

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
APRIL 18, 2016

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:13 AM. Directors J. Wright, G. Keeton, P. Ruskiewicz and P. DeBlock were present, R. Baglia (CCE), K. Sumner, N. Meyer and C. DeGroot (OC SWCD) and P. Canterino (OC Legislator).

Introductions were made to Philip Canterino.

2016-4-1 DeBlock made the Motion, Wright seconded, to approve March's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS

- The WQIP grant contract for the Campbell Plaza Monhagen Brook Improvement Project was signed by Chairman Wright and sent back to the NYS Dept. of Environmental Conservation.

CORRESPONDENCE

- Statements from the District's banks were received.
- The National Association of Conservation Districts request for Membership Dues was received. No action taken.
- A copy of the Acceptance of Agreement that was signed by K. Sumner for the Weiss Engineering Topographic Survey was reviewed. This project is complete.
- The most current Wallkill Flood Project Reimbursement Request was passed out for review. Discussion followed.
- R. Hoyt, Attorney -memo from Hoyt regarding the draft Conservation Easement work involving the Wallkill Bench Project was reviewed. Hoyt identified concerns and questions. Discussion followed.
- Letter received from the Office of the State Comptroller requesting the District submit a Corrective Action Plan regarding our recent audit. To be discussed later in the meeting.
- Warwick Valley Telephone – two proposals received for installing either a new phone line and phones or just new phones. To be discussed later in the meeting.

FINANCIAL REPORTS

- **2016-4-2 Wright moved to accept the Financial Report, DeBlock seconded. All in favor.**
- Sumner reviewed the list of Bills to Be Paid with the Directors. **2016-4-3 DeBlock made the Motion, Keeton seconded, to accept the Bills to Be Paid. All in favor.**

There was a brief discussion regarding an egg shell sample that was collected by the District from a local farm and sent in for analysis. Results were discussed and forwarded to the landowner.

- March's Grant Update Report was reviewed. Sumner gave a short summary of the grant report to Canterino.

(J. Heller, NRCS, joined the Meeting at 9:46 AM)

STAFF REPORTS

- DeGroot
 - Completed the Ag Interim Reports and submitted to Ag & Markets.
 - Working on cleaning out years of accumulation in the office.

- Meyer
 - Meyer worked on the Ag NPS Round 22 Walkkill grant submission which was due on April 1st and the Ag NPS Round 18 Time Extension Request.
 - Still working on Soil Group Worksheets as they come in.
 - Working on Ag Environmental Management (AEM) planning on farms.
 - Both of the seeders are out and in use. R. O'Dell and Meyer are doing the maintenance on the District's two corn planters.
 - The third planting site for the RSR EBP grant will be Saturday, May 14, 2016 along Dolsontown Road in Middletown, NY. This is the final planting for the grant and will finish it out.
- Sumner
 - Two Ag NPS RD 22 Grant Proposals that were due April 1, 2016 were submitted.
 - Sumner attended a meeting of the County's Ag Plan Implementation Group last week. They are preparing what they are calling a "Report Card" which will be presented to the Ag Board at this month's meeting. It will provide recommendations and an estimated percent of completion. Jim DeLaune and Matt Decker, both from the Orange County Land Trust, attended the meeting. The Land Trust has more resources now to assist with the PDR applications and the State-wide round is currently open. They are meeting with people to try and assess whether or not they have a good project. They will provide full development support for approx. 3-4 projects.
 - Enclosed Trailer – purchased. It's being stored at the O'Dell Farm. The District's open trailer has not yet been put out for bid. Discussion followed.
 - The District has not yet received the advance funding on the WQIP grant for the Campbell Plaza Monhagen Brook Improvement project that Wright signed the contract for.

INTERAGENCY REPORTS

- R. Baglia of Cornell Cooperative Extension
 - The Stormwater Management Training Series – Helping Hands for MS4s –April 28, 2016 from 8:30-4:30. May 26, 2016 will be Getting the Most Out of GI from 8:30-4:30.
 - There was a brief discussion on solar energy.
 - Flyers for CCE's Education Center & 4-H Park were passed out.
- J. Heller of Natural Resources Conservation Service
 - Applications for 2016 funding are complete. A second round of approved applications may come through in the next few weeks.
 - Application contracts were received for Conservation Easement in the Town of Warwick.
 - Heller is covering Sullivan County as well as Orange.
 - Met with Rockland County Community College regarding their ag program.
 - The Newburgh Urban Farming Fair will be on Saturday, April 30 from 1:00-5:00 PM.
 - Tomorrow Heller will be working on a site off of Missionland Road with the Area Engineer and staff from his State Office. Heller offered to introduce the new engineer to Sumner. Sumner said he'd already given that group an update but has not heard anything since. Sumner said that when they are in the design phase, he will be interested. Discussion followed.
 - The USDA offices will be getting painted and new carpeting soon.
 - Brief discussion on 2016 Civil Rights Training. DeGroot will inform Heller when it can go on the District's Agenda.

