

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
August 18, 2014

The Meeting was **CALLED TO ORDER** by the Chairman at 9:08 AM. Directors J. Wright, G. Keeton, S. Wong, P. Ruskiewicz and P. DeBlock were present, along with K. Sumner, C. DeGrootd and K. Brown (OCSWCD) and R. Moody (CCE).

DeBlock made the Motion, seconded by Keeton, to approve July's Board Meeting **MINUTES**. All in favor.

CORRESPONDENCE

The Cornell Local Roads Program 2014 Fall Workshops flyer was passed around.

The Soil and Water Conservation Society Empire State Chapter produces hard copies of three Erosion and Sediment Control manuals, the "Blue Book" (NYS Standards and Specifications for Erosion and Sediment Control), the NYS Stormwater Management Design Manual and the NY Contractors Erosion and Sediment Control Field Notebook. Electronic versions of the "Blue Book" and the Design Manual can now be downloaded at no cost from the DEC website. This notice was passed around.

FINANCIAL REPORTS

Sumner authorized emergency repairs on the District's Colorado. The repairs in the amount of \$2,189.35 have not been paid for yet as they will show up on next month's credit card statement. DeBlock questioned a bill from Lee's Tire in the amount of \$445.20. Sumner said it was for repairs to the Dodge. It had to have a left front axle replaced, an alignment, oil change and inspection.

DeBlock made the Motion to approve the July Financial Report and the payment of August's bills, seconded by Keeton. All in favor.

Rachel Moody, the new Equine/Livestock Educator, introduced herself to the Board. Moody is from Rensselaer County and is from a dairy farm. She updated the Board on her job responsibilities which include visiting the farms in Orange County and working with 4-H. She took over for Audrey Reith and works solely in Orange County.

R. Baglia (CCE) joined the Meeting at 9:15 AM. Baglia stated she has been working on projects and seminars regarding the Hudson River Resiliency Program and the Dam/Dam Removal Seminar in September.

Floriculture Field Day was on in Ithaca on August 5th.

They are busy putting in roadways at the 4-H Park. They would like to get the cover-all building up.

They will be hosting a Square Dance at the Pine Bush Fire House in September on Friday, September 26th at 7:30 PM.

Wright asked Baglia about the Venison Donation Program and that he thought there had been issues with finding someone to process the deer. Baglia said that she would have to look into the status of this program.

STAFF REPORTS

C. DeGrootd (SWCD) – DeGrootd has been working on the Ag NPS Round 20 Plans of Work and the Round 20 State Historical Preservation Office (SHPO) reports.

K. Brown (SWCD) – Brown has been working on the AG NPS Round 15 Close-Out. District Staff met with Brian Steinmuller and Ron Bush from the Soil & Water Conservation Committee regarding the RD 15 Close-Out and the two Round 20 Plans of Work.

Brown has been busy getting farmers to sign Round 20 Contracts. There are a total of eight contracts in one Round 20 and 4 in the other. The total amount the District is receiving is approx. \$1 million dollars. Brown read off the participant's names and the practices they will be installing with the state money. The Livestock Waste Control grant has four participants. Projects included in this grant total \$470,500.00. Participant 1 is installing a Waste Storage and Transfer System and Livestock Heavy Use Area Runoff Management. Participant 2 is installing Livestock Heavy Use Area Runoff Management. Participant 3 is installing Waste Storage and Transfer System. Participant 4 is installing Waste Storage and Transfer System. The Farm Runoff Control grant has eight participants. Projects included in this grant total \$117,810.50. Participant 1 is installing Petroleum and Oil Products Storage System. Participant 2 is installing Petroleum and Oil Products Storage System and Soil Conservation-Cultural System. Participant 3 is installing Soil Conservation-Cultural System and Petroleum and Oil Products Storage System. Participant 4 is installing Stream Corridor and Shoreline management System. Participant 5 is installing Nutrient Management System-Cultural. Participant 6 is installing Process Wash Water Management System. Participant 7 is installing Erosion Control System-Structural. Participant 8 is installing Livestock Heavy Use Area Runoff Management System and Soil Conservation-Cultural System. Cover crop participants in Ag Grants have to wait three grant rounds before they can apply again to an Ag NPS grant.

