

**MINUTES**  
**ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS**  
**November 18, 2013**

The Meeting was **CALLED TO ORDER** by the Chairman at 9:09 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).

Wright would like to amend the October Minutes under “**Additional comments on the Stump Grinding Project**”. The sentence that reads “The Flood Committee already had reservations about spending the \$2 million on the stump project but the SWCD Board gave the okay” will now read “ The Flood Committee already had reservations about spending any of the \$2 million on the stump project but the SWCD Board gave the okay”. Pillmeier stated that he would like the same paragraph but on page 3 amended. Where it said “Pillmeier said “no” because it’s beyond the Maintenance Agreement portion of the river” it will now say “Although this is within the Maintenance Agreement area, it was unclear what permits would be needed”.

Keeton made the Motion, seconded by DeBlock, to approve October’s Board **MINUTES** as amended.

**CORRESPONDENCE** – A donation request was received from The Groundwater Foundation. Wright asked what they did and Sumner responded they deal with general education about the value of groundwater and how to protect it. No action taken by the Board.

The second item under ‘Correspondence’ relates to a development proposal within the prison grounds down in Warwick. It’s an email that Sumner received from Ted Fink with the subject “Warwick Valley Local Development Corporation Subdivision”. Sumner is assuming that they need to split off a few parcels to help generate revenue to keep the redeveloping of that area moving forward and he thinks most people are in agreement that it’s desirable to reuse that area. The District received correspondence about this because there are some Prime soils on it and in the SEQRA review the DEC recommended that the Town come to Soil and Water. Sumner already responded to the email. He reviewed the “Impacts on Agriculture” and verified by referencing our soils information that Hoosic soils will be impacted. And although there will be impacts to agriculturally suited soils, the overall community benefit expected from the redevelopment of prison lands, and the potential for other agriculture industry support from this redevelopment, cause us to indicate no opposition to this proposal.

The Goshen Chronicle Newspaper printed an article in their paper regarding Hudson Valley Grass Energy. The article discusses the demand for grass pellets and the pelletizer project. A Board Member mentioned seeing a ‘Pellets For Sale’ sign. Sumner said the sign is for our pelletizer and that Bob Thomas puts it out by the road to generate interest. Two farms recently worked on in Orange County, VanDerwert and Persoon, have purchased multi-fuel stoves. Persoon bought a U.S. Stove brand from Tractor Supply which is one of the low end brands cost-wise and VanDerwert bought an Enviro stove, a high end brand that costs around the \$4,000 range. Both intend to use grass pellets. The Project Manager, Bob Thomas, has been talking to the Fire Comfort Heating Dealership in Goshen and they are interested in the project. Gary VanDerwert had said he was happy with the pellets he made on his farm. There were a few more break downs at Persoons. Pillmeier asked what type of product are they using to make the pellets. Sumner said mulch hay. Overmature, coarse and rained on hay is good to use. It costs \$75/ton to use the pelletizer to turn hay into pellets. Another Pellet Project grant proposal went out last week for \$15,000.00. Currently the project budget is down below \$2,000. Discussion followed regarding the cost of parts for the pelletizer when it breaks down and the time frame to do repairs. Sumner stated that we need to develop a strong market for pellets. Pillmeier asked what happened to the Town of Warwick DPW garage. Sumner said as far as he knows, they are still committed to installing a biomass heating system in there with radiant floor heating. Barber asked what the shelf life was on the pellets. Sumner said they can last up to two years in the correct conditions. They store them in one ton supersacks or 50 lb bags.

The District received a Notice from Trident regarding our Auto Physical Damage Deductible, it will increase from \$250 to \$500 at the beginning of 2014.

The Agricultural and Farmland Protection Board October Minutes and November Agenda were passed around. The corn planter was discussed in their 'Other Business'. They allocated \$7,500 to help with the purchase of the planter.

Sumner passed around an outgoing correspondence from the District to Susan Whalen, OC Law Dept. and David Church, OC Dept. of Planning regarding the corn planter purchase. Sumner had received a call that the OC Law Dept. was working on this and trying to get it moving forward but they wanted a memo justifying how the corn planter fits into the Mission of this office. Sumner provided this as well as documentation that we went through the competitive bidding process. He has not heard back from them yet. Discussion returned to the Ag & Farmland Protection Board Meeting in October. The District is planning on going to November's Meeting and providing information on the No-Till Program. Sumner mentioned if rental rates were raised significantly, it would not be affordable for the farmers. The corn planter is a service to the farmers and a conservation program. Sumner stated the Board agreed in concept to bump up the rental rates a little but no price was ever established.

