

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
April 21, 2014

The Meeting was **CALLED TO ORDER** by the Chairman at 9:08 AM. Directors J. Wright, G. Keeton, S. Wong and P. DeBlock were present, along with K. Sumner, C. DeGroot and K. Brown (OCSWCD), J. Heller (NRCS) and John Ruskiewicz.

Keeton made the Motion, seconded by DeBlock, to approve March's Board **MINUTES**. All in favor.

CORRESPONDENCE

The Ag and Farmland Protection Board April Agenda and March Meeting Minutes were passed around.

The two new Directors have been officially appointed by the County Executive and Directors DeBlock and Wright have been reappointed. The Appointments and reappointments have been confirmed by the Orange County Legislature. All three non-legislature members are supposed to have staggered terms but both DeBlock's and Wright's expire on the same date, Dec 31, 2016. The County also still has DeBlock's old address down even though they've been told it changed. Sumner said we should try to get this corrected.

There was a brief discussion regarding the Financial Report for March. Transferring money between the Ag Grant accounts is time consuming and should be done in a more secure fashion. Wright asked if the District did online banking but was reminded that at a prior Board Meeting a past Director had an issue with it. Sumner suggested revisiting online banking and mentioned that the District already pays some bills online. DeBlock made the Motion to allow DeGroot to look into more options with the online banking and fund transfers and if it is quicker and easier to track funds this way, to allow the District to do this. The Motion was seconded by Keeton. All in favor.

DeBlock made the Motion to approve the Financial Report for March, seconded by Keeton. All in favor.

Sam Pollack joined the Meeting at 9:14 am.

STAFF REPORTS

C. DeGroot (SWCD) - There was discussion regarding the purchase of a new District laptop computer to install Quickbooks on. If a new employee is hired, a second computer will also need to be purchased. Wright asked if the County has a buying program that the District can utilize. Sumner said that we tried going through the County in the past to purchase computers and it did not work out. Wong suggested looking up computer reviews online. DeGroot presented estimates for two Lenova computers that ranged from \$500 - \$700 each. DeBlock made the Motion that allowed the District to pay up to \$1,000.00 for Quickbooks and a laptop, seconded by Keeton. All in favor.

Introductions were made to Sam Pollack. Sam is one of the landowner's along the reach of the Wallkill River where the 2012 tree cutting was done. Sumner presented a slide show to the Board which showed their walk on April 10, 2014. Sumner wanted Pollack to share his issues with the 2012 project. Sumner, Brown, Keeton and Pollack walked both sides of the river channel. Sumner gave some background info. The reason that they were down there is because there has been a general agreement that we need to do something to control the stump growth there so that stretch of the river can be more easily maintained. Previously there was extensive tree growth and benches on either side of a low flow channel. The growth on those benches, much of which has been cut down over the last several years, are Red Maple which readily re-sprouts. If there is not some kind of control then it will be back the way it originally was in the matter of a few years. The stumps cut in 2012 were cut too high, making it virtually impossible to maintain the area with any kind of conventional mowing equipment. The

consensus is there needs to be a project to cut stumps down to ground level that would facilitate a mowing program in the future and look at stump growth control. The first step is to find how many stumps are there and what the cost will be. Last week Sumner saw for the first time the damage done from the 2012 project. Brown explained that the stumps do not get pulled out of the ground due to erosion concerns. Keeton added that some of the stumps are 4-5 feet tall. Photos showed a lot of garbage and debris pushed over the banks as well as some beaver damage. There was a brief discussion that followed regarding the garbage. There was one picture with landscaping debris. Sumner said they are two related issues, although we are there to look at stump control, it would be nice to be able to ensure better housekeeping on this stretch of this river. There are piles of trees and debris everywhere, left behind from the County's 2012 project. The Contractor has to be careful when cutting stumps not to hit the debris. The stumps on the bench need to be cut low enough that tractor tires can get over them. Sumner said that it is his understanding that there was a subcontract where timber was taken by a company. Keeton added that this was all on private property without landowner permission.

