MINUTES

ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT

BOARD OF DIRECTORS

February 21, 2012

The Meeting was **CALLED TO ORDER** by the Chairman at 9:02 AM. Directors T. Pahucki, M. Pillmeier, D. Hulle, and G. Keeton were present, along with K. Sumner, K. Breitenfeld, C. DeGroodt and K. O'Dell (OCSWCD), J. Heller (NRCS) and Ford Barber (FSA).

CORRESPONDENCE

The District received a copy of a letter from Commissioner Darrel J. Aubertine sent to Assemblywoman Annie Rabbitt. He expressed gratitude for her support for the need to extend the Agricultural Community Recovery Fund (ACRF). The ACRF has been successful in employing critical financial and technical resources to ag producers for the recovery of ag lands following the devastation brought by Irene and Lee. Sumner mentioned that everyone that requested a time extension from Orange County received it, except for one producer we are waiting to hear back on.

The New York State Employees Association sent the District an invoice in the amount of $100.00 for the display booth at the State Fair.

Sumner handed out copies to all Directors of a letter from the Town of Goshen Building Inspector Neal Halloran regarding the Pellet's Island Project.

Pillmeier made the Motion, seconded by Keeton, to accept December and January **MINUTES**.

Keeton made the Motion, seconded by Pillmeier, to accept January's **FINANCIAL REPORT**.

SWCD STAFF REPORTS

C. DeGroodt (SWCD) – DeGroodt gave an update on the Tree and Shrub program. To date there are eleven orders. We have reduced the size of the program this year.

K. Breitenfeld (SWCD) – Breitenfeld gave presentations at Round Hill ES, Greenwood Lake MS, Chorley, Little Britain ES and Montgomery ES.

Warwick and Fox Hill have said that they will participate in the Envirothon this year.

The Earth and Water Festival is scheduled for Saturday, May 19, 2012.

Breitenfeld assisted with the ACRF work and attended a Quassaick Creek Watershed Alliance meeting. She also helped get materials together for the County's MS4 audit that is scheduled for Wednesday, February 22.

She has been working on Soil Group Worksheets, helped with an upcoming 4-hour Erosion and Sediment Control Workshop and completed Part C of the Performance Measures Report.

K. O'Dell (SWCD) - O'Dell closed out the Ag Environmental Management (AEM) Grant in December. Some of the ACRF flood work was charged to this grant. She is still working on AEM plans.

O'Dell attended an Employees Association meeting in Auburn last week and is currently working on a Nutrient Management Plan to send to the State Committee for review so she can get certified planner status.

O'Dell requested permission to attend the Water Quality Symposium March 13-16. Hulle made the Motion, seconded by

Pillmeier, to grant permission to attend. All in favor.

K. Sumner (SWCD) – The County MS4 Audit is tomorrow. Sumner said that D. Church from the Orange County Planning Department now has the lead on this. Chad Wade from the Planning Dept. is also working on it. The District will still provide support if asked.

Environmental Benefit Project – Revere Smelting and Refining (RSR), located on Ballard Road in Middletown, had to fund an environmental benefit project in the amount of $300,000 as part of some violations at their facility. There isn't a formal application to get funding. About three weeks ago Sumner received a call from the RSR's attorney. The lawyer told Sumner they had other projects they are looking at but that they might have $100,000. They asked the District for a more detailed proposal than what was submitted last June. A two part proposal was submitted. One part was to do some stormwater demonstration work at the community campus ($80,000). The other part was a project the NYS DEC suggested which was a local Trees For Tribs program which supplements what the DEC is already doing. We might be able to inherit the equipment purchased for this. Sumner received a call from the new Town Supervisor. He did not want to change Sumner's project proposal. In fact, he wanted to go after an additional $150,000. They submitted their own project application on Town letterhead along with Sumner's project proposals.

ACRF Close Out – It was over $900,000 and 10% of this was held back. Discussion followed regarding the 2012 budget and the end of month finances. We thought we could do final reports and get that 10% on each individual project that was completed but found out we can not receive the 10% until the entire 90% we received is paid out.

