

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

The Meeting was **CALLED TO ORDER** by the Chairman at 9:06 AM. Directors J. Wright, G. Keeton, S. Wong, P. Ruszkiewicz and P. DeBlock were present, along with K. Sumner and C. DeGrootd (OCSWCD), J. Heller (NRCS) and R. Baglia (CCE).

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

CORRESPONDENCE

There was an incident regarding the District's no-till seeder being used by a producer without permission. There was no rental agreement or insurance in place at the time of use. A letter was sent out to the producer outlining our policy and he has since paid the bill for using it.

It was also noted that an individual had made complaints that the District allows its equipment to be used in conventional tillage situations, and that this was improper. The individual also complained that the District 'forgives' no-till bills for users under 'financial hardship'. Sumner stated that there is no policy in place that states the District's equipment is for no-till only. He also noted that we have never, to his recollection, forgiven a bill for financial hardship reasons. In fact, he noted that a producer recently requested use of the equipment and that producer had an outstanding rental bill from several years ago, and we are requiring that producer to pay the old bill and pre-pay for the currently requested usage. A brief discussion followed regarding no-till use.

Notice was received from the NYS Soil & Water Conservation Committee that the District's two Ag NPS Grant Round 20 proposals were funded. There is a significant amount of money in these grants. The Wallkill River Watershed Farm Runoff Control Grant received \$145,610.50 and the Wallkill River Watershed Livestock Waste Runoff Control Grant received \$520,000.00.

The National Association of Conservation Districts (NACD) sent the District a request for 2014 Membership Payment. The Board tabled this.

NYS Homes and Community Renewal Contract – A time extension request was submitted to extend the grant to December 31, 2015 but they granted an extension to July 31, 2015. In order to execute the extension, the approval letter must be sent back with the Chairman's signature. Sumner noted that we will need more time than the current time extension provides, so we will need to request an additional time extension at the appropriate time.

The District received an Orange County Legislature Resolution No. 157 of 2014 regarding proposed amendments to the Clean Water Act, largely driven by the Orange County Farm Bureau's comments.

A letter was received from the NYS DEC regarding the SEQR Lead Agency Designation. This letter is in response to the Orange County SWCD's notice that was dated 6/6/14 requesting SEQR Lead Agency Status for the Wallkill River Flood Mitigation Project. The DEC has no objection to the SWCD assuming lead agency status for this project. There are, however, permits that the District has to comply with such as a Flood Plain Plan Development Permit for the Towns of Goshen, Minisink, Warwick and Wawayanda.

A Notice was received from the Department of the Army, New York District, Corps of Engineers regarding the re-issuance of Regional General Permit NYDGP-15 authorizing activities in waters of the U.S. to facilitate the remediation of sites that are damaged from major storms that result in a Federal and/or State disaster declaration storms.

FINANCIAL REPORTS

DeBlock inquired about the Taylor Recycling bill. Sumner said it was the bill for the containers for the stumps for the Wallkill Flood Project.

Sumner mentioned that riverbank grass seed was purchased for approx. \$500.00 and half of it was used on the Stump Project, the other half will be used on the Wallkill Maintenance Project.

A bill in the amount of \$1,500.00 from Vellenga's Lawn Care for brush hogging he completed (before the Stump Cutting Project) was added on the Bills To Be Paid list.

Vellenga's Lawn Care's second half of his Stump Cutting Project payment, in the amount of \$16,750.00, was added to the approved bills to be paid.

Rob Schreibeis, County Executive's Office, called Sam Pollack regarding the 2012 Tree Cutting Project. Pollack told Schreibeis that he wanted to speak with Sumner first before working with Schreibeis. Schreibeis wants to repair the damage from that project but Sumner said it will cost approx. \$30,000.00 to remove the piles of trees and debris. Pollack has not yet called Sumner to follow up on the Schreibeis phone call.

