

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
January 28, 2019

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:04 AM. Directors P. DeBlock, G. Keeton and J. Wright were present, along with K. Sumner, T. Ferry and C. DeGroodt (OCSWCD), J. Heller (USDA NRCS), John Ruszkiewicz, Sr. and Max Cordella, District Director at the Office of NYS Senator Jen Metzger (District 42).

Introductions were made to M. Cordella. The agenda was adjusted so that topics under Old Business relevant to assistance the District is requesting from the Senator's office could be discussed while Max was present.

OLD BUSINESS – A written report describing the Wallkill/Black Dirt Flood projects was emailed out by Sumner to the Directors prior to the Board Meeting. See attachment to Minutes. One of the current projects is the Quaker Creek Channel Maintenance. This is a good time of year to do the project when farmers do not have crops in the fields.

The first big phase of the floodplain project was completed in 2016. Sumner reminded the Board that we never completed the purchase of the two acre Barron Field property. We recently received a reminder from the Orange County Tax Map Department.

Everything completed on the north side on Bob Gantt's property is good. We have made progress in trying to get construction on the south side of Phase 2 area. Sumner has been working on this with C. Lain because the work is getting done through him with our Climate Resilient Farming Grant. Chip is in the process of getting updated contractor proposals now.

Phase 3 is on the Green Farmland property which is in a heavily wooded and remote area. Sumner estimates it may cost approximately \$300,000.00 to complete this phase.

Celery Avenue Ledge – No change in status from what's already been discussed. We are waiting on available funding. The 4th round of the Climate Resilient Farming Grant was supposed to come out in January. Our Round 3 proposal which was for this project was not selected for funding.

Sumner described two priority concerns for which we are seeking assistance from Senator Metzger's office. One is help with securing more funding to keep working on various black dirt flood projects and another is dealing with the tire disposal issue on the upland/dairy farms.

Sumner mentioned the letter the County sent to Bonacic in February of 2018. The County requested his assistance in securing additional State funding for Wallkill River flood control work, and described financial commitments the County was prepared to make to match the State funds.

Boulder Field Project Update – Sumner spoke with our engineer that did the work for us on the other flood projects and he estimates \$8,000.00 for design work but he would also like a topographic survey that could cost around \$4,000. We would need a flood control lands permit but Sumner has not heard back from the other NYS DEC divisions as far as what other water quality permitting might be involved.

It was mentioned that there is frustration on getting responses from the NYS DEC regarding the tire project.

At last month's meeting there was 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. Sumner drafted the letter and sent it to both John and Paul Ruszkiewicz for review and John is not in favor of sending the letter. John said that the Wildlife Refuge has always been cooperative and he will get in touch with their maintenance man to see about removing blockages.

Sumner explained the tire project to Max. Helping the dairy farmers with their tires is not going to save the Orange County dairy industry but it will at least help them address one nagging issue. Last year the District had come up with some funding for silo covers for farmers that wanted them. Now they have the new covers and do not need all of the tires that used to hold down the old covers. It will cost approximately \$150,000.00 to remove the tires.

A few weeks ago there was a meeting at the County which Sumner and some people from the County Industrial Development Agency (IDA) attended. The farm tire disposal issue was discussed. Subsequent to the meeting, Sumner submitted an application to the Orange County Funding Corporation, which is part of the IDA, for \$50,000.00 to help address the tire issue. He is scheduled to meet with them on February 14th regarding the application. At the meeting, there was mention of that the SAM Program might be a potential source of support for the tire removal project. Sumner asked Max if there is an application procedure for that program. Max wasn't sure if the tire project would meet the parameters of this program, but agreed to look into it.

There are over 34,000 tires that need to be removed from farms in Orange County. We would like to start removing tires now before farmers get busy with spring field work but winter conditions change rapidly (frozen conditions or heavy snow could make collection unfeasible) and it's taking time to get arrangements put in place. We would like to use a local vendor to collect/accept the tires if a suitable one were available.

There was a brief discussion on the new hemp plant planned in Warwick, NY. Ruszkiewicz said that a fair amount of hemp was grown in the black dirt last year.

Cordella summarized the projects for which the District is requesting funding assistance to ensure that he understood our requests correctly.

(Cordella left the Meeting at 10:12 AM)

Ruszkiewicz explained the purpose of showing two photos of a bridge taken before the Army Corp. of Engineers went to work in 1936. Back then the level of water was five feet below the level of the land. Now it is around 30 feet below the level of the land.