**FINANCIAL REPORTS** – As approved at the last Board Meeting, a line was added to the Dedicated Funds Account Summary for an Ag Grant Contingency Fund. \$5,000 was moved into this fund.

J. Heller (NRCS) joined the Meeting at 9:37 AM.

Pillmeier asked how the Ag Grants work. Sumner explained that the farmers hire someone to do the work or do it themselves and are reimbursed 75% of the costs. The projects have to show water quality improvement or soil erosion/prevention/reduction.

The **Financial Report** for October was approved by Keeton, seconded by DeBlock. All in favor.

Sumner mentioned that for grants that are close to closing out, we are going to note the projects that are not being completed. Sometimes it's out of our control. Round 15 is closing at the end of this year and although the Distelburger and Watson projects are not getting completed we are hopeful that P. Johnson's project will be.

A list of bills to be paid were presented to the Board for approval. Sumner read them off. Bills approved: Ruskiewicz Farms for Round 17 Cover Crop-\$1,740.00, Staples for misc. office - \$172.82, NYS Employees Health Insurance -\$3,630.31, Steven Bogdanski for RD 17 Cover Crop-\$900.00, M&T Bank for misc purchases (credit card statement with receipts were passed around) -\$2,324.83 and CPESC for Sumner's renewal-\$100.00. A bill from B&L was presented in the amount of \$3,493.50. The District has not received any reports yet and still do not have a signed Contract. A Motion was made by DeBlock to not pay this bill, seconded by Keeton. All in favor. Sumner mentioned that Cover Crop is a \$20/acre standard payment for three years and is not meant to be an on-going cost-share. Brown mentioned that at some point in the future the Board will need to decide on a rate to use for our next grant request to make it more of an incentive practice. NRCS Standard rates are now around \$85/acre. This is for material, tractor, operator, etc. Heller mentioned that NRCS is looking at multiple species planting under the Soil Health Program. It's no longer called Cropland but Soil Health. So if landowners are willing to plant multiple species of cover crop it will pay around \$85/acre. One drawback is the strict adherence to planting dates and a lot of producers had an extended growing season this year so they weren't able to get paid on a lot of acres that they planted. Brown added that there is a downfall to using the NRCS program for cover crop. She said if a producer gets paid his first year but he gets a late harvest the second year or just does not plant, she was told that they could have to repay the money they received the 1<sup>st</sup> year. Heller said he was not aware of this happening in our area. A Motion was made by DeBlock to approve the bills for payment, seconded by Keeton. All in favor.

## **SWCD STAFF REPORTS**

**C. DeGrootd (SWCD)** – DeGrootd mentioned that all paperwork was finalized to switch DeBlock over as our new Treasurer.

A Voucher in the amount of \$87,617.50 was sent in for Ag NPS Round 19.

**K. Brown (SWCD)** – On October 24<sup>th</sup> Brown attended a SEQRA class at the Dutchess County Farm & Home Center and learned about the application process.

On October 25<sup>th</sup> she attended a meeting at Orange County Legislative Chairman Pillmeier's office regarding the HGMP grant application. The District updated the Town Supervisors on the maintenance work. The deadline for this grant was October 31<sup>st</sup>.

There was a meeting between SWCD and Maloney and staff at the District office on November 4<sup>th</sup>. The District wanted to know how things went with HGMP and is hopeful if it doesn't get funded that we can apply through the CDBG-DR grant program. Anything that is not funded under HGMP may still get funded under this new grant.

On November 6<sup>th</sup> there was a meeting at SUNY Orange with Joe Zurovchak, Ed Helbig, Sumner, Brown and R. Baglia regarding the Monhagen Brook Initiative.

The Lower Hudson Coalition of Conservation District and Conservation District Employees Association Meeting was held on November 15<sup>th</sup> at the Orange County SWCD office.

Brown has been working on Cover Crop payments and preparing information on the corn planter for the Ag & Farmland group. There was also construction at T. Vellenga's farm.

Brown asked permission from the Board to attend the Conservation District Employees Association meeting in Binghamton on December 12-13<sup>th</sup>. The Directors approved her request.

