

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
July 15, 2013

The Meeting was **CALLED TO ORDER** by the Chairman at 9:02 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).

J. Wright requested that interagency reports be kept short today as there is a lot to discuss on the Wallkill Flooding Project. He stated that sometimes discussions get a little off track. Pahucki stated it is like the pot calling the kettle black.

Keeton made the Motion, seconded by DeBlock, to approve June's Board **MINUTES**.

Pahucki had a comment on the last page of the June Minutes regarding the FOIL request. He wanted his sentiments regarding Susie Cleaver in the June Minutes unless he asks the Secretary to the Board to put her pen down. He thinks it's important that people know what special interest groups are pushing, especially regarding the flood control project. Sumner stated that the FOIL request is listed under correspondence. Also, Sumner stated that DeGroot will need some guidance from the Board on what to include in the Minutes as he felt that there were comments made at the last Board Meeting that were not appropriate for the Minutes. Pahucki said that when you get an organization like RiverKeeper who has some juice and are not a fly-by-night, 3 people sitting there, they are a pretty profound organization with power, money and the ability to hold up a project. He thinks we need to address them for what they are, and what their intention is. His opinion is that they have personal agendas on the Board there. The County authorized an Executive Order in 2012 to allocate the funding to cut down those trees based on the letter that came from the NYS DEC in 2011. Keeton said that since the request came to the District, but it was a County project, we can basically say we had nothing to do with it. Pahucki said we were involved with some schematics. Keeton felt the request should be sent to the County. Pahucki added that Soil and Water did not mark the trees and did not over-see the project. Pillmeier asked Sumner what he meant by his statement "some comments used at the last meeting were inappropriate for Board Minutes". Pillmeier asked if he is to assume that comments are being edited in the Minutes. Sumner and DeBlock said that the District does not do steno graphing of Minutes. Pillmeier said that if we are having a meeting and Minutes are being taken, he does not have a problem with that but he does have a problem with someone editing Minutes. He asked Sumner if that is what the District does. Sumner explained that we summarize the discussions. Sumner stated that we should just say what we're talking about. At the last Board Meeting Pahucki said that Susan Cleaver is sleeping with the Building Inspector and that Sumner does not think that is appropriate to go into Minutes. He asked Pillmeier if he is saying that something like that should go in the Minutes? Pillmeier responded that we should put it in the Minutes. Pillmeier stated that if Mr. Pahucki wants to say it's snowing outside, put it in the god damned Minutes. He said that he is not going to be sitting on some Board where Minutes are going to be edited. Sumner said that is why we have an opportunity at Board Meetings to review Minutes as we prepare them and to make amendments as seen fit by the Board. Pillmeier said he's sat on Boards for twelve years and now ...no way. Pahucki said he is fine the way the Minutes are prepared for June but in the future to please include everything he says in the Minutes. He said that if he says it at a Meeting, he will say it to your face.

CORRESPONDENCE – County Executive Edward Diana appointed Paula DeBlock to the Board of Directors for Orange County SWCD as a representative of the Grange. Her term will expire on December 31, 2013.

The Agricultural and Farmland Protection Board Meeting Agenda and Minutes were passed around. The next Meeting will be on July 17th at 7:30.

A revised FOIL request from Joshua S. Verleun, Staff Attorney & Chief Investigator at RiverKeeper, was received by the District on July 9th which was distributed by email to all of the Directors. Sumner has not replied to this second request yet. He wanted to wait and discuss this at the Board Meeting first. His recommendation is to tell

them that the project described and referred to was not undertaken by Soil and Water and suggest that they redirect their request to Orange County.

Various newsletters were passed around for review.

