R. Baglia (CCE)** – Mentioned there is an Illicit Discharge training on Wednesday 4/25/12. Currently there is only 25 people signed up to attend. Next class is the SWPPP prep class offered on May 10<sup>th</sup> followed by a Pesticide Training Class on May 8<sup>th</sup>. Lastly mentioned is a chainsaw safety class offered on June 2<sup>nd</sup> 2012.

Rose has mostly been doing farm visits, especially after the flood to see what new issues are arising in the fields.

This was followed by a discussion on how C. Lain makes the top soil from compost additives etc and how that could relate back to our horse farm manure issue here in Orange County.

It was formally announced that Maire Ullrich is now the Ag Issues Leader at CCE, she was appointed beginning of this month.

Lastly there was discussion brought up by the board in reference to the venison donation program and the slaughter house topics.

**F. Barber (FSA)**- They are currently issuing MILC payments now and anticipate also having to issue them next month.

NAP acreage reporting is now.

There is still no news on the leased office space issue.

They are currently working on the environmental and social compliance with ECP. Currently they are working with SHPO and TIPO. This was followed by discussion on compliance of these two organizations.

Lastly Pahucki brought up about CREP compliance with all flooded land. Barber stated that the county committee is exploring different options of seeding in accordance to regulations set forth in the CREP program.

## **OLD BUSINESS**

Old Business – Wallkill River work activities - Pahucki reported that tree cutting undertaken by the County on the Pellets Island reach of the River (downstream of Maple Avenue bridge) was completed on March 28. Work continues chipping and removing wood from the site. Pahucki met with Riverfront landowner Sam Pollack last week. Pollack had first called the Soil and Water office with concerns about equipment and tree cutting on his property. Pahucki indicated that in a field meeting at the work site he had addressed Pollack's concerns. Pahucki made note of the letter (mentioned under correspondence) that went out from OCSWCD clarifying that OCSWCD was not managing the tree cutting project. He emphasized that the Goshen letter was from the Building Inspector and it did not include any other Town officials. He also mentioned emails that were being distributed by Susan Cleaver raising concerns about the tree cutting and about stability of the landfill.

Discussion then turned to stabilization of the tree cutting area. Although undertaking a seeding/soil stabilization plan had been discussed before, Pahucki questioned the merits of attempting to seed the areas where most of the tree cutting was done that has been referred to as the River's 'high flow bench'. No tree cutting was done on the upper banks of the River, other than for access points. Given the inevitable inundation of these areas, it was unclear how successful a seeding attempt would be. Keeton noted that seeding may be worthwhile from a public relations standpoint alone – to show that soil stabilization efforts are being made. The consensus seemed to be that a seeding plan should be developed and applied. Pahucki asked Sumner if he would prepare a seeding plan and undertake the seeding at the site. Sumner stated he would prepare a seeding plan, but was not comfortable entering private property to do the seeding without written landowner agreement. He suggested that the tree cutting contractor be asked to do the seeding. Pahucki stated that Sumner was trying to get out of doing work. Pillmeier asked Sumner if he was refusing to do the seeding. Sumner

stated he would do the seeding if written permission from all the involved property landowners was obtained. Pahucki asked Sumner to provide him with an access agreement and he would have them all signed and back to him by tomorrow.

The issue of future maintenance of this reach was then discussed. Pahucki stated his hope that the existing maintenance program could be extended to the Pellets Island reach, now that the bulk of the 'catch-up' work had been done. This would require the agreement of the Towns of Goshen and Wawayanda. Wright asked about the leftover stumps, many of which were cut at a 3 to 4 foot height. He felt they should be cut lower to avoid catching flood debris and to facilitate future maintenance with mowing equipment. Equipment available for such work was discussed. Pahucki said if any such work was to be done, it would have to wait until this fall at the earliest in order to avoid Indiana Bat protection issues.

There was mention of the press release from a couple weeks ago that suggested there was \$1.5 million in the new State budget for the Wallkill. Although the new budget has been adopted, no one knew for sure about the \$1.5 million.

New Hire: A revised job description was handed around to be used for advertising for the new position. This job description is similar to the existing technician position but will include less planning and more engineering work. Sumner was looking to the board to ok the description as presented so he can move forward and advertise the position. This was followed by discussion on where to advertise the position and the procedure for new hires. Sumner noted that he could start the interview process, but would need OC Personnel Dept. approval to make a provisional hire, and eventually the new hire would need to take a civil service test. Distribution of the announcement was approved by the Board.

### **NEW BUSINESS**

Sumner presented a first draft of a 2013 Budget for OCSWCD. He indicated he wanted to get it out now so that there are one or two more Board meetings for discussion before we have to submit our budget packet to the County. Since the proposed budget included grade change recommendations for two existing employees, the Board decided, on a motion by TP, seconded by JW, to go into executive session. Sumner joined the Board in the ES. Sumner presented the grade/step salary table in use by OCSWCD, and noted that a 3% COL increase was applied to the table going from 2010 to 2011, but that the table was not adjusted from 2011 to 2012. There was no action to adjust the table for 2013. Sumner then pointed out to the directors the current grade and step of existing employees, and suggested a grade increase for Office Manager DeGroodt from 9 to 10, and District technician O'Dell from 8 to 9. Sumner noted that these changes were allowable according to the office Provisions of Employment, and that he believed accomplishments justified this proposal. This includes O'Dell's acquiring Certified Crop Advisor status and DeGroodt's self-taught website management skills as well as her management of the fiscal aspects of the fall 2011/2012 ACRF program. The grade changes were approved by unanimous vote after a motion by TP, seconded by DH. The Board voted to move out of ES after a motion by TP, seconded by DH.

ACRF: It was noted there is around \$30,700 in ACRF funds that were left unused by 13 of the awardees after completing their flood repair projects. Three awardees have requested extra funds in writing in excess of their awarded amount. The unused funds are enough to fund 2/3 of each of the requests for additional funds. Sumner recommends that we pro-rate the amounts by 66% for each of the three as follows: DeBuck - \$22,979, Chan - \$2,103, Weikee - \$3838. Motion to approve by Keeton, 2<sup>nd</sup> by Wright. Carried.

The **NEXT MEETING** is scheduled for **Monday, May 21<sup>st</sup>, 2012** at 9 AM. The **MEETING** was adjourned at 11:15 AM on a Motion by Pahucki, seconded by Wright.

Respectfully submitted,

Kristen O'Dell, District technician  
And  
Kevin Sumner, District Manager

Added to the Minutes: Board Report from Kristine Breitenfield from 2/20/12

She provided school presentations at: Chorley, Circleville MS, Round Hill ES and Berea ES

Envirothon: she forwarded information from the Hudson Valley Envirothon Coordinator to the schools that expressed interest in participating.

Assisted with the four hour contractors training workshop.

Worked on soil group worksheets.

Assembled information for the counties MS4 audit

Started to get information together to send to MS4's for their annual audit reports