**K. Sumner (SWCD)** – Sumner previously notified all of the Directors by email that Richard Franke resigned from his position as District Technician. He accepted a job that had NYS retirement. Sumner stated that we have looked into state retirement and Brown said that only 3-4 Districts in NYS do not have retirement for their employees. Sumner has not looked into rehiring yet and probably won't until after the 1<sup>st</sup> of the New Year. Wright said that we worked on the pay scale to get it to where it should be but at some point we need to discuss retirement and do what everyone else is doing with some kind of better benefits. Sumner said one option is to be more generous with our IRAs. DeBlock asked if there was any kind of training that can be offered to new employees, something to teach them how to save their own money for retirement. Wright said that he hates to mention it but the District's full benefit package is still nothing like what the average County or State employee receives. It was mentioned that maybe it's just a coincidence that two new employees both resigned after several months on the job as Technicians but Wright added that it was actually three employees. Wright would like to discuss this again in the future.

Troy Vellenga aka Crestline Dairy before and after project photos were passed around. Photos show a Vegetated Treatment Area.

Pictures of the Warwick High School Bioretention Basin Planting were passed around. The planting was completed by District Staff and students from the High School.

SUNY Newburgh Rain Garden construction photos were also passed around. Cooperative Extension, Master Gardners and SUNY staff did the planting, which was completed last Thursday.

The Monhagen Brook Initiative - We are trying to get something started to do a comprehensive watershed planning initiative similar to what we did on the Wallkill years ago. A separate grant proposal has to be out the door by December 12<sup>th</sup> to do some work along the Monhagen Brook behind the Campbell Plaza. That plaza has 1,800 feet of frontage along the Brook. There are a lot of impacts such as garbage, soil erosion, dumpsters, parking lot runoff, etc. It seemed like a good place to start. We've managed to get a support letter from the City of Middletown and have verbal support from the Plaza Manager, who is actively trying to get a letter of support from the Plaza owners.

The Legislative Budget Hearing on October 28<sup>th</sup> was uneventful. Our budget passed.

Sumner mentioned there still needs to be signage put up out at the Warwick HS Bioretention Basin and at Cornell Cooperative Extension. Baglia said she will follow up with Debbie Lester on CCE's signage. Sumner said that the Warwick HS is working on designing their sign. He said they also used their own water truck to keep the plants watered.

Sumner said he is still working on a low flow crossing across the Indigo Creek at George Vellenga's. The materials that we want to use on his crossing are around \$13,000 and they have to be made to order and there is a 4-6 week lead time so if we order them now (conditions are perfect) someone has to front this money. The landowner doesn't want to, neither do we. So we're trying to figure out how to make this work. DeBlock asked that if the farmer could front ½ could the District front the other ½. Sumner stated that the new contingency account could potentially be used for this. The Board agreed to front ½ as long as the farmer does.

The District completed a dam pond design for Applewood Orchards five years ago. It was a big job because we had to get approved by the dam safety division. The District did the design and got them their permit and when they started talking about building it, the District encouraged them to hire a private engineer to oversee the work. Our engineer would have wanted us there 24/7. The construction started last week. Even though we are not responsible for construction oversight, Sumner has been receiving calls from the contractor. Sumner said it's an 8-10' dam. The pond will have a principle spillway and a precast concrete box riser that's approx. 30" x 30".

Sumner spoke with the Town of Warwick Assessor last week regarding Soil Group Worksheets. He explained to her that we do not determine eligibility, especially on rented property. If you're an owner/operator you can pretty much get an exemption on the entire parcel except for your homestead. If you are renting to someone else there is a lot of gray area. Sometimes we get people that have a hundred acres of woods and we explain to them that the woods are ineligible for an ag exemption in a rental scenario but if they tell us that it's ag land, we're not going to tell them they can't claim it. Different Assessors may take different acreage off for homesteads. The Assessor was upset that we told people to contact her to find out how much to take off for their house. The Assessor said she had an issue with a person that had all woods but filed for an ag exemption. It says on all of our forms that Ag use is determined by landowner, not by SWCD staff. Our only job is to grid out the soil types. It's not our job to determine eligibility, that is the Assessor's job.

**R. Baglia (CCE)** – There is a Culvert Sizing Project Meeting on December 2<sup>nd</sup>. It's a 2-hour program in Woodbury at the firehouse. They'll give info. on their project and the data they collected. The District is co-sponsoring this project.

