

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
December 16, 2013

The Meeting was **CALLED TO ORDER** by the Chairman at 9:12 AM. Directors J. Wright, G. Keeton, M. Pillmeier and P. DeBlock were present, along with K. Sumner, C. DeGroot and K. Brown (OCSWCD), R. Baglia (CCE) and F. Barber (FSA).

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

CORRESPONDENCE – a) Copy of letter to Chris Pawelski from OCSWCD advising him of the copy costs associated with his FOIL request, as determined by the OC Law Department. Sumner explained that while he had to make hundreds of copies of emails and other documents for the Law Department to review to determine 'FOIL' ability, the Law Department advised us that we can only charge for the number of pages determined to be FOILable. We were also advised that we cannot charge for the staff time associated with responding to the FOIL request. In addition, the check goes to the Orange County Department of Finance, not to OCSWCD. B) Copies of emails between District Manager Kevin Sumner and OC Law Department attorney Kellie Lagitch and between Sumner and Pawelski regarding the FOIL request were presented for Director review. C) Letter from Columbia Gas Transmission to OCSWCD re: a gas pipeline project. Sumner noted that we do not generally get involved in review of pipeline and similar linear projects. d) An invoice from Barton and LoGuidice Engineers for the Wallkill Flood Mitigation project was circulated. E) Copy of memo from OCSWCD to Orange County Legislators regarding our request to have Pahucki removed from our Board of Directors. The memo notes that we were advised that the OC Law Department had determined that it was the Legislative Branch that had the power and authority to take this action, not the Executive branch to whom we had previously directed our request. F) Copy of our response to a 'Request For Information' from the reviewers of the Hazard Mitigation Grant proposals submitted in November, 2013. Our proposal requested \$6M for Black Dirt Flood Mitigation. G) Two letters of support were provided from this office to the City of Middletown for urban tree project grant proposals. Sumner noted that the support letters did not commit us to anything overly time-consuming, and that they reciprocated somewhat for a support letter provided to OCSWCD from the City for a Monhagen Brook improvement project grant proposal. I) Copy of Resolution No. 286 of 2013 from the Orange County Legislature. This resolution made official the County's commitment to reimburse OCSWCD \$26,000 towards the purchase of a new no till corn planter in 2014. Director Pillmeier was directly responsible for sheparding this action through the County. Appreciation was expressed to him from the Directors and staff, and he noted his pleasure in being able to assist the office with this program before retiring from the Legislature. J) Two copies of a contract between Barton and Loguidice Engineers and OCSWCD were presented for Director review. Sumner noted that he has been working with the OC Law Department on this matter and the only remaining issue in the draft contract was that B&L had not specified their rates for the entire contract period, and this version does provide 2014 rates. Therefore, Sumner recommended that we enter into the contract. Some discussion ensued on how the working relationship has been with this firm. At previous Board meetings, Sumner had expressed some concern with their responsiveness. Sumner stated that Project Manager John Condino informed him that he would be 'stepping down' and, though he would still be available to assist, Engineer Wendell Buckman would be our new primary contact person. Sumner and Brown both indicated that Buckman has been very responsive when they have worked directly with him. DeBlock asked what would happen if they don't do what they say. Sumner said if they don't do what is specified in the Work Plan that is part of the contract, that could be considered breach of contract. Discussion continued on next steps to move towards implementing top recommendations for the Flood Mitigation project, especially in regards to the proposed ledge modifications. B&L has been asked to prepare conceptual designs and a work plan for the ledge work to present to regulators. Sumner noted the Regulator Meeting summary prepared by B&L (previously distributed to the Directors). Although the summary was late in coming, it portrayed the reaction of the regulators (NYSDEC and ACoE) to the ledge and flood plain bench projects as favorable. This summary was forwarded to NYSDEC with no questions or concerns received, so we are hopeful that the projects will move forward through the regulatory process.

J. Heller, USDA-NRCS, joined the meeting at 9:30.

Wright made a motion to enter into the contract with B&L, seconded by DeBlock. All in favor.

FINANCIAL REPORTS and Bill Payment Approvals– A list of bills received since the last Board meeting was distributed to the Directors for review. DeBlock made a motion to pay all the bills on the list. The motion was seconded by Keeton. All in favor.

Pillmeier asked about taking no till income and putting it into an equipment replacement fund. Sumner noted that we used to have an equipment replacement line on the budget but we were having difficulty coming up with a balanced budget even without budgeting for equipment replacement, so for several years we have not shown any amount in this line. He said that we appear at this time to be in fairly good financial shape, unlike many years when we tend to have a cash flow crunch at the end of the year. He said he believes this is primarily because of the staff time income from the Flood Mitigation project that was not anticipated in the proposed 2013 budget. He thought we would be able to reserve some amount from our end-of-year carryover for an ERF, but cautioned that he believed a realistic annual equipment replacement expense given our current inventory was at least \$20,000. Sumner suggested making this an agenda item for the January meeting.

The **Financial Report** for November, which had been sent to the Directors for review previous to the meeting, was approved on a motion by Keeton, seconded by Pillmeier. All in favor.