Pollack said that he was not present when the project took place. By the time he found out about it, it was too late. Someone went on his property and stole trees and he said that something should be done to correct this. Now the SWCD District, who had nothing to do with this project, is working and paying to make amends. Wright said that it was a prior District Board Member that did this but the SWCD Board was not involved in it. The District is trying to find a way to rectify it. Pollack stated that Tom Pahucki explained to him that he (Pahucki) would clean up the mess. Pahucki further stated that the containers were to take the trees out. A question was asked, who paid for the project? Sumner said the SWCD was involved with planning the project. The DEC was okay with the project in concept but that didn't mean they condoned a project with public money without a contract and without landowner permission. There was an effort to get the County to appropriate money under emergency circumstances to cut the trees. An Executive Order was created appropriating money for the cutting. That happened on a Wed/Thursday. On Friday morning, Pahucki put the Executive Order on Sumner's table and told Sumner he wanted him to start the project this weekend and get as many of the trees cut as possible before the Town of Goshen finds out about it. Sumner told him he would not participate so Pahucki stated that he would manage the project himself. Pahucki verbally hired Suburban Excavating for the 2012 project because Suburban was willing to start the project without a contract. Sumner received a call from a County Law Dept. attorney several months later saying they have a contract ready and they needed someone to pay the contractor. They asked Sumner if they could send a check to the District and have the District pay the contractor. Sumner told the attorney that it was not the District's project. The Orange County Commissioner of Finance wrote the check to Suburban. Suburban Excavating left a mess on landowner's properties. He submitted a low price to get the job and then apparently sold the lumber to make additional money. Once he received his check from the County, he had no incentive to go back to the properties to clean them up.

Pollack stated that he will always participate in finding the people responsible for the garbage along the banks and he is glad the SWCD Board shares his concerns. Sumner has a proposal from Vellenga's Lawn Care in the amount of \$32,480.00 to clean up the piles of debris/trees on four properties. Pollack said he would not mind if wood chips are left behind but no tree tops or brush piles. He also gives the District permission to go on his property, while our current Board Members are in place, for future maintenance if his property is cleaned up. We do not have an estimate for the other side of the river. The Mitchell property was discussed. Mitchell and Maggio, another property owner on the Goshen side, were both very upset. Keeton said there were no contracts and no "before" photos taken of the properties. The 2011 project was a selective tree cutting project. It was a great project and the DEC Director, after the fact, told Sumner that we could have had more trees cut. We wanted another tree cutting project to be legal. We would have had a Scope of Work if it was our project. As it is, there was no Scope of Work on the 2012 project. That project had total disregard for the landowners. Keeton said it was outright trespassing, illegal dumping and theft of logs. M. Wong stated that maybe it would be possible for the landowners to get reimbursement for the lumber that was stolen. Additional discussion followed on the 2012 project. It has caused problems now with future projects with these landowners. Sumner said he is hoping to move along the stump cutting project on the Goshen side. He wants to do it before the growth starts. We need a few more access agreements signed. The contractor would like to start next week. He needs four weeks to complete the project. Sumner said we may need to hire an attorney to move along paperwork. There are 137 stumps along the Wawayanda side. The proposal is \$26,800 to cut them to ground level and remove. The 400

stumps on the Goshen side will cost \$33,500. We also need 30 yard containers that cost \$700 each. DeBlock said that she does not like the fact that we have to pay to recut stumps that were cut too high the first time around. Sumner said we will have to pay someone to go in and do it right. The Flood Committee expressed concerns at first that they did not want to spend money on stumps.

J. Heller left the Meeting at 10:25 AM.

Sumner said that we have agreements for 60% of the land on that side. He said that the County owns some of the property and we are trying to get a landowner agreement from them. The Directors asked Sumner to inform the Flood Committee regarding the work to be done on the Goshen side. Keeton made the Motion to approve stump cutting work on the Goshen side and use the Flood Control funds in the amount of \$33,500.00 to start immediately as long as we have the landowner agreements signed. DeBlock seconded the Motion. All in favor.

Sumner said that in order to expand the Wallkill Project into Pellets Island Reach, we need to go through the SEQR process because there was an intermunicipal agreement between the County and the four Towns. OC Law Dept. and the NYS DEC said that this triggers SEQR. We do not have the staff or expertise to do this process. The County of Orange is the lead entity in this agreement and the District works as their agent to manage the project every year. Sumner said we would not be doing any tree cutting or work on the landfill side.

STAFF REPORTS Cont.

K. Brown (SWCD) – Brown described various photographs of the Wallkill Project as they were shown. One photo was of a driller in which B&L subcontracted a drilling company to drill down ten feet and install water monitoring wells. Wendell, an engineer from B&L, wanted to study what the water levels do before we submit a permit application. Discussion followed on how the equipment worked. Sumner mentioned that one location had 8” of peat and then it went to glacial till and then blue clay.

Vellenga did some work on the Wallkill Maintenance project. Four sites were done, three on the Pochuck and one on the Wallkill. The DEC Wallkill Inspection is on April 30th.

Brown met with the surveyors for the Flood Control Project. They have not been back out yet.

The NYS NPS Ag Grant Round 20 Proposals were completed and sent in.

