

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
June 18, 2018

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:08 AM. Directors J. Wright, P. DeBlock, G. Keeton, M. Kemnitz and P. Ruszkiewicz were present, along with K. Sumner, T. Ferry and C. DeGroot (OCSWCD).

2018-6-1 Keeton made the Motion, DeBlock seconded, to approve May's Board Meeting Minutes as amended. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – The surveyor who did the work on the Wawayanda subdivision submitted his invoice the day after the May Board Meeting. He called the District and requested payment be made before June's Board Meeting. The amount was \$3,500.00. The Board approved paying this invoice via email.

Vellenga Lawn Care was approved by the Board via email, to remove a tree in the Quaker Creek that was holding back water. There was discussion on paying Vellenga out of the money the County of Orange approved which will provide funding for the flood control maintenance of the Quaker Creek.

(J. Heller joined the Meeting at 9:14 AM)

CORRESPONDENCE

- Bank account statements from the District's banks were available for review.
- A Resolution was received from the County Of Orange that approved providing \$100,000.00 to supplement the District's 2018 budget by the County for the purposes of flood control maintenance of the Quaker Creek located in the Town of Goshen.
- A letter was received from New York State Soil and Water Conservation Committee acknowledging their receipt of the CRF2 Final Report and claim for payment.
- The District received the 2017 audit report from PKF O'Connor Davies.
- There was a Back to Basics tree planting workshop on June 1, 2018 at the SUNY Orange Devitt Center in Middletown, NY. This workshop was sponsored by the NYS DEC.

FINANCIAL REPORTS

2018-6-2 Wright made the Motion, Keeton seconded, to file May's 2018 Financial Report for audit review. All in favor.

At the end of the day last Friday, our Attorney finished preparing the paperwork for the Dean Ford closing on the Phase 1 Wawayanda subdivision. We had previously agreed to a purchase price on this property. We already paid the landowner for the conservation easement, so the amount on this month's Bills to be Paid represents the balance. The deed is in SWCD's name now. We created a new parcel from two parent parcels. DeBlock asked if the District will get taxed on this. Our attorney Hoyt thought we would be exempt but is not positive. **2018-6-3 Wright made the Motion, Ruszkiewicz seconded, to accept the Bills to Be Paid. All in favor.**

STAFF REPORTS

- C. DeGrootd
 - Assisted with the trees for tribs tree planting last Saturday
 - Worked on the proposed 2019 draft budget.

- T. Ferry

- Ferry mentioned that Vellenga's Lawn Care worked on items listed on the Walkkill Inspection Report.
- Some parts for the no-till equipment are on order.
- K. Sumner
 - Trees for Tribs went well last Saturday. Some girl scouts and one resident from the area assisted District staff with planting transplants, laying ground mats and putting up tree tubes along the Monhagen Brook located off of West Main Street in Middletown. Sumner mentioned that the deer had browsed some of the trees and shrubs already so he will be spraying them today with deer repellent.
 - After last month's Board Meeting the NYS DEC went and looked at trees along the Walkkill that District staff marked for potential cutting for flood mitigation purposes out at Celery Avenue between the ledge and Maple Avenue. Only a sample area of the reach targeted for thinning was marked, as a trial to make sure DEC would be in agreement. Sumner met with them out there as they were leaving and they said they were fine with what SWCD marked. Sumner is still waiting for the formal letter from Bill Rudge, the Natural Resource Director, saying the work needs no permits and is acceptable to DEC. SWCD asked Vellenga's Lawn Care for an estimate to complete work. A lot of the trees are up on a bench so will not be as expensive to remove as trees hanging over the River. The few hanging over the River will be more time consuming. Sumner is estimating a two week time frame to complete tree removal. The marked area represents less than ¼ of the entire area targeted for thinning. Our plan would be to complete all the work on the Federal Flood Control Project inspection report from this spring, then do as much of this more aggressive tree cutting with Project maintenance funds not expenses on the inspection report work.
 - Wawayanda subdivision Phase 1 – This was discussed earlier in the Meeting. Barron Fields, LLC was a much smaller portion of parcel, just over 3 acres. Barron is away and supposed to be back in July but we had previously agreed to a purchase price with him. We will do the closing when he comes back.
 - The RD 24 AG NPS Grant proposal has been released. The District sent out letters to everyone who had applied for round 23 asking if they'd like to be included in this proposal. The proposal is due back in August.
 - Silo covers update – photos passed out. Materials were delivered for the two projects that are being funded. Sumner ordered a load of pea gravel for one of the projects to fill the bags that hold the covers down. Gravel airs out quicker than sand. Sumner did some research on equipment to fill bags. One vendor had a product that can mount on a truck hitch or be mounted on a stand for around \$4,000.
 - E. Schellenberg from Cornell Cooperative Extension was unable to attend today's Board Meeting. He gave Sumner a written report that was passed out. Sumner mentioned that CCE has one more session for the Stormwater Training Series.
 - Kemnitz mentioned that the bottom branches of some White Pine trees in Monroe are dying off. Keeton said one reason can be due to airborne pollutants. Sumner suggested collecting samples so they can test if it's an environmental pathogen and to bring the samples to Cornell Cooperative Extension master gardeners.