On August 8th Brown met with Jess Skinner from Jess Engineering and showed her the Witte, P. Johnson and T. Vellenga projects. There was a brief discussion regarding applying for Ag NPS grants and timelines.

Chris Vellenga is working on the Wallkill Maintenance Project.

The fall seeding season has started.

Brown requested Board approval to attend the next Conservation Districts Employees Association meeting which is October 7-8, 2014. Wright made the Motion to allow Brown to attend, seconded by Ruszkiewicz. All in favor.

Brown requested Board approval to attend the Conservation Skills Workshop. It's being held from September 28-October 3, 2014. There are one or two classes that offer CCA credits. Keeton made the Motion for Brown to attend, seconded by Wright. All in favor.

Wright wondered if there was money remaining in the Wallkill Maintenance fund. He questioned if it should be spent by the end of this year. Sumner said Vellenga is just getting started on work that was identified on the inspection report so we will have to see where we are at once he is finished with this year's work. He anticipates there will be a significant amount of money left over from this. We have been holding off on the mowing because we thought the NYS DEC was going to do it. If there is some extra money left over, and the DEC does not mow, it was mentioned that someone should be hired to do the mowing. Sumner discussed having another Maintenance Agreement meeting. The original agreement called for two meetings per year. We have been having usually one meeting per year, typically towards the end of the year. There was a brief discussion regarding having Vellenga mow but he was not the low bidder and we did not re-bid the mowing yet this year. He was not the low bidder on brush hog mowing but he has another piece of equipment that can do this. Russell Kowal has done the mowing in the past. Sumner stated that the District wants to make the mowing work subject to better oversight, including interim reports from the mowing contractor so we can better assess the time needed to complete the various portions of the project that are routinely mowed. We then want to develop a map that more accurately shows the areas to be mowed under the Maintenance Agreement. It was approximately \$8,000.00 for Kowal to do it. DeBlock mentioned waiting up to a certain date to see if DEC mows, maybe into September, then the following month decide whom to hire. Sumner will bring in equipment bids from last year so the Board can look over the offers. Wright wanted the District to check with Russ Kowal to see if he is still interested in doing it.

Sumner said that historically we primarily only do work that shows up in the inspection report or meets the criteria we have agreed upon with the DEC representative (trees already down in the channel or leaning more than 30 degrees or other items such as road maintenance). DEC has historically had considerable authority over the use of the Maintenance Project funds.

Keeton asked if anyone was able to get one of the farmers to remove a blockage on the Madura bridge and fill in the holes in front. Sumner said he has not been down there in a long time and did not know.

K. Sumner (SWCD) – Sumner has been working on the Ag NPS RD 20 Plans of Work. Troy Vellenga's project is a big concern because we submitted the Proposal with the understanding that we could cost share the roof over his manure storage. Sumner asked Brian Steinmuller directly if it can be cost-shared and was told "yes". After the meeting District Staff had with Brian Steinmuller and Ronald Bush, Brian emailed Sumner and said that we can not cost- share the roof. We will look into whether or not the farmer can pay for the roof and use that as his match. The District was also told that if you're doing a system they want it done in the same grant, not over multiple grants.

Mike O'Dell was originally included with the Ag NPS Round 20 Proposal but he opted out, so 5-Spoke was substituted. This amendment has not been approved yet as the State Committee is saying that it doesn't show that the water quality improvements are good enough.

Sumner had two meetings with Joe Mahoney, lead Attorney, regarding the lawsuit that a group of landowners are bringing against the County and the Town of Goshen. The landowners are saying that not enough was done to control flooding.

There was a public Pelleter Demonstration on August 12th at the Gill Farm in Ulster County. Approximately 50 people attended. Gil Farm is keeping the pelleter to make pellets. The pelleter brings a lot of attention to biomass heating.