There are issues with Hudson River Tractor regarding the fertilizer augers on the old corn planter. The augers were not listed on the original proposal. They also did not do the fertilizer lids, which it needs. Sumner said we will purchase the augers and do the work ourselves. We are at around \$5,000 now, the augers will cost an additional \$500-\$1,000. L. DeBuck wanted soy bean cups for the planter and Ag & Farmland approved up to \$1,000.00 to purchase them. But they requested the District order them. Discussion followed regarding getting verbal approval from the County that they will reimburse the District for the soy cups. A Motion was made by Wong to buy the soybean cups providing we get verbal approval from the County that we will be reimbursed, seconded by Keeton. All in favor.

F. Barber (FSA) and J. Heller (NRCS) joined the Meeting at 10:49 AM.

Brown requested permission from the Board to attend the Conservation District Employees’ Association meeting on April 28-29. Keeton made the Motion for Brown to attend, seconded by DeBlock. All in favor.

Brown requested permission from the Board to purchase an updated Cropware program with an annual fee of \$300. She uses it for the Nutrient Management Plans for farms.

A Motion to approve all bills including Cropware was made by DeBlock, seconded by Keeton. All in favor.

INTERAGENCY REPORTS

F. Barber (FSA) – A 2014 Farm Bill Fact Sheet was passed around.

The Direct and Counter-Cyclical Program and the Average Crop Revenue Election program are repealed and two new programs are established: Price Loss Coverage (PLC) and Agricultural Risk Coverage (ARC). You have to plant the crop in order to get the subsidy. DeBlock asked if you have a corn base do you have to buy corn insurance? Barber said he did not believe so and that crop insurance requirements were not part of the protection. The Milk Income Loss Contract Program was eliminated. It is being replaced by the Dairy Margin Protection Program. The margin protection program offers dairy producers catastrophic coverage, at no cost to the producer, other than an annual \$100 administrative fee and various levels of buy-up coverage. Catastrophic coverage provides payments to participating producers when the national dairy production margin is less than \$4 per hundredweight. Producers may purchase buy-up coverage that provides payments when margins are between \$4 and \$8 per cwt.

NAP has been expanded to include buy-up protection, similar to buy-up provisions offered under the federal crop insurance program. Producers may elect coverage for each individual crop between 50 and 65 percent, in 5 percent increments, at 100 percent of the average market price. Producers also pay a fixed premium equal to 5.25 percent of the liability. The waiver of service fees has been expanded from just limited resource farmers also to include beginning farmers and socially disadvantaged farmers. The premiums for buy-up coverage are reduced by 50 percent for those same farmers. Grazing land is not eligible.

Farm Storage Facility Loan Program (FSFL) information was passed around. It provides low-interest (2 1/8%) financing for producers to build or upgrade farm storage and handling facilities.

Disaster program – Livestock Indemnity Program (LIP) – provides benefits to livestock producers for livestock deaths in excess of normal mortality caused by adverse weather or by attacks by animals reintroduced into the wild by the federal government. This program is retroactive to October 1, 2011.

Crop Assistance Program (CAP) – April 15 signup. Onion acreage reporting deadline is May 15.

J. Heller (NRCS) – A Cooperative Agreement between NRCS and Soil and Water was passed around. It was last updated in 1997. Heller described the responsibilities of NRCS and the partnership between NRCS and the SWCD. There was discussion regarding the multi-County Local Working Group and the Watershed Ag Council. NRCS manages a long list of practices that the District also manages. Heller used Cover Crop as an example. NRCS has Civil Right Policies that the District is required to follow. The Agreement discusses staffing and employment. NRCS has a required Civil Rights Training, which Heller taught last year. Discussion followed regarding Heller completing another Civil Rights Training for the Board in the future since there are new Board Members. When the USDA Service Center is providing space to the District, the District would supply services to NRCS. Heller said that we do this now. There is a section on liability. NRCS requested the Chairman's signature on the Agreement. Sumner mentioned he did not see the Agreement yet. This was tabled until the next Board Meeting. FSA pays the bills and then gets reimbursed by NRCS and Rural Development. Barber added that it is beneficial to farmers to have all of the agricultural agencies together under one roof.

OLD BUSINESS

Sumner said we needed landowner access agreements to do studies and collect data before undertaking any flood control project work. We will need another agreement for construction once project details are better established. DePalma, property owner along the Walkill, informed the District last week that they are putting their property up for sale.

NEW BUSINESS

None.

At 11:37 AM a Motion was made by DeBlock to go into Executive Session to discuss pending litigation, seconded by Keeton. All in favor.

The Board returned from Executive Session at 12:46 AM.

The **NEXT MEETING** is scheduled for Monday, May 19, 2014 at 9:00 AM.

The **MEETING** was adjourned at 12:48 AM on a Motion by Keeton, seconded by DeBlock. All in favor.

Respectfully submitted,

Christine DeGroodt
Secretary to the Board