INTERAGENCY REPORTS

J. Heller (Natural Resources Conservation Service) – Over the past month there was funding for high tunnels in the Hudson Valley that came through that has to be spent by September 30th. They were asked to spend \$200,000.00. Ten of the applications that came in are from Orange County.

Justin, their admin person, resigned.

Closing on another three easements in Warwick.

EQUIP 2019 is starting. They will begin meeting with landowners. Due in the fall.

There is a new engineer located in the Binghamton area. Their state structure changed so now their State Conservationist reports to a political appointee.

Forest Management – Historically they receive a few application every few years.

Passed out NRCS of the Future brochures.

(J. Heller left the Meeting at 10:10 AM)

- **2018-6-4 Keeton moved to go into Executive Session to discuss litigation at 10:10 AM, seconded by DeBlock. All in favor.**
- **2018-6-5 Wright made the Motion, seconded by Keeton, to come out of Executive Session at 10:52 AM. All in favor.**
- **2018-6-6 Chairman Wright made the following motion: Given that the District and its consultants believe the final payment offered to CFI for work completed on the Wallkill Floodplain Bench Phase 1 Project in the contract termination letter of April 28, 2017 was fair, accurate and appropriate, and that this payment was offered in the interest of reaching closure on the Project despite the large number of contract violations made by CFI that created extra expenses and hardship for the District and others, and that the only other circumstance with regard to contract disputes associated with this Project that the District believes warrants further attention is the cost of trucking unsuitable soil material from the Project site to approved receiving sites,**
- **The District Board directs the District Manager to work with the attorney assigned to this case by the County of Orange to calculate what they believe is a fair value for the cost of removing unsuitable soil from the Project site subsequent to the letter of October 17th, 2016 from Wendell Buckman to CFI, including what the cost would have been for CFI to remove the unsuitable soil with their own labor and equipment and within the parameters of the original Project contract, and to then provide a dollar amount to the District Board that they recommend be offered to CFI to resolve this issue. The Board further resolves that once this new final payment offer is developed and accepted by the Board, they desire for the attorney to present the offer to CFI and their attorney indicating that the offer represents the District's absolute final offer in the matter. The motion was seconded by Keeton and passed by unanimous vote of the Board. All in favor.**

OLD BUSINESS

Old business items were discussed under staff reports.

NEW BUSINESS

A discussion took place on whether it would be feasible to progress either the Celery Avenue Ledge Project or the Floodplain Bench Phase 2 (south side) this year. The Board wants the Celery Avenue Request for Bids to go out. Sumner will request legal review of B&L's contract/bid documents by the County Law Department. Sumner estimated the total cost of Phase 2 bench south side to be \$175,000.00. Part of these costs would be covered by a CRF grant from NYS that can only be used for this project.

Sumner reminded the Board that the Housing Trust Fund money runs out the end of September 2018.

-The Quaker Creek Tree Removal project was discussed. County Law is working on the RFB and Access Agreement. Sumner had asked County Law about seeking three proposals from local contractors, rather than following NYS competitive bidding requirements, to see if a bid below our Procurement Policy for Public Works projects limits is offered. The Board agreed that they thought this approach held the potential to get the project done more quickly and efficiently with the added benefit of keeping the money local. They advised Sumner to seek the local proposals as we wait for a decision from the County on whether they are comfortable with this approach.

- There was discussion on the District's proposed 2019 Budget which is due back to the County by June 29th. Two versions of the budget were submitted for Board Review. Version 1 is based on an assumption that the Celery Avenue project is done this year and the Bench P2S project is done next year. Version 2 is based on an assumption that the projects are done in the reverse order. The issue of cost of living adjustments was brought up by the Board. It was also discussed that the budget was developed with the costs for a second District technician position included, but due to the lack of qualified applicants with the skill set we are seeking, we have been using hired services to help fill in work demands. **2018-6-7 DeBlock made the Motion, seconded by Keeton, to accept Version #1 of the proposed 2019 budget with revisions to reflect a 2% cost of living increase for staff and anticipated grade/step increases, and to move expenses associated with the second District Technician to a hired professional/contractual services line. All in favor.**
- It was mentioned that there is still a vacant Legislator position on the District Board.

The next **MEETING** is scheduled for **Monday, July 23, 2018 at 9:00 AM.**

2018-6-8 The Meeting adjourns at 11:21 AM on a Motion by Wright, seconded by Keeton. All in favor.

Minutes Prepared By:

Christine DeGroodt, Secretary to the Board