Pahucki asked where the line was on the financial report for the Wallkill Flood Control Project. Sumner responded it was down towards the bottom and is account number 3959Z1 titled "Black Dirt Region/Wallkill Watershed Flood Control Program Project". Pahucki asked if \$8,341.89 was the total received to date, Sumner said that it was. Sumner said that in conjunction with the two-sided financial report that we are accustomed to, the Directors were also sent a three page grant report via email. Sumner was at a Managers Meeting and some of the other Counties are presenting a little more accounting details on the status of grants to the Board. State Committee staff were quite emphatic about the role Directors play in the fiscal oversight of the District. Even though Directors are here only once a month and we run the show on a daily basis, there is a fiscal responsibility there. Sumner felt it was a good idea and so Sumner and DeGroot came up with a summary of some of our grants. Sumner said if any of the Directors have any questions, let us know. Over the next few months he'd like to work on getting everyone up to speed on how we are managing these grant funds and their status. We are moving steadily towards getting all these grants into separate bank accounts and there will be a lot less opportunity for any risks that we are utilizing funds that are dedicated for one project, on another. Wright said he's glad to receive something like this, having everything listed in one place. Sumner said it also shows individual practices that are completed on each farm for each grant round. The other budget report that Pahucki requested was sent out later than the other reports. It's a summary of staff time with a per hour rate for anything charged to the Black Dirt Region/Wallkill Watershed Flood Control Program Project and the Annual Wallkill Maintenance Project. Pahucki asked if anyone applied for the Vegetable Washing grant. Sumner said he did not know. Baglia was unsure and she would check on that for him.

The **Financial Report** for June was approved by Keeton, seconded by DeBlock. All in favor.

Pillmeier mentioned that on the grant report, on the first page, RD 17 Wallkill, Ruszkiewicz is missing the practice. Sumner said it was for Cover Crop. Pillmeier asked if this still has to be completed. Brown replied that these practices have all been completed already.

SWCD STAFF REPORTS

K. Brown (SWCD) – Brown received a call from the RC&D in New Jersey. They want to get involved in a no-till program and had questions. There may be five counties involved (Sussex, Warren and a couple of Northern Counties). Brown met with Bernie from the RC&D for a few hours to show him the District's equipment and how it works. He told her that they are going to put in a grant to purchase equipment.

Brown and Franke met with Chris Vellenga to look at the river work so he has an idea of where to start on the maintenance work. She said that Dino contacted her once during a heavy rain storm when the river was almost at flood stage and he has not contacted her since to go look at sites. She said there are sites that would probably be easier for Dino to access with his shear. She is waiting to hear when he can get in there and start. Russ Kowal has started mowing.

Brown attended the B&L meeting.

There was some late rentals with both the planter and seeder.

R. Franke (SWCD) – Franke is still working on the culvert project in Cornwall and V. of Woodbury. Approximately 75% is complete. He hopes to finish up data collection and submit it to Cornell in the next few weeks.

Franke met with Chris Vellenga with Kristen to discuss maintenance on the Wallkill. They showed him the access roads and how to get on to sites.

Soil samples were collected on Rudinski's fields and Franke helped oversee construction of the stormwater and tree filter project at Cornell Cooperative Extension as well as helped the Master Gardeners with their planting.

Regarding the culvert project, Wright asked if Franke is just determining what is there. Franke said that he drives around looking for culverts that run under roads and basically collects data on their slope, size, he takes pictures and gets a GPS location. This information will go to a hydrologist at Cornell to determine whether or not culverts are undersized.

K. Sumner (SWCD) – The Seward Avenue Projects are essentially complete. The only component left to be done is the gutters which will introduce the roof water into the stormwater planters. It's a little complicated because of the long overhang over the roof. To have a really solid gutter installation would require building out the fascia and most of the gutter guys don't want to do that kind of carpentry work. We're trying to get someone to do it at an affordable cost in a fashion that keeps the County DPW happy. Baglia said they had inquired about County workers helping with some of this and they were told "no". The other part of this grant supporting the work at Cornell is also supporting green infrastructure work at the Warwick High School. Sumner is going out to the Warwick High School today after the Board Meeting. This rain garden is designed by Lehman & Getz.

Keeton and Sumner met with Joe Mahoney from the Orange County Law Department. He was looking for background information related to the suit brought against Orange County by some of the landowners in the Celery Avenue area. They helped him with some of the historical information and what's been done in the past. They did have a chance to ask him a little about the FOIL request and he promised to get the District some language to help respond to the FOIL request, but by the time Sumner got the language, he had already written a response. He did read Sumner's response and thought it was fine and hopefully the FOIL request will be behind us.

