

**MINUTES**  
**ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS**  
**March 25, 2013**

The Meeting was **CALLED TO ORDER** by the Chairman at 9:02 AM. Directors T. Pahucki, J. Wright, D. Hulle, G. Keeton and M. Pillmeier were present, along with K. Sumner, C. DeGroot and K. Brown (OCSWCD), J. Heller (NRCS), R. Baglia (CCE) and F. Barber (FSA).

Pahucki made the Motion, seconded by Pillmeier, to approve February's Board **MINUTES**.

**CORRESPONDENCE** – A letter from George Proios, Chairperson from the NY State Soil & Water Conservation Committee, announced that Orange County's Ag NPS Round 19 application was successful. A total of \$164,180.00 was awarded to the District for funding for the Wallkill River Watershed Farm Runoff Control Round 19. The District is now in the process of putting together a "Work Plan" for this Ag Grant.

The District received a letter from AK Environmental, LLC requesting the District's participation in the Federal Energy Regulatory Commission's (FERC) National Environmental Policy Act Pre-Filing Process for Columbia's proposed East Side Expansion Project in Pennsylvania, NJ, NY and Maryland. Sumner stated the District would not be involved in this.

The Orange County Land Trust invited the District to attend their 20<sup>th</sup> Anniversary Benefit Reception on June 7, 2013 at Bear Mountain Inn.

The Orange County Ag & Farmland Protection Board Agenda and Minutes were passed around for review.

Assemblywoman Annie Rabbitt sent a letter to the District, addressed to Tom Pahucki, as a follow up to her November 7<sup>th</sup> letter regarding the flood control funds allocated in the NYS budget last year. She is requesting that the SWCD give serious consideration to using some of the funding to hire an independent firm to perform a cost study analysis for dredging the Wallkill River in Orange County. Sumner read the letter to the Board and will bring it up to the Committee. After discussion, Sumner stated he will draft a letter Rabbitt explaining the approach we are taking and why the idea of a separate dredging study does not make sense.

The District received an inquiry from Leonard Jackson Associates after the close date of the Request for Information for Engineering Firms. They said they found out about it too late. Sumner had advised them that they could submit a Letter of Interest to the Board. There was no Board action taken as it was received late.

The District received the 2<sup>nd</sup> quarter County appropriation and also the \$60,000.00 NYS reimbursement. The State used to be capped at giving us \$30,000/year. It was increased to \$60,000 this year. But, since they raised the cap for Districts, it used up all the funding that we would have received to fund the other reimbursable programs. So we are actually not gaining much. Sumner said that there were lobbying efforts to get the amount increased so that all the programs could be funded, but that did not happen.

Pahucki asked what is the Ag NPS Round 17 Upper Wallkill Grant. Sumner explained that it includes numerous farms around Orange County that applied for funding for different farm projects, ex: cover crop, stream bank stabilization, concrete pads.

The **Financial Reports** for February were approved by Pahucki, seconded by Keeton. All in favor.

**SWCD STAFF REPORTS**

**K. Brown (SWCD)** – Brown has been working on close out documents for the AEM program.

She went to the Water Quality Symposium. Classes she took included “590 Standard Update”, “Ag BMPs” and “Ag Permits”.

She met with Brian Steinmuller, State Committee, regarding the Ag Grant Rounds 13 and 14 closeouts.

Brown received the Division Merit Award for District 7.

On March 15, Brown went to the engineering interviews.

**K. Sumner (SWCD)** - Sumner and Brown took Aaron from Ag Engineering Services to P. Johnson’s farm for a price quote on engineering services for a covered barnyard. On a separate day they took J. Skinner Engineering. Both firms stated that if the District can assist, the cost would come down. Both firms were around the same cost.

The Auditors were here and completed the 2012 audit. No issues were found.

DEC Stormwater Construction – approved 4 hour training course. Only certain people have the credentials to give this training and Sumner is one of them. He tries to do this once a year. Starting last year the District has been partnering with CCE. The next course is scheduled on April 9<sup>th</sup>. Baglia mentioned that as of Friday, ~80 people are signed up. It will be held at the 911 Center, thanks to Mr. Pillmeier. K. Sumner and P. Ferracane, NYS DEC, are also offering this program the evening of April 8<sup>th</sup> for the Local 17 Laborer’s Union. People have to take this course once every three years in order to remain certified.