Ruszkiewicz mentioned that the Drowned Lands Historical Society and the Pine Island Chamber of Commerce is hosting a panel discussion on February 24, 2019 from 2-5 PM at the Pine Island Firehouse. He passed out the information and it will also be available online. They will be discussing a 1779 lease of Black Walnut Island in the Drowned Lands. John will drop off flyers to our office.

2019-1-1 Keeton made the Motion, DeBlock seconded, to approve December's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – There are a few bills that were paid that are listed on Bills for Board Approval.

CORRESPONDENCE

- Bank account statements from the District's banks were available for review.
- The Civil Service Exam Announcement for the District Technician position is scheduled for March 16, 2019.

- Ag & Markets sent us our Ag NPS RD 20 Time Extension request which needs to be notarized.
- The CCE Dairy Trade Show will be on March 13, 2019.
- We received a letter from the Office of Real Property regarding the Barron Field property which was discussed previously in our meeting. We created a new parcel from a portion of two existing parcels and we have completed a transaction with the Fords to purchase the part of that new parcel that originated from the Fords' property but we never completed the purchase of the Barron Fields property.
- The NYACD Annual Assessment was reviewed. **2019-1-2 DeBlock made the Motion, Keeton seconded, to pay half of the NYACD Annual Assessment in the amount of \$750.00. All in favor.**
- The NYSCDEA Envirothon Team Registration in the amount of \$500.00 was received. This was Tabled by the Board.
- The NACD Annual Assessment was reviewed. This was Tabled by the Board.

FINANCIAL REPORTS

2019-1-3 Wright made the Motion, Keeton seconded, to file December's 2018 Financial Report for audit review. All in favor

- At last month's Board Meeting it was decided to wait another month and re-access the balance in the "Unobligated Fund" and then see about moving any money to a different account since that balance can change significantly from month to month. There was a brief discussion and the Board decided not to move any money out of the Unobligated Fund.

The list of Bills for Board Approval was reviewed and briefly discussed. **2019-1-4 Wright made the Motion, seconded by DeBlock, to accept the Bills to be Paid. All in favor.**

The Board would like to send a letter of appreciation to M. Kemnitz for her time serving as a District Board member.

Ag Grant Update Report – There was very little change from last month's report.

STAFF REPORTS

- **C. DeGroodt**
 - DeGroodt has continued entering information into Quickbooks.
 - DeGroodt has been assisting Ferry with Soil Group Worksheets as needed.
 - The District's audit is scheduled for the week of March 25th. Paperwork is already being sent to them as they request it.
 - A Wallkill Maintenance Reimbursement Request was sent to the County.
 - The year end Federal and NYS tax reports have been sent in along with employee W2s and producer 1099s.
 - Soil and Waters' State District Directory is in the process of being updated. DeGroodt has already been entering updates for Orange County.
 - DeGroodt has been working on the year end reports.
- **T. Ferry**
 - Ferry field checked cover crop on a farm in AGNPS RD 22.
 - Ferry has been working with the landowner on County Route 56 discussed in recent Board meetings who is attempting to start a farm operation. The landowner was having issues with getting a driveway permit from the County in order to access his land so he could farm it, but he finally received it after receiving a wetland disturbance permit from NYSDEC and receiving written notice from the Town that no permits were needed from them at this time (The District assisted with both of these matters). Sumner questioned whether it was appropriate for the County

driveway permit to be held up on the basis of other potential permits or permissions that the landowner might be required to secure. While ultimately it benefitted the landowner to share his plans with these other entities, it may not convey a sense that the County is supportive of farming if obtaining permits for very basic activities such as a farm field entrance takes months to accomplish.

- Ferry requested to attend the Water Quality Symposium that is in March 2019. **2019-1-5 DeBlock made the Motion, seconded by Keeton, to allow Ferry to attend the 2019 Water Quality Symposium and to pay the fee of \$620.00 to attend. All in favor.**
- There is a Cornell Stormwater Management Training course in March and Extension said that they would comp the District if Ferry wanted to attend it.
- Ferry has completed over 100 Soil Group Worksheets this past month, most from the Town of Warwick. The NYS Comptroller is auditing exemptions in New York.