The proposed 2014 budget went to the County with the changes that the Board approved last month – the cost of living adjustment as well as the step-increases. The Executive budget hearing is on August 12, 2013 at 2:30. Reminders will be sent to the Board.

The SUNY Orange rain garden is moving forward. They have a site selected that everyone is happy with. The utilities have been marked. He has a proposal from Chris Vellenga that is within our budget. The maintenance guy is assisting.

Earlier in the Board Meeting Sumner had mentioned the Manager's Meeting that he attended. At that meeting there was some discussion on grant management issues. There was a lot of good information. There has been a change in the laws that now allows Conservation Districts to apply for Farmland Protection money and can hold easements. He said there are approximately a half dozen Districts that hold easements. Pahucki asked what is Sumner's take on this District holding them. Sumner thinks if parties are agreeable to using groups like the Land Trust and know what the cost is and have adequate funding up front, that's the best way to go. If there was a project that for some reason the Land Trust or the Town didn't want to hold, it's good to know we have that as an option now. Wright said that he has a farm in PDR in Warwick. The Town was supposed to do an inspection and they did not. They sent the Land Trust to do it because they did not have time. He has not yet received a copy of the inspection report. Sumner said it was mentioned that in some ways Districts are well suited to do this kind of thing, especially if it's an agricultural easement. Pahucki added it would be right up our alley to do conservation easements but that some of the stuff they put in these conservation easements boggles the mind, they don't want you to mow it, no structures and no bicycling. Keeton said if a person signs that easement they are held to it. It's up to the landowner to make sure the verbiage is okay, if not you just don't sign it and it's a lot of time and effort on all parties. Pahucki said he has seen one in Wawayanda that has no hunting, no logging, no anything but you can clear cut the whole place for agricultural use. Keeton said that's the law, it's the landowner adding on to what that easement is. It's not just one party doing this. Sumner said that if this ever were to go forward we would need to have a more focused discussion. We would have to hire another staff person and have access to more responsive legal services than what we have now. We need to have an attorney and you can't be waiting six months for revisions, etc. Another point at the Managers Meeting is that the State is adding more contracting requirements. Our grants for farm projects are going to continue to get more lengthy.

C. DeGrootd (SWCD) – DeGrootd worked on the 2014 Proposed Budget, the Ag NPS Round 13 and 14 close-out paperwork and also the Ag Grant Reports Summary discussed previously in the Meeting.

INTERAGENCY REPORTS

R. Baglia (CCE) – On July 18th there will be an orchard tour and a barbeque at the Hudson Valley Lab. There will also be a Vegetable Disease Meeting.

On July 26th there will be a Pasture Fly Management Twilight.

On August 13th there is a ServeSafe Food Safety Manager Certification.

Open House on the Farm will be on September 28th at the O'Dell Farm.

Baglia mentioned that the Green Infrastructure Project at CCE looks great. Initially some people were upset about the removal of a large Red Bud tree but are now happy with how nice things look with all the new plantings.

CCE signed the lease for property in Mount Hope. Pahucki mentioned that since CCE no longer uses property at the Orange County fairgrounds, it looks like a ghost town. Pillmeier mentioned that once the Orange County park gets built out, it will be a huge asset for agriculture.

Wright asked DeBlock if she can give an update for Farm Service Agency (FSA). She stated that she is not authorized to give an FSA report because she is off the clock for FSA. She mentioned that there is nothing new, the acreage reporting deadline got extended. If you have crop insurance, that deadline is today.

J. Heller (NRCS) – The Local Working Group Meeting is going to be held differently than the way it was held in the past, which is how they get feedback from participating non-profit organizations like Soil and Water. Typically there is one held in each county. They are going to a regional approach this year. On August 8th all of the Hudson Valley counties are encouraged to participate in the meeting at the Dutchess Farm & Home Center where they will be looking for feedback from Districts and others as to what they see as resource concerns in the area. In the past it's been focused on the black dirt and river issues but it's a chance to get other areas addressed. This year they are trying to pull together a Request for Proposals process for one project in AMA and one for EQIP for each region.