The Master Gardeners are doing their Wreath and Tree Program sometime in early December.

The Annual Meeting will be on December 9<sup>th</sup> at the Orange County golf course. There will be a special recognition for Edward Diana.

CCE has not moved forward yet on Audrey Reith's position.

Sumner asked who is the representative for Ag & Farmland. Baglia said it's Maire Ulrich.

**F. Barber (FSA)** – The new payment reductions could occur with the 2014 programs for all of FSA’s programs with the exception of Conservation Programs. Last year they shifted whole deduction to the DCP program. They do not have a farm bill. MILC is not currently reauthorized. They continue to take acreage reports so that producers remain conservation compliant and eligible for programs.

There are nationwide cuts to state level staffing. New York State had to cut ten employees. Eight of them are gone and two more to go. Some offices are being closed. Some offices are staffed by one person. Dutchess and Orange may go to shared management. Sullivan shifted to Delaware.

The southern tiers are growing specialty crops. This area continues to lose representation. Barber is going to cover Dutchess part-time, on a temporary basis.

The County Committee Election ballots were printed incorrectly. Washington DC caught it after they were sent out. New ballots will be sent. The current committeeman will have his term extended until elections. Phil Johnson and Sharon Owens are running for this seat.

**J. Heller (NRCS)** – WRP is not authorized at this time. So NRCS can’t take applications on this despite that many people are interested in it. Land is valued at an individual appraisal. With the individual appraisal process Heller is working with a biologist to see if there is a way NRCS would entertain using soil types to address concerns about land values being exploited.

The Wildlife Habitat Incentive Program will probably be phased out. It looks like the practices will be rolled into the EQIP program.

2014 signups – they took around 27 applications. They had quite a few organic producers sign up.

They had an opportunity to request additional funds outside of their traditional funding stream. They are looking at getting irrigation funded. They’ve had some good applications come in.

## **OLD BUSINESS**

**HGMP Grant** – The District was able to get this grant out the door in time but was disappointed to hear from Maloney staff that it may be deemed ineligible because it’s addresses primarily ag land. We may be able to use the same information for the next grant proposal (Community Development Block Grants). Maloney staff said there is still a possibility that it could get partially funded. The District has not heard back regarding this grant yet.

The Project Manager at B&L asked Sumner what should they be doing now. Sumner told them to move along conceptual designs for the priority projects: the rock ledge removals and the flood plain benches. Sumner will call them again today. They hinted that we will probably have to do groundwater monitoring wells to verify what impact we will have on the water table near the ledges. Wright said to mention to them that the Board is concerned about their progress and that we are discussing switching engineers. Keeton said that we have to find out from DEC where to put the wells and also to find out which direction is the water movement? They may also need ground penetrating radar to figure out how the ledge moves across the land and at what angles. Sumner suggested they set up some work products that this Board would like to see by the next Board Meeting. We have our priority projects identified, to have the three ledges notched out and to extend the channel. It could be the time to go to a new Engineering firm.

**Black Dirt Flood Control Project Update – Stump Grinding Project** – The District has not gotten back to this project yet. We are down on staff since Rick left. It’s a project that will take a lot of time. Keeton suggested tabling this until the 1<sup>st</sup> of the year and then if we can get permission, do it. Wright said it’s not Priority #1 at this time.

Wallkill Flood Control Maintenance Update – This was discussed earlier in the Meeting. Sumner mentioned that the District and Town Supervisors try to meet at least once a year on this, sometimes twice.