Ag NPS Grants – Two applications were submitted for Round 19, one for the Walkkill and one for the Neversink. The Walkkill was funded.

A lot of time is being spent on Ag NPS Grant Rounds 13 and 14 close outs.

Sumner has been working on Rain Garden designs for a couple of grants that we have. One is at SUNY Orange in Newburgh and the other is at CCE.

**R. Baglia (CCE)** – CCE offered a stormwater class approx. a week ago and had about 30 people attend. It had a wide cross section of attendees from people doing sewer lines to highway stuff.

Jenn Simpson has been having dairy population programs and Audrey Reith has been working on poultry and beef production programs. M. Ulrich has been working on the onion and vegetable schools. R. Range has been working with her on a lot of these programs. He’s mainly working with the black dirt farmers, going out weekly to take pH samples, alkalinity testing, etc.

D. Lester and the Master Gardeners have been working on the planting plans for the practices for the rain garden. Sumner said that gutters will be put on over the porch of the Seward Avenue building.

Baglia mentioned that the CCE elevators are still down.

**F. Barber (FSA)** – Sequester repercussions – FSA has been holding payments for MILC, NAP and SURE Programs. It now looks like they are getting ready to release these funds.

NAP application deadlines passed for vegetables. They are reminding producers that they have to come in and report their production.

FSA employees may potentially be furloughed. It sounds like it would be no more than 5 days for this fiscal year (before October 1<sup>st</sup>).

**J. Heller (NRCS)** – There was success in funding applications: Two Energy Conservation Plans and one Comprehensive Nutrient Management. They will be funding six High Tunnels, two cropland applications (one is organic), one forestry application and two Farm & Ranchland Protection Program applications.

They did not get funding for any irrigation application.

The NRCS Area Quality Assurance Review is coming up. It gets completed every 3-5 years and will take between 2-3 days. A crew will come in and spot-check contracts and check paperwork on practices that have been paid for.

NRCS has cut back on technical service provider funding.

Heller attended the Water Quality Symposium.

Dave Hulle thanked everyone for the cards and for his gift basket and for everyone's concern.

**OLD BUSINESS** – District Policies – Tabled by the Board until next month.

2013 Black Dirt Region/Wallkill Watershed Flood Control Program Update – The letter from Annie Rabbitt was already covered. Sumner mentioned that everything mentioned in the letter will be addressed with whatever engineering firm is chosen. To do a separate dredging study would not make sense. Pahucki stated that what Assemblywoman Rabbitt is suggesting, is for the Army Corp. of Engineers to step in and do something comprehensive.

Sumner brought up an email that Pahucki sent out to the Black Dirt Region/Wallkill Watershed Flood Control Program Project Steering Committee in response to an email Sumner sent to the Committee regarding the engineering firm selection process. In the email Pahucki stated that those whom attended the Committee meeting and were affected by flooding voted for AES while District Staff and those not affected by flooding voted for B&L. In his opinion, those most affected by the flooding were impressed with the common sense approach of AES, while B&L seemed to focus on river bank stabilization and preparing for the next natural disaster. Sumner said that he would like to make sure that he has the confidence of the Board regarding this project, but if any of the Board Members think that the District is not committed to the project in the fullest way just because we don't live in the flood plain, he'd like to know about it now. He then asked if any other Board Member had any concerns and there were none. Pillmeier stated that he never received a copy of the email Pahucki sent. Sumner then said that the fact that the District staff were not flooded had nothing to do with evaluating the two firms objectively. The best one for the job will be chosen. Pillmeier asked Pahucki what exactly did he mean by the email that he sent out. Pahucki replied that the presentations were such that B&L had a heavy background in flood mitigation and AES brought on a river professional that talked about the dynamics of the river. There was a vote and he felt the farmers voted for AES and the District Staff, G. Keeton and K. Dobbins voted for B&L. What upset him was the 5-4 vote and he said that Sumner alluded to even though it's 5-4 we need to put consideration on what District Staff want. Sumner, Brown and Keeton clarified that it was C. Lain's suggestion at the meeting, not District Staff. Pahucki's biggest concern is what does the District want to accomplish with this funding and that in his opinion the District did not seem concerned about moving water through the Wallkill quickly and at high volume. He does not feel that B&L is qualified to handle this project. Keeton was at the same meeting and his opinion was that the farmers did not care which firm was chosen as both firms are good. Sumner, Keeton and Brown said that AES stated in the interview that they did not know if they were qualified to handle this job after they reviewed the RFI until they partnered with another firm. Pahucki said his concern is that B&L's focus is on bank stabilization and rip rap around culverts. Brown mentioned that they did work on dredging the Schoharie Creek.