WRP – there are three projects were moving forward with funding and were to go into an individual appraisal process. Nine appraisers were requested to do the performance of the appraisals but none of them chose to take on that contract through NRCS and the one company that did had an excessive quote. All three of the projects that were chosen will not be funded. The timeline is too short and other projects were chosen to be funded. Letters were already sent out to the constituents. DeBlock asked if there was a certain amount of money for the year throughout the state for WRP. Heller said it's actually an acreage allotment that comes in. So technically it would be a dollar amount but since Orange County is in this unique situation where they requested individual appraisals it shoots us out of the ball park with time lines. Pillmeier asked Heller what stage are we at with the applicants with this program for WRP. He wants an update on how many applicants there are and at what stage they are at. Heller stated there are roughly around twelve applicants and the three he just mentioned are at step three (out of seven). Step three is where the biologist has confirmed that this is a project that should proceed forward based on the ecological needs of the site. And it should go to the next step in Orange County. Pillmeier asked if one of the criteria is that the land borders an access road. Heller said he believes it has to have access to a municipal road. Pillmeier asked what if he's on a town road but he has to go in a right-of-way to get to a parcel. Heller said that if the right-of-way is on private lands it would have to be dedicated as part of the easement. Pillmeier said that the right-of-way that he is referring to gains access to other landowners. Heller said that as an agency, if they have to pay someone to go back in and restore wetlands, it has to be close and accessible but the public has no right to go on to it.

Pillmeier asked Heller if his agency is in charge of policing CREP ground. Heller said that he works closely with the FSA on this. DeBlock said that the farmers contact the FSA first and then FSA has NRCS assist them with regular random spot checks. Pillmeier asked who is the cop on duty. DeBlock said basically the farmers themselves. The

reports come in from farmers. Pillmeier said so he is supposed to be the bad guy which is absurd. DeBlock said sometimes farmers call in before the FSA has a chance to do the spot checks. Pillmeier said that he does not know why they do not have time to go out once a year during the season to do spot checks. He does not see why an agency, the Farm Service Agency or whatever agency, can't go out and observe at least once a year during growing season. DeBlock said that they do but not every single field is required to be spot checked. She stated that staff are getting cut, no one is getting rehired, etc. NRCS assists when they can. Pillmeier told Paula I got it, Paula I got it. DeBlock said there is a certain amount that has to get done and before they can get to that amount people are calling them with complaints and those end up being the priority. Pillmeier said he guesses it's him because he is always getting called on it. DeBlock said that is because he is a public figure. Pillmeier stated he is pissed. DeBlock said you can't yell at FSA because they are not the ones calling in on him, it's his neighbors. Pillmeier said some other farmers' fields are on major roads and you could just drive by and see them, and nothing is being done. DeBlock said that is untrue. Not everyone knows what goes on behind the scenes and that they are checking fields. People do get cut back on their payments, others don't get their payment and some even get kicked out of the program if they are not in compliance. Pillmeier said that he'd like to know when the next meeting is. DeBlock said budget cuts have even affected meetings.

Heller mentioned that he goes out with the FSA to look at sites. They've also been communicating with some landowners regarding heavy weed infestation in fields and creating management plans which takes a look at mowing, etc. They try to keep a good balance with the landowners in order to keep working with them. Pillmeier said that if it's in a contract, the landowner should be told to do it, not be asked if they think they should do it. Heller said that he has some photos of completely dead fields due to some type of pathogen. They are working with folks to ensure they are keeping those sites up as much as possible. He mentioned it's really too bad that CREP is gone.