- **K. Sumner**

- There is a new program through our State Committee called Source Water Assessment Program which is an easement program focused on riparian areas in a water supply area. There is \$5 million available through the program and it is non-competitive.
- The field visit with State Committee staff for the Ag NPS RD 19 close-out has already happened and it's now going through the review process.
- Sumner is teaching a 4-Hour Sediment and Erosion Control course for the Local 17 Laborer Union on March 5th. Ferry will be assisting. The Board approved paying Ferry time-and-a-half or earning time-and-a-half leave at his choice for this evening session.
- The Monhagen Brook Watershed Plan is scheduled to be finished this week.
- Sumner has been working on Annual Reports while DeGroodt is working on the financials. All are due on February 15th.
- Sumner has been working on the District's policy review.
- Sumner received a call from a local farmer who was approached to take bio-solids. Subsequently we received a call from a consultant working with the Village of Washingtonville to find a land application market for their biosolids. They are using a process they claim makes the product 'odor-free'. Sumner explained our office's role in assisting farmers to tailor their nutrient applications to the needs of the target crop, and suggested that the company attempting to market the biosolids product seek knowledgeable assistance in developing material to allow their product to be accommodated into standard agronomic recommendations.

INTERAGENCY REPORTS

- **J. Heller/NRCS**

- Blake Glover is the new State Conservationist.
- Makayla accepted a position in California.
- EQIP RD 1 has 8-10 new approvals. RD 2 has 10-12 applications.
- Heller attended the NOFA conference last weekend.

Federal Programs Update: The Farm Service Agency has been on furlough for weeks. Due to the government shutdown, the Market Facilitation Program (MFP) deadline has been extended to February.

OLD BUSINESS CONTINUED

Sumner mentioned we will require legal assistance for some upcoming projects. He has been speaking with the Orange County Law Department about these needs. Preliminarily, they have indicated that one of their attorneys may be able to assist us with the Conservation Easement work that will be associated with future phases of the floodplain bench project. We still have the option of hiring Richard Hoyt to do the work. Wright suggested we accept help from the County but give them a deadline.

There was continued discussion on priority Wallkill flood control projects. These include Phase 2 South of the floodplain bench and the Celery Avenue Ledge project. The bench project is more 'reachable' since we have some dedicated funding in hand and the total costs are expected to be less than the costs of the Ledge project. Nevertheless, both projects have been on the priority list since the District Board and the Flood Steering Committee originally developed a list. The Board directed Sumner to more closely study the CRF funding opportunity and to make a decision as to whether the Ledge Project should be re-submitted for funding in Round 4.

(J. Heller left the Meeting at 11:12 AM)

There was a brief continued discussion on the tire project.

2019-1-6 Wright made a Motion, Keeton seconded, to add a Supplemental Life Insurance to the District's existing policy. All in favor.

NEW BUSINESS

2019-1-7 DeBlock made the Motion, Keeton seconded, to retain the current slate of Officers. All in favor.
The current office policies were reviewed. The only change to the prior year is the Sexual Harassment Policy.

2019-1-8 Wright made the Motion, Keeton seconded to renew the current policies and to accept the new Sexual Harassment Policy. All in favor.

The County is working on Director Appointments.

Employee 2018 Leave Summaries were reviewed by Directors.

The next **MEETING** is scheduled for **Tuesday, February 19, 2019 at 9:00 AM.**

2019-1-9 The Meeting adjourns at 12:22 PM on a Motion by Keeton, seconded by DeBlock. All in favor.

Minutes Prepared By:

Christine DeGroodt, Secretary to the Board

Wallkill/Black Dirt Flood Projects

Quaker Creek Channel Maintenance

Contractor worked week of 1/2/19. Completed south side from downstream limits (Wallkill) to Black Walnut Island Channel. He moved to another job after that, but plans to return to the Quaker project this week (1/21), and will continue upstream on the south side from BWIC to Quaker Creek Store (upstream project limit) before moving to the north side. The project is progressing on or ahead of schedule. Landowners have been cooperative with no problems or issues.

Floodplain Bench Phase 1 – Though this phase is mostly complete except for monitoring of the vegetation per permit requirements, land purchase/easement creation remains to be completed for the Barron Fields, LLC portion of the Phase 1 area. Though this is a small (less than 2 acres) portion of the Phase 1 project area, addressing this matter is necessary to bring full closure to this phase of the project. (The former Dean Ford property composes most (about 10 acres) of the Phase 1 area and all land purchase and easement procedures have been fully completed for this area.) There will be some costs associated with these matters that need to be budgeted for.

