

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
August 19, 2013

The Meeting was **CALLED TO ORDER** by the Chairman at 9:01 AM. Directors T. Pahucki, J. Wright, G. Keeton, M. Pillmeier and P. DeBlock were present, along with K. Sumner, C. DeGroot, K. Brown and R. Franke (OCSWCD), R. Baglia (CCE) and J. Heller (NRCS).

Pillmeier stated that July's Board Minutes were fantastic. Pillmeier made the Motion, seconded by Keeton, to approve July's Board **MINUTES**.

CORRESPONDENCE – Various newsletters were passed around.

The District received a Proposal from Vellenga's Lawn Care for the Stump Grinding Project.

The Claim for Payment that the District submitted for AgNPS Round 13's closeout was received by the State Soil & Water Committee. The District is still awaiting payment (approx. \$16,000).

Lehman & Getz Consulting Engineers indicated that the bioretention basin at Warwick Valley High School has been built according to plans and received engineering approval.

The District received an Invoice from the National Association of Conservation Districts regarding our 2013 membership payment. A Motion was made to Table this Invoice by Keeton, seconded by Pillmeier. All in favor.

Pahucki asked if other proposals were received for the Stump Grinding Project. Sumner said proposals were received from two contractors with several different alternatives.

Ag NPS Round 14 – The District has not yet received the close-out money (approx. \$26,000).

J. Heller (NRCS) – Heller requested to give his report early as he has visitors at the office today. Heller stated that the Orange County Soil & Water Conservation District hosts Board meetings monthly here at the USDA Service Center but without some changes to the way things are being done at the meetings, they may need to be held elsewhere. Heller said that he has worked with the Districts and CCE since 1997 and he values the partnerships that have formed but that we can all do better as a group. He realizes that people that attend the Board Meetings have their heart in it for the farmers. Heller mentioned that at the last Board Meeting, DeBlock was pressured into giving an update of FSA programs after she specifically mentioned that she can not, as she is on her personal time. Heller felt that this is inappropriate for other Board members to pressure her. DeBlock stated that one of the Board members did apologize to her later on.

Pillmeier said that he does not like the CREP program. He was told they are waiting for a whistle blower and thinks this is absurd. He can't believe someone can't go down and look at enrollees fields. He wants to know who is being paid and who is being penalized. He said he is going to FOIL request this information. Heller said if this is how Pillmeier feels that this is fair.

Heller said that issues with the Board and things that are being said about NRCS are affecting NRCS office personnel and that others as well are disappointed. Sumner said he's called people out for not speaking up at Board meetings and for not standing up for what they believe in. Sumner clarified that he was not challenging Heller but he felt that Heller needs to be clearer with what he's trying to say. Heller said that the 40 year partnership with the District must continue and should not be broken up. Pahucki briefly discussed his issues regarding Riverkeeper and said that he will continue to fight for what he got elected to do. Heller thanked

everyone for their time and had to leave the meeting.

Sumner asked the Board how they would like to proceed with writing the Board Minutes in the future. July's Minutes took approximately six hours for DeGroot to write. Should the District go back to the way they've been doing it for years and summarize meetings or write them verbatim. Brief discussion followed. It was mentioned that there are things discussed at Board meetings that can put the District and Board at risk. Pahucki said that anyone expressing strong sentiments at a Board meeting should have those sentiments written into the Board Minutes. Wright said we should keep discussions to District issues. Pahucki said that summarizing meetings are fine. Baglia mentioned that when she was a secretary in the past, all details were not recorded. She wrote the main details and Motions. DeBlock added that issues should be related to Soil and Water. Pahucki brought up the Riverkeeper and their FOILING for information as an example and said that it is relevant to Soil and Water. Sumner asked Pahucki what does one person sleeping with another have to do with SWCD? Pahucki replied that a certain individual is a member of Riverkeeper and is involved with Goshen environmental issues and who has been an impediment to the Walkkill River. Certain individuals use their positions with certain organizations for their personal agendas.

Sumner also asked who we should send the Draft Minutes to. Pahucki said that drafts should be sent to the Board only. They will have a chance to be amended at the Board Meeting and then a final copy can be mailed to others. Keeton made the Motion to do the Minutes the same way that they've always been done, seconded by DeBlock. Pahucki and Wright agreed. Pillmeier abstained.