Last month the District agreed to generate an attachment to the standard NRCS Working agreement sent out recently by the 4-way partnership. The attachment describes the services the SWCD provides/offers that augment the 4-way partnership. The 4-way partnership is between the Natural Resources Conservation Service (NRCS), the New York Association of Conservation Districts (NYACD), the New York Conservation District Employees Association (NYSCDEA) and the New York State Soil & Water Conservation Committee. We sent NRCS the amended Agreement and have not yet heard back.

The Warwick High School and 18 Seward Avenue rain garden signs have been hung. Sumner reached out to Cornell Cooperative Extension to see if they need some more plants for their project and we're looking into ordering more for the Warwick High School garden.

We surveyed the Newburgh Town Hall site where we are going to install two stormwater demonstration practices hopefully this Fall. Sumner worked on the designs which are now in the hands of the Newburgh engineer.

District staff completed survey work at the Witte Farm last week. This will help to keep engineering costs down.

We received a request from the Audubon Society regarding some property with a conservation easement on it in Warwick. It has serious dam issues, one blew and the other is ready to go. Sumner did a site visit and took pictures. There is erosion on a landowner's property that Sumner did not see during his visit that Audobon wants us to assess.. This is just one example of projects we want to help with but do not have the resources. Keeton and Baglia both received calls requesting assistance with this.

INTERAGENCY REPORTS

F. Barber (FSA) – New Farm Bill programs are keeping FSA busy for the next several months.

By December they should have signups for the ARC/PLC.

Agricultural Risk Coverage (ARC) Programs – When combined with producers' yield projections, the individual coverage and county coverage ARC tables allow producers to estimate 2014-crop ARC guarantees and projected “actual” revenues under both the individual and county coverage options.

Price Loss Coverage (PLC) Program – Payments are issued when the effective price of a covered commodity is less than the respective reference price for that commodity established in the statute for 2014-2018 crops. The PLC payment is equal to 85 percent of the base acres of the covered commodity times the difference between the reference price and the effective price times the PLC payment yield for the covered commodity.

MPP is going to be based off different degrees of coverage.

Noninsured Crop Disaster Assistance Program (NAP) – Provides financial assistance to producers of noninsurable crops when low yields, loss of inventory or prevented planting occurs due to natural disasters. NAP Frost Freeze Program (NAPFF) – The 2014 Farm Bill authorized retroactive additional NAP assistance for losses to 2012 fruit crops grown on trees and bushes in counties that had Secretarial disaster designations for frost or freeze events. NAP fee coverage is waived if you are female or minority. It's normally \$250 per crop fee up to a maximum of \$750.

Conservation Reserve Enhancement Program (CREP) had bad thistle infestation throughout the county. A lot of producers need to re-seed.

J. Heller (NRCS) – Running renewals for the Conservation Security Program (CSP). They will be looking for 2015-16 sign-ups.

Robert Merrill, the Soil Conservationist for the Middletown NRCS office, resigned.

Riverhead and Middletown field offices each have an opening for a Soil Conservationist. These positions are currently being advertised on the USAJOBS website.

Cooperative Working Agreement between the USDA NRCS and the NYS Soil and Water Conservation Committee and the OCSWCD - Regarding the Working Agreement, Heller stated that Dennis Dewese wants a clean agreement. Heller is hoping what the District submitted is approved with the Attachment “A”, which describes what work the District already does to support NRCS.

Quality Assurance Review – NRCS in Middletown will be reviewed again (light review) and project sites that received NRCS cost-sharing will be visited that also received Ag NYS NPS grant funds.

OLD BUSINESS

IRS Invoice Update – The original bill was for \$12,928.00. At the last Board Meeting it was agreed we'd pick up \$5,797.00 which left a balance a little over \$7,000.00. After negotiations with IRS and B&L the balance was divided by three which would leave us with a total bill of \$8,174.00. \$2,377 would be paid by B&L and IRS would accept \$2,377 less. The SWCD Board is in Agreement. This has not been paid yet and we have not yet received the invoice. Sumner prepared a one page letter amendment that increased our current B&L contract from \$50,000.00 to \$60,000.00. A Motion was made by DeBlock, seconded by Keeton to accept the invoice and to enter into the Amendment of the current contract. All in favor.