OLD BUSINESS

Mike, Tom, Gary, Kristen, Rose and Joe were at the B&L meeting. B&L presented their modeling results. Sumner distributed it to everyone and it's a lot of information. In his opinion, and he spoke with Wendal, there really is no one project to have clear extensive benefits and a high cost benefit ratio. No one is happy about this but that is what the science is saying. They will have to sift through these options and see if there are any more they need to consider that are not on the list yet. Sumner handed out a one page Modeling Results (2 year event) that shows the Benefits on the left and the Minimal Benefits on the right. These are the projects that show a Benefit: raising oil city road, lowering rock ledges in the Wallkill, removing the Mayjack Bridge, improving the Cheechunk Canal- the Celery Ave rock ledge specifically, extending the Cheechunk Canal, lowering the Pochuck rock ledge and a list of trees to remove. Most of these projects resulted in the reduced flood stage in the model by a couple of inches after a 2-year storm event. There were a couple that had a 4-5" benefit reduction. Sumner sent a note out this morning, he did get an updated expense account from B&L and they have expended \$35,000 out of the \$50,000, roughly 70% of the budget for the planning effort. Now we need to give them good direction on what we want to do with the rest of the money and move towards some of the projects we would like to try and implement. There was some email communication over the weekend - Chip Lain thinks that the Oil City Road showed benefits and Sumner thinks that everyone would agree that's a very complex project with a lot of regulatory issues. It may be beyond the scope of what they are trying to do right now. The committee members at the meeting Wednesday did rank the projects that showed up as being beneficial and Oil City Road was one of them but it may have to be put on the back burner. Some that floated to the top are the Pochuck ledge removal and extension of the Cheechunk Canal and rock ledge removal. Those are kind of the projects they are starting to focus in on. The committee did actually pull one of the projects off the Minimal Benefits list and put it back on the Benefits list - the Quaker Creek. Although the engineers noted that we could straighten the whole creek out and make it deeper, it's actually back-water from the Wallkill that's causing the problems there. Without getting that water out there would be minimal benefits to straightening Quaker Creek. Sumner did have subsequent conversations with the engineer and there may be some situations where the Wallkill isn't even up yet and you still have flooding in certain areas on Quaker Creek that's more related to the discharge from Quaker Creek and low lying areas next to it and not from the back waters from the Wallkill. We can have the engineers take a separate look at just the Quaker Creek independent of the Wallkill River and see what benefit there might be from a channel improvement. Keeton said that the engineers said that Quaker Creek jumps initially, and then as it falls the crest on the Wallkill comes down and it re-floods and that's your back water.