Pahucki asked how much money is the District making on the Seward Avenue rain garden project. Sumner said the grants are not intended to make us money, but to cover expenses – including staff time. Generally there is a division in the budget between direct construction costs and staff time costs. Staff time costs can be difficult to nail down because you have to try to provide for benefits which aren't always easy to quantify and also you have overhead expenses. For example for some grants we include \$5/hour for overhead which we can use towards supplies. Pahucki asked what code this project is under on our 'Disbursements' sheet and whether or not all expenses for the various GI projects go under the same code. Sumner said it's code 3959N2 and that yes they all go under the same code.

Scotts Natural Award – This was a \$5,000 grant in which we received the money for last year. We didn't have staff time budgeted but since we got it done cheaper some money can be reserved for staff time.

The Culvert Project was added to the Grants Summary. When it was checked last, it was just a little over \$4,000.

The **Financial Report** for July was approved by Pahucki, seconded by Keeton. All in favor.

SWCD STAFF REPORTS

C. DeGroot (SWCD) – DeGroot has been working on grant updates.

She worked on locating parcels for the Stump Grinding Project with Franke.

DeGroot finished the Ag Newsletter which was sent out via email and posted on the District's website.

She created a rain garden planting design for the Warwick Valley High School and researched and came up with a list of plants to purchase for it.

DeGroot attended the Legislative Budget Hearing with Sumner and Pillmeier.

Since most of the other Districts already have one, she created a facebook page for Orange County SWCD where practices and projects can be listed with photos.

K. Brown (SWCD) – On August 1st, Franke and Brown went to the CAFO inspection at D. Ford's farm. Brown stated that the report did not go well and there was a Notice of Violation on two items. She said that Erika Cruz, NYS DEC, told Brown that she was at the farm to convince the Fords to get out of business and that it is too hard for this farm to comply with regulations. Because of this, Brown said that the Fords told her they are either looking to drop cow numbers or sell all the cows and just grow crops. Pahucki asked what is the District's view on the State's proposal to dropping cow numbers. Sumner said the District has not taken a position on this. Wright said he is personally in favor of supporting the State's proposal. DeBlock asked if the District can get Erika Cruz in trouble for saying that comment to Brown. Sumner suggested we would need to get this in writing from Cruz and that it's not up to Cruz whether or not a farm should go out of business. Brown said that the Violation #1 is a pipe that was installed by NRCS. The 'as-built' was signed off on by Darren Davis, an Engineer from NRCS. Sumner said this puts us in a tough position and that the Fords have not implemented measures that we set up. Sumner asked if the District should pursue getting something in writing from Cruz. The Board was in favor of this. Pahucki requested a copy of the DEC's report.

Funds have been promised from the County to purchase a new corn planter. The District collected some quotes – one from Hudson River Tractor and one from Binkley & Hurst.

Old Planter – Brown gathered three quotes to refurbish the planter and is still waiting on Hudson River Tractor. All Directors are in agreement to refurbish it. Wright mentioned it could be useful to have seeders housed on opposite sides of the County.

A call came in from the Town of Warwick Supervisor regarding the Buchheit property. He's excavating out black dirt soil and will fill it back in with mineral soil and then put black dirt back on top that way it's a more secure pasture footing for his horses. He wanted the District to regulate this but this District is not a regulatory agency. The farm is located off of Pulaski Highway in Pine Island. Brown sent a soil map and told Buchheit the best thing to do is have an engineer look at everything.

Conservation Skills Workshop – This year it will be held in Cortland. Both Franke and Brown would like to attend. It would entail three days out of the office including two nights at a hotel at the cost of \$77/night each. A Motion was made by DeBlock, seconded by Keeton, to allow them to attend. All in favor.

Brown requested permission to attend the next Employees Association meeting on September 12th and 13th. DeBlock asked if Brown gets paid on company time to attend. Sumner said yes. A Motion was made by Keeton, seconded by DeBlock to allow Brown to attend. All in favor.