Heller and Barber excused themselves from the Meeting at 10:45 AM.

We do not have a new contract in place with B&L, and the cap has been reached on the current contract. Sumner suggests using last year's contract agreement as template and changing the particulars as necessary. He presented the Board with a new contract document reflecting these updates. We now have a more detailed work plan which is described in detail and attached to the agreement. The Board approved entering into the new Agreement.

Sumner met J. Ruskiewicz, L. DeBuck and C. Lain at Transport Lane a few weeks ago. The landowners there are concerned there is an issue there that slipped through the cracks with our studies to-date regarding the approaches at the bridge that are washed out. They are creating constriction in the channel capacity. Everyone agreed it was a straight forward project and that they might be able to get the regulatory agencies to agree to give permission to work on. Sumner asked Wendell, B&L Engineer, if they could prepare plans for this work. Wendell said that they could and it would be a few hours of their time.

Sumner mentioned a pot of money from County of Orange that has to be used for work considered to be drainage that was brought to his attention. . One idea was to try to use this 'drainage' money for the Transport Lane fill removal project. If that doesn't work out, we could potentially pay for the project out of the \$2 million fund, but a motion from the board would be needed. For the priority ledge modification projects already endorsed by the Board and the flood committee, our goal is to get a permit package submitted by late summer and then hope for approval by end of the year and we can do the projects during the winter. Hopefully the plans for the floodplain bench project will follow soon after the ledge plans with a very optimistic goal of starting clearing for the project this winter.

The next invoice we get from B&L will have all of IRS's old hours. We want to clarify that IRS will bill within the contract time frame. Wright said to write on IRS's check memo "all activities up to this date". Keeton made the Motion, seconded by DeBlock, to accept the Contract. All in favor.

STRATA – B&L did the Request for Proposals for these. We then decided to contract directly with STRATA rather than have it go through B&L. Sumner signed STRATA's proposal after clearing it with the Board by email. STRATA completed the field work and plans on getting report out at the end of the month.

Keeton went out with Jim from STRATA. Reviewed sites. . Keeton said one site by the bridge is on high ground. They found hammerstone and lithics but determined that these could have come from upstream from a disturbed site.

Stump Removal Project on Pellets Island – Sumner reminded the Board that we have been trying to include this area in the Maintenance Agreement. The next step is a SEQR study. There may be a possibility of expediting the SEQR review if all involved parties agree that there will be no significant impact. It is unclear at this point if the County landfill section of the River bank will be included. It should be for effectiveness of maintenance activities, but the sensitivity of this area come into play.

NEW BUSINESS

Sumner thanked all of the Directors for attending the Budget Hearing on August 14th.

RSR Mitigation Project Update - The NYS DEC wants to have RSR fund an EBP project developed and submitted by the District on behalf of the Orange County Water Quality Coordinating Committee, but the DEC's contract documents have the money going to the Town of Wallkill (TOW). The Town Supervisor had his lawyer draft a separate contract/agreement providing for transfer of the funds from the TOW to the District and Sumner is not pleased with it. He described the contract to the Board. The contract requires pre-approval on all equipment purchases, Town Board review/approval of all expenditures, and that the Town can use the equipment whenever they want to and that we would have to deliver it to them. Sumner received the draft Agreement on July 8th and he sent it back on July 9th with revisions that would make it acceptable for him to sign. The last Sumner heard, the DEC had not instructed RSR to send the money to the Town.

Board Policy for removing farmers from Ag NPS Grants – Sometimes we get to the end of a grant and the participant has still not completed his project. Sometimes you can just get a letter from the landowner stating they

withdraw. The District wants a policy stating that after the District sends a written notice to the participant, the SWCD has the authority to withdraw them from the project and transfer the funds to another project. A Motion was made by Keeton to accept this Policy, seconded by Wright. All in favor.

The **NEXT MEETING** is scheduled for Monday, September 15, 2014 at 9:00 AM.

The **MEETING** was adjourned at 11:34 AM on a Motion by DeBlock, seconded by Keeton. All in favor.

Respectfully submitted,

Christine DeGroot
Secretary to the Board