Floodplain Bench Phase 2 North – All construction and easement work complete. Project appears after more than a year to be functioning as intended. We are continuing to monitor vegetation and issue annual reports to NYSDEC.

Floodplain Bench Phase 2 South (owners – Pine Island Turf Nursery and Green Farmland, LLC)

New landowner (Green Farmland) has signed an Access License to allow for construction on their property. A grant secured in 2017 (CRF Round 1) has a balance of about \$60,000 that is designated for this project. The grant works through PITN who will hire and pay the contractor and then be reimbursed by OCSWCD. PITN is in the process of getting updated contractor proposals for the project. Although the low bid for the project in 2017 was \$260,000, I am hopeful that, with different requirements in the Construction Plan for utilization of the soil, proposals will be significantly less. The project will be bid with all excavated soil to be removed from the property to approved off-site locations. Additional funds beyond the grant will clearly be needed. I have had discussions with the County Law Department regarding obtaining their assistance with the legal/easement work associated with this project. They have preliminarily indicated willingness to assist. I would like to discuss this further with the Board.

Floodplain Bench Phase 3

This phase involves work on two meanders on the south side of the River opposite Phase 1. Its completion is crucial to the proper functioning of Phases 1 and 2. The area is entirely owned by Green Farmland, and is wooded so there will be a considerable amount of work involved in clearing before other construction activities can begin. The remoteness of the area will make utilization of excavated soil more challenging and expensive. Permit conditions call for the three phases of the Project to take place in separate construction seasons, so it is unclear if tree removal for Phase 3 could start in the next

regulatory 'window' allowed -October, 2019 – March, 2020 (assuming P2S is constructed in 2019). It is my belief that DEC would allow it as long as P2S is fully planted.

Celery Avenue Ledge Modification

No recent change in status. Fully permitted. Estimated cost difficult to predict due to unknowns associated with turbidity control and neighbor opposition. CRF 2 proposal for this project was unsuccessful.

Celery Avenue Tree Thinning

About ¼ of the ¾ mile project area was completed late last year using funding from the Federal Flood Control Project Maintenance Fund. We also completed all the work on the spring inspection report and much of the work on the fall inspection report and still only used half of the \$60,000 fund.

'Boulder Field'

The Board asked me to investigate this potential River channel ledge modification project at last month's meeting. I have discussed it with our engineering consultant who has provided me with a proposal estimating the cost of preparation of necessary reports and construction plans at \$8,000. He estimates a topographic survey would cost \$4,000, for a total design cost of \$12,000. I also made inquiry at DEC immediately following the December Board meeting. So far they have indicated a Flood Control Lands Use Permit would be required, but I have not yet determined what permits from other DEC divisions may be needed. Per the Board's instructions, I also drafted a letter to the manager of the Wallkill River National Wildlife Refuge and provided it to the Ruszkiewicz's for their review. John called me with concerns about the letter and I agreed to hold it until I heard back from him with suggested changes or other suggested actions. I have not heard back from John since that first call.

Numerous other potential flood mitigation projects for the region have been discussed. One that deserves near-term attention is continuation of the Floodplain Bench. Deriving the full benefit of this measure as predicted in the initial engineering reports requires continuing the Bench upstream from the currently permitted phases towards Oil City Road. This will require new permitting, environmental studies, etc. which will take time, so maintaining momentum on this important work would ideally include beginning these investigations as soon as possible.

Farm Tire/Secure Cover Project Update

After the Board's motion in December 2018 to allocate 2019's 'Part C' funding to the farm tire disposal project and after an article in the THR about the Project, a meeting was held at the County Legislature to discuss the project and other funding opportunities. Several potential sources were discussed, including the County IDA/OCFC. I completed an application to the OCFC requesting \$50,000 that is scheduled to be reviewed on 2/4. My understanding is that if this funding is secured, the IDA will need to pay the vendor directly. I continue to have difficulty determining the interest of vendors to collect the tires. Two

recognized vendors, Casings in Catskill, NY and Don Stevens Tire in Connecticut, have not returned proposals after numerous requests. At least one local recycler I contacted said he would accept tires for \$3/each, but they would need to be delivered to his location. It is difficult to progress the project at this time with the uncertainty of the how the funding will need to be handled. We have a keen interest in securing as much of the funding as possible from other sources so that our 2019 Part C funding can be used towards completion of one or more of the Wallkill/Black Dirt flood mitigation projects.