Hulle asked how far the study will go. Sumner said it was not determined yet but he will make sure it goes back on the Table and formally recorded at the next Committee meeting. At the last Committee meeting, it was decided there was no need to go further than Echo Lake. If there is no benefit to black dirt, then there is no reason to spend funds to go further downstream.

Sumner suggested multiple considerations need to be included on the choice of engineers. These should include the written proposals, the interviews and the reference checks that were completed. He clearly heard that the Committee would not be disappointed by either firm and C. Lain said that District Staff should be considered when deciding which firm to choose since we will be working with them on a daily basis. Both firms said that they could meet the three month requirements. Sumner would hope to continue to using the same firm after the 3-month plan is completed.

A Motion was made by Pillmeier to choose B&L, seconded by Keeton. Wright, Pillmeier and Keeton voted for B&L. Pahucki and Hulle were opposed. Sumner added that the firms' prices were compatible. B&L was chosen to complete the 3-month study. Wright asked about the references for the firms. Sumner sent out seven inquiries for B&L and five responded favorably and two did not respond. Inquiries were sent out and Brown spoke to other Districts regarding AES. She was told that AES works well with the cash flow issues we sometimes have. She was also told that one of their engineers lacks sufficient details in his plan sets.

The next step is to create an Agreement. The Model Agreement has already been completed. Grant paperwork is fully signed and executed. We are working on how we will get preapproval for expenditures. B&L will have to agree to wait for money until we get it.

Sumner has pre-approval from the grant agency to hire the firm. He needs a written agreement in place with B&L.

Sumner mentioned there are emails going around raising concerns about the dredging. Sumner has not responded to these emails because he does not feel it would be productive.

Wallkill Maintenance Agreement Update – Wright asked if we are current with our Procurement Policy. Sumner said that according to General Municipal Law we don't have to go out to bid for professional services, so we are okay. Policy reviews will be brought up at next month's meeting.

We have the Agreement everyone is happy with from the Orange County Law Department, thanks to Mr. Pillmeier. Request for Proposals will be available on April 1<sup>st</sup>. Stacy from the OCLD wrote a letter to Sumner stating that she wants to emphasize that for this to be a valid RFP it has to be strictly rental of equipment. Therefore the District needs to manage all the work and will have to perform or arrange to perform through the RFP certain aspects of the work that the contractors may have performed in the past when this was a bid on project basis. This shifts more liability on the District than when the contractor was responsible. Sumner wanted to make sure everyone is aware that the District has more liability and that we are hiring someone to do work we tell them to do.

A Motion was made by Wright to accept the Wallkill Maintenance RFP, seconded by Pahucki. All in favor.

**NEW BUSINESS** – Technician hire. Monahan resigned from his position at the District and accepted a job at the Orange County Sheriff's Department. We advertised the position in the paper and received nine resumes. So far three interviews are scheduled for this week. All applications were sent to Orange County Human Resources Department for review.

The District's no-till seeder ran into some issues. They don't make the box as an individual part and it had to be specially made.

The **NEXT MEETING** is scheduled for Tuesday, April 16, 2013 at 9:30 AM. The **MEETING** was adjourned at 10:50 AM on a Motion by Hulle, seconded by Keeton.

Respectfully submitted,

Christine DeGroot  
Secretary to the Board