Director Removal – The District sent a second letter to the County of Orange and it requested their response by November 1<sup>st</sup>, which was not received. Sumner received a letter from Kristen Jensen, County Exec's office, asking about Pahucki's term expiration date. Sumner asked the Board if we should take any further action. DeBlock wanted to add that she made the Motion at the last Board Meeting to have him officially removed from the Board and that it was due to despicable and reprehensible behavior over the past few years and also malfeasance. She wanted to explain this in more detail this month as to why she made that Motion last month. Wright found it disturbing that the County did not respond. DeBlock does not want to amend last month's Minutes, she is just clarifying. Sumner said he's thought about whether or not the Human Rights Commission and/or the Ethics Board would have any inclination to follow up on this. Keeton said he felt it would be a good idea to contact both of these agencies. Pillmeier said he would like to read a County Executive inter-office memo that he received from Steve Gross, Acting County Executive. It reads: "Orange County Soil & Water Conservation District appointment and removal of members dated November 8, 2013. There has been a recent discussion pertaining to the County Executive's authority to remove a member of the Orange County Soil & Water Conservation District. Based on review by the County Attorney's office it has been determined that the County Legislature has the authority to make appointments and to remove Directors from Orange County Soil & Water Conservation District not the County Executive. According to the County Attorney's office, the authority is to establish the County Soil & Water Conservation District governed by the New York Soil & Water Conservation District Law. Section 7 of the law provides that the removal of a Director as with appointments to the Board may only be made by the County Board ie the Board of Supervisors. The County Attorney's office finds that with respect to the provisions of the law the term Board of Supervisors should be read to mean the County Legislative body. In conclusion, the County Attorney's office finds that the County Executive has neither the authority to appoint or remove Directors from the Orange County Soil & Water Conservation District. That authority is held solely by the Orange County Legislature."

DeBlock asked if the entire Legislature received the information that was sent out. Pillmeier responded that the Party Leaders received it. Pillmeier said that he just received the memo on the 8<sup>th</sup>. DeBlock asked if Pillmeier could make sure that all of the Orange County Legislators get the information. He said that he would. DeBlock asked why was the entire Legislature not made aware of this if they are the only ones that can take action. Pillmeier said that the Orange County Attorney is the Attorney for the County Executive. There is a different Attorney for the Legislature. Discussion by the Board followed regarding writing a memo to the Legislature and ask them to do what they asked the County Executive to do.

Sumner said that it's his understanding that the Farm Bureau will endorse J. Wright by a 6-3 vote over Chris Pawelski. The OC Farm Bureau's endorsement letter for John was supposed to be mailed immediately but for some reason after the meeting it may have been decided not to send the letter. DeBlock stated that she'd written a letter for the Orange County Farm Bureau Directors Meeting regarding Tom Pahucki and it was read aloud by Kristen Brown at their last meeting. Chris Pawelski now wants a copy of that letter. DeBlock stated that Pawelski is now harassing Brown and Sumner for a copy of the letter (which they do not have). There should be sufficient content written in their MINUTES regarding this letter. She did not write this letter on behalf of the Soil & Water Board. The Soil & Water Board was unaware of this letter as this was a personal letter DeBlock did on her own time.

## **NEW BUSINESS**

Sumner said that he received seven FOIL requests from Chris Pawelski. He has been working with the County Attorney's office on how to respond to this. There is so much being requested it would be several hundred dollars worth of copies in order for him to produce everything that is asked for. The OC Attorney also wanted hard copies brought to her and she is currently reviewing the information. The most recent FOIL request is for a copy of DeBlock's letter. The OC Attorney said that the District would not have to provide that letter even if we did have it. There are resources being spent chasing useless information for Pawelski

that could instead be used for working on the Flood Mitigation Project which would help protect his property. Sumner asked how the Board felt about charging Pawelski for staff time. The Board agreed. DeBlock wanted it noted that she has already decided that she will not take any travel compensation for sitting on the District Board. It was also mentioned that Pawelski sent a FOIL request to the State Committee. Pillmeier said that DeBlock needs to hire an attorney. He doesn't know if this Board can fight her fight. She stated the reason this Board is involved is because she went to three Farm Bureau Board Members and informed them that Pahucki is argumentative, intimidating, controlling and they should not allow him to be the Farm Bureau Representative on the Orange County Soil & Water Board. It's because she cares about this Board and how meetings are run here that she even did that. Keeton agreed she should go after him legally. Heller mentioned that there is a "Justice for All" poster with great information on it and a number she can call and that she could request advice from the USDA if she feels that she was discriminated against.

Pillmeier said that too much time is being spent on this because Pahucki is gone as far as Soil & Water is concerned. Sumner said he will spend his own time pursuing this. Pillmeier again told DeBlock that she needs an Attorney and he suggested Michael Sussman. Sumner asked if all Directors are in favor of sending out additional information on this issue to the Legislature. A Motion was made by Keeton, seconded by Wright to send this information. All in favor.

The **NEXT MEETING** is scheduled for Monday, December 16, 2013 at 9:00 AM. The **MEETING** was adjourned at 11:50 PM, on a Motion by Keeton, seconded by DeBlock. All in favor.

Respectfully submitted,

Christine DeGroot  
Secretary to the Board