

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
December 17, 2018

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:05 AM. Directors P. DeBlock, G. Keeton, J. Wright and P. Ruszkiewicz were present, along with K. Sumner, T. Ferry and C. DeGrootd (OCSWCD).

2018-12-1 Keeton made the Motion, DeBlock seconded, to approve November's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – None.

CORRESPONDENCE

- Bank account statements from the District's banks were available for review.
- Quaker Creek signed contract was returned by Vellenga's Lawn Care. All other arrangements are in place for the Project to start.
- A letter was sent to Green Farmland, LLC from the District requesting their support for the planned Agricultural Flood Protection Projects that involve their property. The owners responded and it appears things are moving forward with gaining their approval for completing the projects. The Board had discussion on the Project. It was mentioned that the land where the projects will be constructed is mostly within an existing flood control lands easement for which previously landowners were paid, so the residual value of these eased lands to the current landowners is thought to be minimal. They still have to sign the license agreement allowing us to access their property. Sumner is doing what he can to document everything and move the project forward. Despite the existing flood control lands easement, we will be required by permit to establish a new Conservation Easement covering the Project area. We will need someone to do the legal work associated with this easement. Continued discussion under Staff Reports.

FINANCIAL REPORTS

Monhagen Plan Project Update – The District went over the grant budget in terms of how much was allocated to Soil and Water. This was due to Soil and Water staff doing more of the Plan writing than was originally anticipated. We are unsure of how much we will be reimbursed towards our staff time.

There is a new line on the Receivables page for the Quaker Creek/Walkkill Flood Control. We had borrowed from other accounts in order to make the final payment to CFI and have now replenished those accounts.

Sumner mentioned that we still have funding in a dedicated account from the 2018 County Appropriation for Walkkill flood work.

It was pointed out that on the Dedicated Fund balance the Ag Grant balances will now more closely line up with the bank balances. We are working with M&T Bank to minimize any fees associated with transferring money between the ag accounts on a monthly basis.

There was a brief discussion on the Unobligated/Other fund balance. It was decided to wait another month and re-access this balance and then see about moving any money to a different account since that balance can change significantly from month to month.

2018-12-2 Wright made the Motion, Keeton seconded, to file November's 2018 Financial Report for audit review. All in favor.

The list of Bills for Board Approval was reviewed and briefly discussed. Bill #4 was to Vellenga Lawn Care for the tree cutting by Maple Avenue.

2018-12-3 DeBlock made the Motion, seconded by Ruskiewicz, to accept the Bills to be Paid. All in favor.

Ag Grant Update Report – There was very little change from last month's report. Our 2nd time extension request for the Round 20 Livestock Waste Control grant was approved.

- **C. DeGroot**
 - Installed the updated 2019 version of Quickbooks on a laptop and had someone from KBB&N come to do a 6-hour training with her.
 - The ongoing issues with our Warwick Valley Telephone lines were finally resolved.
 - Worked on the 2019 payroll deductions and sent the first payroll of the year to Orange County Personnel Department as requested by them.

- **T. Ferry**
 - Ferry has been working on Soil Group Worksheets.
 - Ferry finished up his SWCD online courses.
 - Another black dirt grower called requesting AEM for the Grown and Certified Program.
 - The AEM Interim Report was completed and approved by the State Committee.
 - Ferry Spent some time at the Walkkill River with Vellenga Lawn Care while they worked on the Maple/Celery tree clearing. Ferry mentioned they saw some trees leaning across the river from C. Lain's farm. They were in touch with John Harrington, DEC, and he was fine with having them removed.
 - Sumner said the District is making good use of the Walkkill Maintenance money. He needs to contact the Town Supervisors to see if they want to have a meeting. One tree that Vellenga Lawn Care is working on pulled a large section of the bank in. Sumner thinks we should fix these bank sections while we are there as funds allow. Sumner had Ferry tag spots where the banks are falling in and where the contractors had to dig shelves to get trees out.

- **K. Sumner**
 - Sumner has been trying to do outreach with the new owners of property that will be impacted by Phase 2 and 3 of the Walkkill/Black Dirt floodplain bench. Sumner met with the landowners, Green Farmlands, LLC, and he invited Chip Lain to the meeting to help explain to them why it is important to do this project. The project is on two properties, part of it is on Lain's and part is on Green Farmland's. According to the test pit investigations done in 2017, most of the soil to be excavated in creation of the planned floodplain bench is expected to be topsoil, peat or sand. If there is any clay it will be minimal. Green Farmlands stated that they want the sand from the project. Sumner said he believes Green Farmland is close to signing paperwork that would allow us to enter the property. If the District can only push one big project next year then we will need guidance from the Board. The Climate Resilient Farming grant is supposed to come out in January. We could submit a grant request extending the flood plain bench. Sumner reminded everyone we still have funding from the 1st round of CRF for Phase 2 of the Benching project. We will need additional funding to complete the project. Postponing the tree planting component of the Plans until a subsequent year may be an option if available funding is limited.
 - We need to decide what project our 2019 Performance Measures Part C funding will be spent on.
 - Sumner attended the Ag and Farmland Protection Board meeting in place of J. Wright. Sharon Soons is expected to be replacing Bill Johnson and John Sanford is leaving this coming year in which case P. Johnson may fill his spot.