(Heller left the Meeting at 10:25 AM)

OLD BUSINESS

- Wallkill Flood Project (see **Board Meeting Flood Work Report/Action Items**). Additional notes below:
Chipping:

- 2016-4-4 A Motion was made by Keeton, seconded by Ruskiewicz, to sign the Gurda Landscaping Chipping Contract for \$28,300.00. All in favor.

- 2016-4-5 A Motion was made by DeBlock, seconded by Keeton, to approve release of the Request for Bids for the Wallkill Flood Mitigation Project Wallkill River Floodplain Bench Phase 1, subject to Hoyt's review and approval. All in favor.

Bench Construction:

- Sumner gave a presentation on the latest updates to the Bench Project which shows the three phases. From the Cheechunk to County Route 1. Phase 1 is all on the north side up to where Rutgers Creek comes in. Phase 2 is on the north side from Rutgers Creek up to County Route 1 and a short section on the south side. Phase 3 would be two inside meanders on the south side. Phase 2 can not be started until the planting plan is completed on Phase 1.

Easements/Landowner Issues:

- There was discussion on the Board's conceptual agreement to hold easements associated with the Wallkill Bench Project. No action taken at this time.

- The Wallkill Maintenance Inspection was last week. The contract with Vellenga may need a time extension.
- Waiting on a part to come in for the corn monitor.

NEW BUSINESS

- Removal of Anna Needleman from Ag NPS Grant Round 18 – 2016-4-6 Wright made the Motion, seconded by Keeton, to remove Needleman from the Grant. All in favor.
- Formatting of Board Meeting Motions – Example of formatting was passed out for Director review. No action taken.
- Price estimates for new phones from WVT – After a brief discussion, 2016-4-7 Keeton made the Motion, Ruskiewicz seconded, to purchase the lower priced phone system in the amount of \$1,291.00, which will include four new phones, in order for the District to have a separate system from the USDA system. All in favor.
- Corrective Action Plan to the Office of State Comptroller – 2016-4-8 A Motion to submit the District's Corrective Action Plan with an amendment to add a line at the bottom of the Plan requesting that our audit be formally closed, was made by DeBlock, seconded by Ruskiewicz. All in favor.

The **NEXT MEETING** is scheduled for **Monday, May 16, 2016 at 9:00 AM.**

2016-4-9 Meeting adjourns at 12:05 PM on a Motion by DeBlock, seconded by Keeton. All in favor.