Wallkill River Maintenance – Suburban Excavating completed one day of removing snags from Shuback Bridge to the Pochuck. There were a lot of leaners this year. He does plan on coming back but not sure when yet. Vellenga is hoping to start tomorrow. Sumner mentioned John Madura placed the logs and moat to block the Madura Bridge because of ATV traffic. But this is part of DEC's right-of-way and easement for the project maintenance so the District has suggested the DEC send him a letter, which they have not done yet. Keeton said the blockage is unbelievable and the pit is at least 12' deep. Pahucki said to call the DEC and ask them to contact the landowner as it's their easement.

R. Franke (SWCD) - The fieldwork for the culvert project in Cornwall and Village of Woodbury is largely finished. There are few roads that Franke was unable to get to due to a pipeline being installed. Franke sent all of the information he collected to the DEC Intern.

Franke worked on GIS maps for the Wallkill Project which show active farmland within a 200' buffer along the Wallkill River.

Franke assisted with the Newburgh rain garden construction.

He has been moving the seeder.

Franke has been researching laser levels for the District. There was a nice one at Pine Bush Equipment for around \$1,295. He was able to find it approx. \$300 cheaper online. Franke asked for Board approval to purchase the level. Sumner added that there is money available in the culvert project to cover this purchase. Pillmeier would like to see the District support a local business so he suggested contacting Pine Bush Equipment and see if they can come down on the price or hopefully even match the online price. If not then we will purchase it online. Keeton made the Motion to purchase a level, seconded by DeBlock. All in favor.

K. Sumner (SWCD) – Black Dirt Region/Walkill Watershed Flood Control Program Project – Sumner had 56 hours in to this project.

There has been some construction such as the bioretention basin at the Warwick High School, the SUNY Orange rain garden, the Seward Avenue gutters. A contractor is lined up to build out fascia. The District bought lumber and staff painted it to save money. There is too much of a roof overhang now so the fascia has to be built out. \$800 to install fascia and \$1,650 to install gutters. Pillmeier asked if this price includes gutter guards and Sumner said it does not. Wright added that there are not a lot of leaves there. Sumner said 6” gutters are going up which allows debris to pass more easily. Pahucki asked what size boards were purchased and Sumner said they were 2’ x 8’. Pahucki mentioned the use of composite boards because they do not rot and you don’t have to paint them.

Legislative Budget Hearing – Through the efforts of Pillmeier, the County came up with an extra \$26,000 for the District to purchase a new corn planter. We have to encumber this money this calendar year. The County wants to set it up as a subcontract between the District and the Orange County Planning Department. The District requested a 3% cost of living increase and the County approved 2% because that is what the other County agencies are getting. The District is also getting an appropriation increase to cover scheduled step increases. Sumner asked the Board if we should adjust our salary table to reflect a 2% COL increase or a 3% for 2014. Pahucki suggested 3% and to make up the difference by increasing no till equipment rental charges. Pahucki feels that the farmers are getting a bargain using the District’s no-till equipment. Sumner asked the rest of the Directors if we should increase our equipment rental rates. There was discussion following this but no decision was made. Approx. 500 acres a year are planted with the District’s equipment.

We are part of the Lower Hudson Coalition of Conservation District’s successful grant proposal to get money for more green infrastructure projects and this grant was for the Newburgh Town Hall. This is a three county project. \$41,000 will come to the District and will cover staff time and construction costs. The Coalition is helpful and Emily Svenson, LHCCD Coordinator, did most of the grant work and got the money.

Barnyard projects will be built soon on P. Ewanciw’s, T. Vellenga’s farm and at 5-Spoke Creamery. Sumner said he heard that 5-Spoke is very close to getting a milking herd. 5-Spoke’s project is being funded out of NYS NPS Ag Grant Round 19. Brown added that 5-Spoke has grass fed, organic cows according to his website. Pahucki mentioned he’s very anxious to see how 5-Spoke makes out.

There is a delay on Ag NPS Round 19 due to new procedures and we may not see the Contract until the end of 2013.

Project Close-Outs – Trying to close out the G. Vellenga’s streambank project. There is money available for him to do a stream crossing through Indigo Creek. We’re hiring the entire design out to an engineer.

Sumner said that Bill Johnson is back on the radio.

INTERAGENCY REPORTS

R. Baglia (CCE) – On September 18th there is a bus tour at Greenwood Lake.

On September 28th Open House on the Farm will be held at the O’Dell Farm.