William Janeway, NYS DEC, and staff came here on February 1, 2012 to see the work done on the Wallkill regarding the cutting of live trees. They saw some of the tree cutting the farmers did on their own. Sumner showed them the Pellets Island reach and they are on board with what is proposed. Now the project needs funding and they also need to figure out how to handle the Town of Goshen issue.

Sumner passed around an aerial photo of Chip Lain's dike which is downstream from the DeBuck dike. Chip is willing to give up some land in order to relocate approx. 3,000 feet of dike. It would also require acquiring a few pieces of land to allow an access road to be built. Orange County is now able to apply for flood response grant funding (up to $500,000) from New York State. When the County found out about this opportunity, they made the decision to solicite proposals from all the local municipalities. They received over 28 proposals. Chip Lain's dike project was the Town of Warwick's single proposal.

Wallkill Annual Maintenance Project – Trying to rebid. Going back and forth with the County Attorney's office. Got them off of the lump sum bidding and back onto rate bidding. Still exploring whether we can officially do Best Value Bidding. Our auditors had no issues with our old contracts. Sumner is still sorting things out with Stacey Butler and working on establishing a time table for when this would go out for bid. If the project cost is over $20,000 we have to use competitive bidding. Pahucki mentioned that after the Wallkill Valley Drainage Meeting it was suggested that the Town of Goshen should put in an application remove trees. Douglas Bloomfield, the Town of Goshen Supervisor, told him that the Town does not want to do that. The Town's position is that if they put money in towards the project, they are liable. He called Pahucki last Tuesday and stated they'll put in an application for an Engineer to study what would happen downstream if trees are removed. Pahucki stated that it is untrue what Neal Halloran said in regards to Pahucki agreeing that cutting trees would cause more flooding.

Pahucki asked for estimates from contractors. It would involve clearing trees from high flow areas. For cutting of live trees, we are constrained from October to March to follow DEC guidelines. Suburban Excavating and C. Vellenga are currently looking at the project. Vellenga counted approx. 2,000 trees. He said it wouldn't be completed by March 31st, but he could get the bulk of it by then. His bid is $80,000. Suburban's bid is $33,500. Suburban thinks he can complete the project by the 31st. Most of the material would be left on the site as chip or firewood. Suburban has a market for the chip, Vellenga would probably leave the chip on site. Sumner wants a natural seeding put back down.

Hulle asked if Halloran has any engineering background. Keeton said that he did not think he had any qualifications. He is a Building Inspector so if he says we need a permit and we don't have one, he can cite us. The merits of a 'heavier footprint' (bigger equipment) but cheaper job, as opposed to a 'softer footprint' but more expensive approach to the

pellets island project were discussed. Keeton agreed with Sumner that there were good reasons to consider the 'softer footprint' approach, including both public perception issues as well as degree of disturbance required to complete the work.

INTERAGENCY REPORTS

F. Barber (FSA)- ECP funding was secured and allocated to New York State. The Farm Service Agency is in process of accepting applications.

The majority of applicants filled out applications back in September for Land Leveling, Ditch Digging and Debris Removal.

The lease investigation is on-going. Things are tight budget-wise.

NAP – There are new deadlines for when you have to report crops. They are not charging late fees because of this.

J. Heller (NRCS) – Emergency Watershed Protection (EWP) – They viewed some EWP sites. Some of the smaller municipalities had sites that were deemed unfundable by the program. Heller had a conversation with Pete Wright regarding the easement program. Pete said he has concern with making recommendations on black dirt. Heller invited Pete to come here to discuss ideas but he is unwilling to come down.

They have had twenty five signups with programs.

OLD BUSINESS – There was discussion regarding Breitenfeld's position. Sumner would like to see it advertised as a second technician position vs an education position, as it will need to be reimbursable. Her last day is June 29. Pillmeier requested that Sumner put something in writing to describe the position. Although it would be easier to pay the bills without a replacement, in order to maintain our current workload, we would have to rehire. Sumner said he would write something up before the next Board Meeting.

NEW BUSINESS – None.

The **NEXT MEETING** is scheduled for **Monday, March 19th** at 9 AM. The **MEETING** was adjourned at 10:37 AM on a Motion by Keeton, seconded by Pillmeier.

Respectfully submitted,

Christine DeGroodt
Secretary to the Board