- Sumner was asked to speak by the Minisink Kiwanis on December 11th about the Wallkill Flood Project.
- At the recommendation of the Board at the last Board Meeting, Sumner has been corresponding with J. Rife, a reporter for the Times Herald Record, regarding the Tire Project and the dairy situation. Ms. Rife wants to talk to the six farmers that went out of business.
- Monhagen Brook Watershed Plan Update – The Orange County Planning Department and the Orange County Water Authority are doing the final editing on the plan without a lot of input from us. It's supposed to be complete by the end of January. They expect to meet with members of their advisory group sometime in January. Some of the writing Sumner did for the Plan appears to have been edited out of OCWA's final draft.
- Sumner noted that he and Ferry observed a silt plume in the Monhagen Brook recently and tracked it back to the source – which was an excavator in the channel doing bank armoring work. Sumner reported the situation to the responsible municipality.
- The District sent a letter to Steve Brescia, Chairman of the Orange County Legislature, regarding the Cromline Creek Small Watershed District change that was discussed at last month's Board meeting. At last month's meeting the District Board moved to endorse the revision of documents that enabled the creation of this Watershed District to recognize the holder of the position of Orange County Department of Public Works Commissioner as the administrative head of the District.
- It came to the District's attention that the bridge being constructed over the Wallkill River as part of the Amy's Kitchen project could potentially be causing a pinch point in the river. Sumner believes a different design could have been used to keep the floodway more open. Discussion followed.
- We are in the process of closing out the AG NPS Round 19 grant. J. Clifford from the state office is coming here Wednesday to visit the completed farm projects.
- Sumner reminded the Board of the challenges we faced in attempting to get formal legal review of the Quaker Creek contract.
- Ruskiewicz initiated a discussion about a feature in the Wallkill River just downstream from Oil City Road commonly referred to as the Boulder Field. –Modification of this feature has been discussed at various venues in the past. Sumner reminded the Board that this project was not one of the three priority projects identified by the flood advisory committee and endorsed by the SWCD Board. The Board asked what would be involved if this project were to be pursued. Sumner recommended that no work be considered at this location without an engineering report and clearance or permits from the relevant regulatory entities. Asked for an estimate of construction cost, Sumner thought a modest lowering of this channel feature could be done for around \$25,000, but this would just be the rock removal component. A big variable for cost estimating would be the type of turbidity control used. This would be an additional cost over the \$25,000. At the Board's direction, Sumner agreed to look into engineering costs and what permitting could be expected.
- There was also discussion about the land management measures installed by the USFWS National Wildlife Refuge, which is known to have altered the drainage patterns specified by the Wallkill Valley Drainage Improvement District maps. According to local landowners, changes made by the Refuge cause drainage that should enter the Wallkill upstream of the boulder field to be diverted outside the drainage path designated the Drainage District maps. This drainage now reaches the Wallkill downstream of the boulder field after passing through lands it was not intended to enter according to the Drainage District maps. To further complicate matters, there are flap gates on the Refuge property intended to limit inundation of the adjacent lands when the River is high while allowing for free drainage when the River allows it. These gates are not operating properly. The Board directed Sumner to compose a letter to the Refuge requesting their audience to review these issues..

INTERAGENCY REPORTS

- None

Federal Programs Update: Ford Barber accepted the job of FSA District Director. The Program Technician position closed.

OLD BUSINESS

The District's Performance Measures have been met and we should receive the full amount of the 2019 Part C money. Beginning in 2019, Part C monies do not need to be expended in the year they are received. A brief final report will still be requested by NYSSWCC on the use of Part C funds.

There was discussion on using the Performance Measures 2019 Part C money on the Tire Project. Sumner emailed and called and left a message for the NYS DEC Solid Waste Division in Albany because they handle the used tires, and did not get a response. Sumner also left a message with the DEC Commissioner's office regarding the lack of a reply from the Solid Waste Division with no reply from them either. There was discussion on giving preference to farmers that had filled out the survey that was sent out by the District. There was discussion on how many tires per farm to remove and whether or not it should be a uniform percentage of tires from each farm. **2018-12-4 Keeton made the Motion, seconded by DeBlock, to apply the 2019 Part C money towards farm tire removal. All in favor.** Sumner did more research on Casings Tire in Catskill, NY. They charge \$4 per car/small truck tire, and they load their own trucks. Sumner will continue to research options for removal of the tires and progress the project.

Ruszkiewicz said that he received an email from the County Executive's office stating that all three non legislative Directors are up for reappointment but the three non-legislative Directors have a staggered expiration date so we will have to check our records to see who is set to expire. It was mentioned that Kemnitz also has yet to be replaced.

NEW BUSINESS

Sumner and DeBlock gave a brief update on the 2018 Statewide District Manager's meeting they attended that was held December 4th – 5th in Cooperstown, NY.

The next AG NPS Grant round is expected to be released in March.

The District's Reorganizational Meeting is scheduled for January 2019.

There was discussion on New York State's requirements for sexual harassment in the workplace. We will address this at January's meeting. Sumner passed out copies of the District's existing policy as well as the model State policy. Sumner presented NYS's model Sexual Harassment Complaint Form. **2018-12-5 DeBlock made the Motion, Keeton seconded, to adopt the Sexual Harassment Complaint Form. All in favor.** Sumner suggested, as policy changes are considered, adding the word "Directors" so that they are more clearly included and covered in the policy as well and the Directors agreed. Because our existing Discrimination Policy covers both sexual harassment and other forms of discrimination, Sumner suggested it might be prudent to keep the existing policy and add the State's model as a new policy. It could be clarified that any perceived conflicts between the Discrimination Policy and the Sexual Harassment Policy would be handled on a case-by-case basis by the Board of Directors.

We will send out our policies to Directors to review in an email prior to the next Board Meeting.

The next **MEETING** is scheduled for **Monday, January 28, 2019 at 9:00 AM.**

2018-12-6 The Meeting adjourns at 12:06 PM on a Motion by DeBlock, seconded by Wright. All in favor.

Minutes Prepared By:

Christine DeGroot, Secretary to the Board