On September 12th there will be a webinar series called “The Woods in Your Backyard: Learning to create and Enhance Natural Areas Around Your Home. Baglia said there is a lot of interest from people.

OLD BUSINESS

Wright asked if FSA, Ford Barber, knows that Paula is not giving an FSA report since Barber has not attended the last two meetings. DeBlock says that he knows, and he plans on attending September’s meeting.

Pellets Island Stump Grinding Project – Sumner passed out a comparison chart with the stump grinding bids. This started out as getting prices to grind all the stumps down and the intention was to see if the prices fell below the competitive bidding limit which is \$35,000. Since they didn’t (Vellenga Lawncare was \$111,000 and Suburban Excavating was \$74,000) Sumner came up with an alternative and asked the contractors to submit revised proposals which would accomplish the same goals and just cut stumps down and do not grind them. Stumps can be cut as close to the ground as possible and maintained with a boom mower in the future. Both contractors submitted bids on the revised proposal. Cutting the stumps and placing them on the upper bank may not work because if there is a flood they could float back down. So Sumner had the contractors do an ‘add on’ to remove the stumps from the project location. Vellenga has no place to go with the stumps so he would sub out to a guy with a tub grinder. They would get ground up and left on site which could be an issue. Suburban will remove the stumps from the site. Sumner explained what a stump grinder does. Pahucki asked about using a stump killer and Brown stated she contacted Hudson Valley Horticulture Services and was told they would use an herbicide which will kill the stumps. He can go out to the site and give an estimate but it’s approx. \$1-\$1.50/per stump (there are approx. 3,000 stumps). Pillmeier said to go the route with Suburban to cut stumps at or near ground level and remove the stumps for the \$28,900 and to then treat the stumps with herbicide. Sumner said they will cut the stumps with a grapple saw, which is like a large chain saw. Keeton said with a grapple saw they can get the stumps down to 2’ and can possibly go as low as 12”. Sumner said that he still needs landowner access agreements. We are still waiting for the Orange County Law Department to okay them. Sumner has been researching easement issues with the river and he got in touch with Andy Berger, land surveyor with NYS DEC, who is actively defining the easements for the Pellets Island Reach. He is unclear on who holds authority on these easements. DEC has control of the land but the landowners still own it. Sumner added language to the landowner contracts to cover the stump treatments.

The Wallkill Maintenance Agreement has hit some snags. The current thinking is to exclude the landfill area. Pillmeier said that the County feels if it goes to that part of the reach, the DEC might tell the County to fix the bank.

B&L Engineer Report (Sumner distributed) - A key point in discussions with the engineers is that we need something to be accepted by regulatory agencies. It is believed that a project which follows the existing course of river would be easier to permit. There are disadvantages to the deep, straight channel. There are many more advantages to keeping the channel where it is. Wright asked how long the area is and Sumner said 6-7 miles. Sumner asked where do we go from here and should we schedule another meeting, maybe in the evening this time. Pahucki asked Sumner to check and see if there is a typo in the report as some of the numbers didn’t seem to make sense. Sumner will check and let him know. Sumner pointed out that most of the flood plain to be created is in idle land already. Sumner is trying to arrange a meeting with the regulatory agencies.

Celery Avenue Rock Ledge – looks like benefits of removal are very small.

Pochuck Ledge – does show benefits but it’s localized.

Pahucki said that the Pellets Island Tree Removal project was a huge benefit and people realize this.

Brown asked if we can poll farmers to see what time is good for everyone to meet and Sumner added to check and see if they even want to meet.

Pillmeier left the Meeting at 11:20 AM. Pahucki left the Meeting at 11:26 AM.

Discussion followed on things that could be done with the extra soil.

NEW BUSINESS

The Budget Hearing was previously reported.

Wright signed the Ag NPS Round 17 Voucher and the contract paperwork for the Culvert Project.

The **NEXT MEETING** is scheduled for Monday, September 16, 2013 at 9:00 AM. The **MEETING** was adjourned at 11:37 AM, on a Motion by DeBlock, seconded by Keeton. All in favor.

Respectfully submitted,

Christine DeGroot
Secretary to the Board