Sumner said there are times where you are going to get rain and then more rain the next day or a lag in between, there are so many scenarios it's hard to model so that have to idealize it. Keeton thinks their model would show up well in the 2006 flooding because that was a short event rain. Conversely you have hurricanes that spread that amount of rain out over days. Sumner said that personally he would like to try and arrange a meeting perhaps with a smaller group and the engineers again because there is an awful lot in there and the summary was sent last week and now there is a revised one. There is stuff in the new report that was not in the last one. There are also some open-ended things for example they really didn't address the landfill issue that was on their list. He would like to sit down with the engineers and have ample time to review everything. Pahucki sent out emails over the course of weekend and no one responded. He is disappointed that they still don't have an understanding of the watershed. He does not see how the rocks on Celery Avenue has anything to do with the Wildlife Refuge. Sumner said that was just on the summary which had to go out in a hurry and was an oversight. Pahucki said that was sloppy. The Celery Avenue ledge would give a 4" differential. Wright said we have to put a dollar amount on some of this to see what it would cost. If we had money to do it all, we would do it all. Sumner said that assuming we tell them where we want them to go from here and what projects to focus on then a part of that needs to be an estimate of cost because there are projects that are \$20 million (and it doesn't mean we want to stop thinking about them) but we want to identify projects that we can start quickly and within the \$2 million budget. We do need a cost estimate and a sense of the regulatory issues and how long it's going to take to get the project ready to go. He said that Oil City Road is an example of that because you're talking about another state and increasing flooding on 550 acres, most of that we think is the Wildlife Refuge (but there have been no discussions with them yet). Pahucki said the engineers could not say that 4" on Celery Avenue and 4" over on the Pochuck would result in 8" further upstream. Although he said is not an engineer, it seemed to him that some of the projects they looked at when they talked about a 4" it happened downstream here it would be... Pahucki asked DeBlock if he is wrong and DeBlock replied that she read the report also and to her it read that it said it gradually goes down to 1" from wherever it starts. It did not carry 4" the entire length. Pahucki he said he understood that when they talk about 4" some projects had a larger benefit and others had a shorter benefit depending on where they were. Pahucki said he is surprised that extending the Cheechunk Canal up into Oil City didn't show more of a benefit upstream. Sumner said that it could increase flooding downstream. Pahucki said the project is to control flooding in the watershed so if we're going to be looking at isolated with short term vs the whole watershed, where do we need to focus resources. What good is cleaning out Quaker Creek if there is no place for it to go. He said that Orange County has spent around \$100,000 to clean out tributaries like Quaker Creek. He would like to concentrate on the main channel and moving the water out. The more you look at all these projects, the more \$2 million dollars seems like an insignificant amount, but it is a start. He would also like the engineers to give a benefit on what would happen if we removed 4-6' of silt from that river. What would be the benefit of an increased capacity of that river. Brown jumped in to say that the last time it rained she went out to look at the main channel and it was nowhere near flood stage. She said you still had a good 3-4 feet down the bank vs go up to Chip Lain's and John Ruskiewicz's and that water was right at the access road. Does the main channel really need silt removal or should we focus on the places that were flooding. She stated that if you are going to dredge or clean out the the river, what is going to happen over time and that we should focus on more permanent solutions. Pahucki said that while we have scientists and hydrologists that are here, that is the benefit we were waiting for Army Corp. to do and that benefit is a powerful tool for him to use to lobby our partners in Washington. When it was cleaned out before we had a 30 year benefit without any problems. When that benefit timeline came and went, they were pretty accurate when we started flooding again. Pahucki said that \$2 million dollars sounds like a lot of money but it's really not going to do a whole lot so we might want to use some of that money to get a benefit on a larger project and at least to get the wheels spinning and he feels it also important to use some to maintain below Pellets Island and grind stumps down there to allow the flow to go. Baglia asked that with all these high priorities, can they take these and put out scenarios. Sumner said that at some point they have to stop modeling and put their heads together and decide which projects we want to focus on. Sumner said that he felt Chip Lain made a good summary statement that Oil City Road project may be too complicated and extending the Cheechunk Canal and including the rock ledges may be a good place to focus and was kind of echoed by John Ruskiewicz. Sumner said it's common knowledge that the south end floods before the north end so extending the Cheechunk makes a lot of sense and if we can incorporate the rock ledge on Celery Avenue then we're also benefiting the downstream landowner because that's a 4" in flood stage decrease for them. Extending the Cheechunk is a 3" decrease for the upstream guys. If the two million dollars

will get us from the head of cheechunk to the Pine Island Turnpike then we have momentum. There is a pretty good amount of money in the Sandy Relief Fund. The deadline for Letters of Intent for this pot of money is August 1st. Even as we try to formulate projects for the \$2 million, we need to be looking further out to make sure we don't miss opportunities for subsequent funding. In order to apply for this money your county has to have an All Hazards Mitigation Plan and we have yet to determine whether Orange County has something that qualifies but we will certainly submit a Letter of Intent and we can determine later whether the County's Plan meets those requirements or not. In all likelihood we may need permits from Towns for flood plain development projects, blasting, etc. Sumner suggested that we need to send an update to the Towns to let them know where we are at and what may happen. Sumner said that supposedly Condino, the Project Manager, does a lot of this kind of flood mitigation planning for other Municipalities. And between him and Dave Church they should be able to figure it out. There was discussion on scouring the rock out of the river from rock blasting. DeBlock asked if landowners can sell parts of their land to give back to the river for flood control. Pahucki said he understood that landowners had a chance to sell the land to the Fish and Wildlife Refuge for \$6,000/acre. Sumner said some landowners don't want to go that direction and that Fish and Wildlife Refuge may not be the best entity to manage that land because they have their agenda. These lands would be for flood storage purposes, not for wildlife. It was agreed by the subcommittee that we will not be able to control the 100 year storms and maybe not even 6 year storms.