Sumner was subpoenaed by Michael Sussman's law office. They are requesting paperwork because there is a suit being brought by a group of landowners against the County of Orange, the Town of Goshen and the NYS DEC. There are three pages of requested items they are asking us to produce. Sumner opined that the County may have actually done more work than was required. Their contractual obligation is to do work associated with the Flood Control Project area ends at Maple Avenue Bridge. Money was appropriated to do work downstream from those project limits. Joe Mahoney is the lead Attorney on this. Sumner was supposed to get deposed Thursday, July 24th but Mahoney had this date postponed. Sumner needs time to produce all the documents they are requesting. Mahoney is coming to the District office on July 30th to talk to Sumner. Sussman's office sent Sumner a check in the amount of \$75.00. He called Sharon at the OC Law Department to find out what to do with it and she said that was a question to ask Joel Kleiman.

Sumner noted there were updates on the Grant Report Summary. There was progress on the Wallkill Flood Project. We received the survey information from our local surveyor and gave it to the project engineers so they can start working on detailed designs that we can present to regulatory agencies and contractors.

DeBlock made the Motion to approve June's Financial Report and the payment of July's bills, seconded by Wong. All in favor.

STAFF REPORTS

K. Brown (SWCD) – Staff report was passed around for Board review. See attached Board Report.

K. Sumner (SWCD) – We submitted our budget pack to the County Budget Analysis and there are there are more questions than usual and some unresolved issues.

There will be a Grass Pellet Demonstration on August 12th at the Gill Farm. Approx. 100 people were invited. NYSERDA requires this demonstration as a grant deliverable and they will also send people. Also hoping this could lead to a home base for the equipment and that it can function in an educational capacity.

We surveyed the Newburgh Town Hall site where we are going to install two stormwater demonstration practices. Sumner is working on the designs.

Sumner is working on soils evaluations for the Ag & Farmland Protection Board for PDR proposals that were presented to them. One property is in Warwick and three for the OCLT for the Towns of Chester, Cornwall and Hamptonburgh.

INTERAGENCY REPORTS

R. Baglia (CCE) –The 4-H Showcase was last week at Bergen’s Farm.

4-H projects are displayed at CCE.

A Christmas Tree Twilight Meeting was held in Ulster County on July 9th with approx. 20 farmers attending.

Estuary and Watershed Resiliency Project – There is a sea level rise program group this Thursday in Newburgh.

On August 4th there will be an IPM In-Depth Program.

CCE Horticulture Field Day will be on August 5th.

There was discussion regarding the loss of some CCE specialists in the Agriculture Department. Some traditional positions may not be filled with a new educator statewide. To fill the needs of many counties that do not have specialists and staff to cover grower needs, Cornell has supported development of a regional team called the Eastern New York Horticulture Team to address graver needs and education in the areas of fruit and vegetable crops. Cornell Cooperative Extension Orange County is part of the regional team as are most of their local CCE counties. Our vegetable educator will be working as regional team members and for Orange County locally.

In the beginning of September they should be getting a full time GAPS person.

J. Heller (NRCS) – NRCS is still obligating their year 2014 contracts. It’s difficult to manage the 2014 contracts that have summer practices.

Seasonal High Tunnels – going up from previous contracts and some of the newer ones that are being obligated.

Agricultural Management Assistance - Heller was able to procure additional money for irrigation. It was originally \$170,000.00.

Conservation Security Program – They are working on 2010 renewals and taking 2015 applications.

They are transitioning into a new format. Kathy Capella is the new Southeast Team Leader.

Robert Merrill is resigning. His last day will be August 8th.

In August they are doing a light review of contracts. Last year there was a review and problems were found in the old contracts.

OLD BUSINESS

There is an effort to extend the Wallkill Flood Control Maintenance Agreement (MA) further downstream. There is an existing easement but there is the question of how far does it go from the center of the river and who actually has rights to the easement. DEC’s real property people were supposed to look at it and get back to Sumner.

Sumner said that according to discussions last year involving the DEC and County Law Department, we will be required to do a SEQR review before amending the MA.. Sumner asked the legislators if they thought we could

ask one or more of the County's departments with experience in conducting the SEQR process to help with this, in the interest of moving forward the MA area expansion. Wong and Ruszkiewicz agreed to look into it. If the area was expanded, it would become part of the work this office manages with the current Wallkill Maintenance Project. Past discussions with the MA partners included increasing the Wallkill Maintenance Contract's \$60,000.00. An increase of \$10,000 was discussed. The four towns who are party to the MA and the County would have to approve it.