Respectfully submitted,

Christine DeGroodt
Secretary to the Board

April Board Meeting Flood Work Report/Action Items

Bench Project

1. Tree Cutting – Contractor pulled out. All trees cut per contract/work scope, except one contractor asked to leave for safety reasons. Some woody debris left in River, contractor and his staff were notified to remove this debris several times and they did not. The owner was notified that an adjustment to his bid price might be made to cover removal of this material. An invoice was received, and forwarded for reimbursement to HTF. We are still waiting for certified payroll records to document compliance with Prevailing Wage requirements, before paying this invoice.
2. Chipping – Gurda Landscaping is tentatively scheduled to begin chipping the tree tops and cleaning up the tree cutting site this week. He expects to have the work completed 2 weeks after starting. We need the Board to formally approve the Gurda contract and sign it, assuming they are prepared to enter into this contract. The contract and attachments have been reviewed by Richard Hoyt, and his recommended changes have been made. **ACTION NEEDED**
3. Bench Construction
 - a. Latest Version of Construction Plans and Contract Documents are available today for the board's review. Sumner has been working closely with B&L on the details. Most of the 177-page contract documents is the same as the Pochuck package that Hoyt reviewed previously. Therefore, Sumner hopes the attorney's review time can be kept to a minimum, and that as we move forward with additional projects requiring similar contracting procedures, the process can become more streamlined. The contract format we used for the tree cutting and chipping was much briefer and simpler. These projects were below the formal competitive bidding thresholds, but also simpler in scope than the Bench project. Sumner believes there may be room for a third contract format/template that is somewhere in between. B&L's 177-page template includes a great deal of detail that is very unlikely to be relevant on most of Soil and Water's projects. Sumner recommends that the Board approve release of the Request for Bids for the Walkkill Flood Mitigation Project Walkkill River Floodplain Bench Phase 1, subject to Hoyt's review and approval. **ACTION NEEDED**
 - b. Easements/landowner Issues – Sumner emailed comments/questions to the Directors from Hoyt regarding easement issues. This aspect of the Bench project is becoming very complex. A map will be shown at the Board meeting to help explain the situation. As far as Sumner can determine, the Army Corps of Engineers is only requiring a Conservation Easement on the 2.45 acres of mitigation wetlands shown on the B&L Bench construction plans. This is all on the south side of the River, and not part of phase 1 construction. The NYSDEC on the other hand, as called for in one of our permit conditions, wants bat habitat protection on the entire 'project area'. This matter is further complicated by the fact that there is an existing easement that covers only part of the proposed floodplain bench area. This easement, held by the State of New York, is focused on flood control and drainage. The protections NYSDEC is currently requiring with regard to bat habitat protection are, in Sumner's opinion, potentially in conflict with the existing flood control easement. An additional issue is who will be the easement holder

for any new easement created. In his comments, Hoyt discusses some important considerations for the SWCD if they decide to accept easements associated with this Project (SWCD's are able to hold easements as a result of recent NYS legislation). Sumner and Hoyt both feel it is important to have the easement issues figured out, including landowner agreement, before the Bench project construction begins. Therefore, this matter will need to be given priority while the process of receiving and reviewing bids is happening. **ACTION NEEDED** – Board's conceptual agreement to hold easement

c. Soil Utilization - 1-foot contour survey of Dean Ford property (potential soil utilization area) completed. Test pits suggest 40% maximum of soil generated will be usable on ag fields. Based on these findings, we show 85 acres for ag field soil utilization on the Construction Plans. This is a reduction from the 100 to 150 that had been under discussion. The 85 acres are the fields closest to the excavation. We need to meet again with the Fords to make sure we are in agreement on the latest approach. There will be more soil material to move from the site than previously anticipated. This will directly affect the contractor bids, as they are asked to provide per-cubic-yard bids for soil used on site and for soil moved off-site. An additional issue revealed by the test pits is that some of the Bench is expected to be clay soil at the proposed bench elevation. This is expected to require over-excavation, and replacement of more suitable material. This will increase costs additionally. The use of the 'green peat' or sedimentary peat (quantity estimated at 25,000 CY) is an additional challenge. We hope to use some of it in a mix to be placed back on the bench.

d. Planting Plan – Sumner has received guidance from several horticultural experts that planting 4" trees as opposed to 2" (as requested by DEC to more immediately establish bat habitat) does not get you ahead as the larger trees take much longer to adjust and re-establish. Sumner wrote to DEC to see if they would consider backing off on that requirement, but has not heard back. This is a huge cost factor, and availability could be a problem.

e. Climate Resilient Farming Grant – The proposal we submitted in December to add money to the Bench Project fund has been awarded. This will provide \$75,000 NYS money with a promised \$25,000 contribution from the County. The area described in the proposal is part of 'phase 2' of the Bench project – planned for 2017. Without identification of additional funding beyond the \$2M, we likely will not be able to pursue phase 2 – the CRF award will only provide a small portion of the anticipated funding needs.

Pochuck Ledge Project

1. Engineer has signed off that all work is complete. There will be a small retainage until the site is fully stabilized with vegetation. We have money in the bank for NGS's second payment, waiting for certified payroll records. Sumner has reminded NGS of the need for these documents at least three times.
2. Engineer also signed off on the streambank work done at the site through the Round 17 AgNPS grant. For their required landowner contribution on this project, Pine Island Turf Nursery did final grading and will place sod. As part of the final grading PITN extended the pre-project dike

downstream along where the upper ledge removal work was done. Sumner sent pictures and measurements of this work to the Project Engineer Buckman. Buckman said he did not think the dike encroached significantly on the Transport Lane bridge approach soil removal portion of the Flood Control project. Payments/close-out awaits placement of the sod – expected within the next weeks.