Pahucki said that the river was dug, cleaned, drained, straightened and snagged for drainage purposes. He feels it's not acceptable to now just let it flood. If you have the authority you have responsibility to keep the Wallkill clean. He said he does not accept this. Pahucki reviewed this with Sussman, it's a responsibility of the NYS DEC and Army Corp. It's not Orange County's responsibility to clean that river and anything the County has done is above and beyond the scope of the County's responsibility. It's like the twilight zone if you're a landowner there. They're not going to do anything but they don't want to help you do anything. He said to get out of town with regulatory crap and the landowners/farmers will fix it. Pahucki told DeBlock to go down to the black dirt farms and tell them you'll pay them to flood their farm and see what kind of reception she gets. DeBlock said that when you buy land there you know it's in a flood plain and Pahucki replied that is bullshit and of course they know it's a flood plain but it was bought back when there was a mechanism in place to make sure they didn't flood. Sumner said it sounds good to say you're going to fix the river but from discussions we can see it's not an easy fix. Even if we had \$20 million we don't know what we can do to keep the land from flooding. Sumner asked the Board if they have any direction on where they want to do with the engineers, what projects to focus on. Pahucki said there are four things: ask engineers about coming up with a cost benefit analysis for extending the Cheechunk, address the two rock ledges (Pochuck and Cheechunk) and rocks on Celery Avenue, what would be the cost to remove 4'-6' of silt in the riverbed, where possible and to put out an RFP to grind stumps to the ground where Pellets Island is to maintain flow. Wright asked if the Mayjack bridge is off. Sumner said when the Committee members gave their priority projects and assigned numerical values, that project came out quite low. It's definitely an issue with debris getting caught on that center abutment but that's something that can be addressed through vigilant maintenance. Taking the bridge out will have minimal impact on flooding. Brown mentioned Pochuck rock ledge rated at the top. Pahucki asked if there was anything about grinding stumps at the Celery Avenue bridge. Sumner said the engineers really haven't come back with any results on the river at the Pellets Island Reach, whether the landfill is creating a pinchpoint or not. We can have them take a closer look at that. Sumner said the tree cutting did have a benefit and the grinding provides a benefit and we might be able to get started on it quickly so we can show people we are doing something. He pointed out there is focus now on the project that has a Riverkeeper FOIL request and there is this lawsuit going on that is emanating from this. He reiterated that we did not undertake that project and are there any concerns now with the District going back in and associating ourselves with that project.

Pahucki said we are in the process of expanding the maintenance agreement. He does not think there will be an issue. They are not suing Orange County Soil & Water. The dynamics of the lawsuit are that Sussman went trolling and convinced landowners to look for someone at fault of flooding and for monetary compensation. If there is an issue over grinding stumps, we have a letter from the NYS DEC that okays clear-cutting.

Sumner asked if any of the other Directors had any concerns. Pillmeier said Sumner's points and concerns are well taken. But he feels that we should consider moving the stump grinding project forward. Whatever happens, happens. He thinks the clout of this project will overshadow things. It will show the public and the advisory board that the District is doing something. Wright agreed. If you grind them down and make it maintainable over the long term, we're making habitat. He suggested checking to see if we need permits to cover ourselves. Keeton said grinding the stumps is the way to go. You'll create habitat and stabilizing the banks. Pahucki said we don't need a permit but Sumner said he suspects that the Town of Goshen will say that we do.

The consensus of the Board is to go forward with the stump grinding and for Sumner to bring this information to the advisory group. Sumner will have to check on permits and landowner access. We're trying to expand the Maintenance Agreement to cover this area but that has not happened yet. Still needs SEQR review and obtaining easements. In order to move forward with the project and do it in a fashion that he feels is legal and responsible, we need to either wait until we acquire easements to these lands or we have to go back to the way we did it in the 2011 project where we got landowner access agreements from every landowner in that stretch of river. He feels that the more expeditious way is to get the access agreements from the landowners. Pahucki asked how many landowners there are. He offered to get the landowners' permission. He asked that the District get the document together and he'll get the signatures required. DeBlock asked when do the stumps need to be grinded. Sumner said we need a contract with whoever grinds them and to get it done in August we would have to drop all other projects.