A brief discussion followed regarding treating the stumps that were recently cut on the Pellets Island reach of the River. Some are expressing an interest in treating the cut stumps but Sumner feels we can control the growth with mowing.

RSR Mitigation Project - The NYS DEC wants to have RSR fund an EBP project developed and submitted by the District on behalf of the Orange County Water Quality Coordinating Committee, but the DEC's contract documents have the money going to the Town of Wallkill. The Town Supervisor had his lawyer draft a separate contract/agreement providing for transfer of the funds from TOW to the District and Sumner is not pleased with it. He described the contract to the Board. The contract requires pre-approval on all equipment purchases, Town Board review/approval of all expenditures, and that the Town can use the equipment whenever they want to and that we would have to deliver it to them. Sumner received the draft Agreement on July 8th and he sent it back on July 9th with revisions that would make it acceptable for him to sign. He has not heard anything back yet.

Technician Position – The District is holding off on hiring a new technician until after the budget hearing. The current position has been vacant for quite a while.

Brief discussion followed regarding the budget. The modest appropriation the District receives in relation to the overall County budget and outside funding brought in by the District was discussed. Our budget hearing is August 14th at 2:00 PM at the County Executive's office.

Cooperative Working Agreement between the USDA NRCS and the NYS Soil and Water Conservation Committee and the OCSWCD - Sumner reviewed the Agreement and added an Attachment "A" to it which describes what work the District already does to support NRCS. Sumner added that the District is helping NRCS achieve their mission. Sumner recommends sending this Agreement back with the Attachment "A" to get NRCS's reaction to our proposed attachment.

Keeton made the Motion, seconded by DeBlock to send it back with the Attachment, and to sign the agreement if NRCS accepts the additions/revisions.

Heller excused himself from the Meeting at 10:57 AM.

NEW BUSINESS

Although our current contract/agreement with B&L continues through August 31, 2014, the funding cap in the Agreement has already been reached.. Sumner prepared a new draft contract/agreement and sent it to B&L for their consideration. Right now they are working in anticipation of a contract.

Integrated River Solutions (IRS) Bill – Sumner said Doug DeKoskie (IRS) is a valuable addition to the Flood Project consultant team. He is a River Restoration Specialist, a sub-contractor to B&L. However, he had not billed for his work going back to March, 2013 until very recently. B&L is supposed to bill us monthly. The IRS bill is over \$12,000.00. B&L has not yet submitted an invoice to us with this bill on it. Keeton added that he has been invaluable. DeBlock stated we should only pay ½ of the bill. Wright asked what was B&L's position on this and what would our auditors say. Sumner said it's not our responsibility to remind B&L of the terms of their contract. The Directors are in agreement to have Sumner talk to B&L to negotiate an acceptable apportionment of this bill. Keeton suggested to go back to the date that corresponds to the start date of our current contract and

any hours submitted by Doug after that we would pay. Sumner said we will have to figure out what amount we are responsible for. Sumner noted our Procurement Policy and the need to keep its terms in mind. Wong made the point there could be additional sub-contractors and it's B&L's concern. We fulfilled our part of the contract. Keeton added that the District kept asking for updates every two weeks (which is in the contract). Sumner said that Wendall from B&L tries to give an update every two weeks. He also felt that B&L and the sub-contractor should spend their time to re-write the contract with the \$ increase and they should not charge us for the time they take to do this.

A Motion was made by Keeton to sign the conservation plans and contracts associated with the Round 20 Work Plans, as well as the Base Funding-Strategic Plan Implementation contract, seconded by Ruszkiewicz. All in favor.

The **NEXT MEETING** is scheduled for Monday, August 18, 2014 at 9:00 AM.

The **MEETING** was adjourned at 11:34 AM on a Motion by Wong, seconded by Keeton. All in favor.

Respectfully submitted,

Christine DeGroot
Secretary to the Board