Sumner made a couple of comments on the grants report that was provided to the Directors with the Financial Report. The Scotts Natural Award is complete and has been closed out. The Culvert Project field work has been completed and an outreach event was completed, but there is a remaining balance. This contract is expected to remain open into 2014. The contract supporting Green Infrastructure work at the 18 Seward Avenue Building and at Warwick High School is largely complete except for signage at both locations which staff are currently working on. Status of Round 15 is the same as reported last month, efforts are still being made to complete the Johnson project before the end of the contract period.

SWCD STAFF REPORTS

C. DeGrootd (SWCD) – Has been working on Soil Group Worksheets, a Workers Comp Claim, prepared invoice #6 for Wallkill Flood Mitigation funding, and is getting ready to do quarterly and final tax reports.

K. Brown (SWCD) – Worked on the RFI response for the Wallkill Flood Mitigation Hazard Mitigation Grant proposal. She also attended an Employee’s Association meeting in Binghamton.

K. Sumner (SWCD) – T. Vellenga barnyard project is complete.

The Monhagen Brook grant proposal, discussed at last month’s meeting, was submitted. \$47,000 in grant funds were requested through the NYSDEC WQIP, with \$15,666 promised as local match from OCSWCD, the City of Middletown, Cornell CCE and the OC Planning Department. Sumner noted that there have been some issues between the Campbell Plaza Management/owners and the City, but he was hopeful that this project, if funded, could encourage better cooperation between the various stakeholders for the benefit of the Brook. Plaza management is concerned that they are being blamed for litter/pollution much of which originates from sources beyond the Plaza property. Brown tracked down a Manager at the Shop Rite store there and got verbal support, but getting written support from the Plaza or businesses there has been less than successful. Making this project happen with the active involvement of all the stakeholders is expected to be a challenge, but given the impaired status of the Brook, it is difficult to overlook. Some additional discussion ensued about the condition of and discharges into the Brook.

County Farmland Protection Plan Update – Brown, DeBlock and Sumner are on the Committee. Two surveys

have been developed – one for farmers and one for the general public. Brown, DeBlock and Sumner pushed for questions on the farmer survey specific to dairy farmers. Sumner said he took the farmer survey and it took less than 15 minutes. He encouraged all in attendance to complete the survey.

Sumner got a call from biologist at DEC re: short eared owl trapping. They want to set up traps near Skinner's Lane (Black Dirt area). He gave her names of farmers and other landowners in that area.

Grass Pellet Project – There were some equipment wrinkles at Hans Persoon farm but they finished the pelleting job, and the Project donated some additional pellets to Hans as partial compensation for his time lost with the equipment breakdowns. Sumner helped arrange for a 'bridge loan' from the RC&D Council general fund to the Pellet Project until next NYSERDA grant payment is received. Overall, the Project continues to make headway.

On Nov. 20, Sumner was a guest on Bill Johnson's WTBQ agriculture radio show.

R. Baglia (CCE) – Culvert sizing project community outreach meeting took place at the Woodbury Firehouse on 12/2. The District is co-sponsoring this project. 22 people attended.

At the CCE annual meeting last week E. Diana and R. Golden were honored.

On January 15 there will be a program on bedbugs geared towards agency staff and pest control.

On 1/29 there will be a Nursery Greenhouse School (Orange/Ulster).

The storm water series begins Feb. 5.

There is no job description yet for the Equine/Livestock position.

F. Barber (FSA) – There is still no farm bill. They are still encouraging crop rotation and maintaining DCP cropland records. As a result of sequester – currently set up for payment reductions, FSA is anticipating a reduction on all payments, somewhere close to 5%. End of year – 1099G if you received under \$600 you won't get one, but still need to report income received from USDA programs.

COC Elections – resubmitted ballots Dec. 23.

RD has a value added grant out, it is highly competitive, 2/24 deadline.

J. Heller (NRCS) – Took 33 applications for EQIP this year. Had 1 organic. 3 were doing livestock. 20 irrigation contracts rolled over from last year. Heller answered some questions on irrigation eligibility. CSP is paid up, looking to sign up folks in the future.

OLD BUSINESS – Items were discussed under correspondence and staff reports. Sumner wants to schedule a Flood Committee meeting in January.

NEW BUSINESS –the re-organizational meeting, normally held in January, will be postponed until February to better ensure that our new legislature Board members are appointed and present. Policies are normally reviewed at re-organizational meeting. No policy revisions are anticipated at this time. The current set of policies will be provided to the Directors for their review in advance of the February meeting.

The **NEXT MEETING** is scheduled for **Tuesday, January 21, at 9:00 AM** (Monday is a Holiday).

A certificate of appreciation and small gift (from the staff and other Directors) was presented to M. Pillmeier for his many years of service on the SWCD Board and his continued advocacy for the SWCD budget and programs, particularly for Black dirt issues, County funding assistance for SWCD equipment purchase and replacement, more responsive management of the Walkkill Flood Control Project, etc.

The **MEETING** was adjourned at 10:27AM, on a Motion by Pillmeier, seconded by DeBlock. All in favor.

Respectfully submitted,

Christine DeGroot
Secretary to the Board
Kevin Sumner
District Manager