Sumner met with Derek Rolo and together they had a conference call with the NYS DEC regarding the Maintenance Agreement and the SEQR issue hoping that maybe they could get a read on DEC and that expansion of the Maintenance Agreement is not a SEQR issue but unfortunately that did not happen. They think what needs to happen is a coordinated review because it's an intermunicipal agreement that involves the county and four towns. It could be a type two action which would require filling out an environmental assessment short form, and this short form would likely result in what they call a negative declaration. This process could take a month or two. The best case scenario is we put this SEQR issue behind us in a month or two.

Sumner asked if there were any other projects or directions the Board wants to discuss. Keeton said he wants to make sure we focus on what the committee wanted as well. Pahucki said he'd like to see them determine the cost of remediation of the Celery Avenue Rock Ledge, grinding the stumps in the area of Pellets Island tree removal project area, get the benefit of removing 4'-6' of silt from the entire river within the project area and extending the Cheechunk Canal. Keeton would also like to look into permits for Oil City Road. Sumner pointed out that on the model, on a two year storm, water is 1" over the road and in a 10 year storm it's 2' over the road but that does not agree with on the ground observations of the landowners and in fact it takes an extreme storm to get water to go over Oil City Road.

Keeton mentioned the upper rock ledge on the Wildlife Refuge property.

Sumner asked DeGroot to read back the priority projects so that everyone is crystal clear: the cost to extend Cheechunk to Oil City, address both rock ledges, cost of removing 4-6' of silt from the river, grinding down the Pellets Island stumps. Pahucki wanted to make an Amendment. He recommends that the engineers direct their focus to the cost of remediating Celery Avenue rock ledge to extending Cheechunk Canal. What capacity benefit would be with a 4'-6' silt removal from the project area riverbed and grinding stumps within the Pellets Island tree removal area. Wright clarified we are going with four projects Pahucki recommended and adding to it the Pochuck rock ledge. Pillmeier made the Motion to add the Pochuck, seconded by Keeton to make this Amendment. All in favor.

DeBlock asked about the tree removal, that it was not discussed yet. Currently we cut down trees and leaners. The engineers were talking about eliminating all trees and have some other cover on the banks. Sumner said they said it would make minimal difference.

Sumner said we will proceed with implementing the stump grinding. It's his belief that we will probably spent the rest of the money getting to this point so we need to start thinking where are we going from there. Do we want to extend the contract with B&L because it ends today. But he thinks we will continue to need engineering assistance on this. He would like the Directors to start thinking about how they'd like the revision worded. If we want to extend the contract with B&L we could probably do a one page extension to current contract but if we want to do a contract amendment we might want to think about whether we want to increase the cap from \$50,000. Directors wanted to go with the one page extension. Pahucki asked about landowner access contracts and he offered to go door to door to get them signed. Sumner said unless the Board has an objection that it would be appropriate for District staff to prepare these and get them out to landowners. If there are any issues the District will contact Pahucki.

A Motion was made for Wright to sign the B&L contract, seconded by Keeton. All in favor.

Chris Vellenga's Walkkill Maintenance Agreement was signed.

A Claim for the final payment for the Ag NPS Round 13 close-out was signed by the Treasurer.

Sumner said that the B&L contract is actually not expiring until September 1st so we don't need a one page revision after all.

NEW BUSINESS

Civil Rights – Heller gave an Annual Civil Rights update to the District Board. Every year their Chief provides an up to date policy statement that includes a non-discriminatory statement that we have for program delivery and equal employment opportunity, how employees are treated. There is a variety of standards that need to be upheld and the District follows their suit, they don't have to do everything exactly as NRCS does but they do have guidelines that the District has to follow. He passed around the updated Civil Rights Policy Statement. NRCS is up for a Civil Rights Review for the Orange County field office. As the District participates with NRCS there will be interviews with Board Members and also District Employees. Typically the Chairman is interviewed. It can be done by phone. Heller handed out sample questions to the employees.

The **NEXT MEETING** is scheduled for Monday, August 19, 2013 at 9:00 AM. The **MEETING** was adjourned at 11:16 AM, on a Motion by Pahucki, seconded by DeBlock. All in favor.

Respectfully submitted,

Christine DeGroot
Secretary to the Board