

**MINUTES**  
**ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS**  
**October 21, 2013**

The Meeting was **CALLED TO ORDER** by the Chairman at 11:35 AM. Directors J. Wright, G. Keeton, M. Pillmeier and P. DeBlock were present, along with K. Sumner, C. DeGroot, K. Brown and R. Franke (OCSWCD), R. Baglia (CCE), F. Barber (FSA) and J. Heller (NRCS).

DeBlock made the Motion, seconded by Keeton, to approve September's Board **MINUTES**.

**CORRESPONDENCE** – A donation request was received from Black Rock Forest. No action taken by the Board.

The Ag & Farmland Protection Board Meeting Agenda and last month's Minutes were passed around.

Sumner sent a letter to Markus Weber at the Campbell Plaza regarding the possibility of a partnership between Campbell Plaza, the City of Middletown, Orange County SWCD and other local groups to improve and protect the Monhagen Brook.

Kevin Sumner received an email from Christopher Pawelski which was passed around to the Board.

**FINANCIAL REPORTS** – Per the advice given at a training seminar from auditors from the Office of the State Comptroller, District invoices were passed around for Board review. DeBlock made the Motion to approve payment of the invoices, seconded by Keeton. All in favor. Wright signed the invoices. In the future, invoices will be listed together on one spreadsheet that can be signed by the Chairman.

The “unobligated/other” amount at the bottom of the September's Receivables identifies the portion of our fund balance that is not reserved for planned or contracted expenditures. This money is used for equipment, supplies, projects that run over budget, etc. Sumner suggested that we add a line to the dedicated fund summary as a contingency account to the ag grants. Although it jumps around, we currently have \$77,688.68 listed as unobligated. Sumner said that \$5,000 is a good amount to obligate to the new account. A Motion to create a new line on our budget and put \$5,000 into it was made by Wright, seconded by DeBlock. All in favor.

There is only one fund in red, Ag NPS Round 19, because we do not have the contract for it yet, therefore we could not submit a Voucher. Farmers want to start their projects but have to hold off until we receive funds.

The **Financial Reports** for September were approved by Keeton, seconded by DeBlock. All in favor.

**SWCD STAFF REPORTS**

**STAFF REPORTS** and **INTERAGENCY REPORTS** were put on hold until the end of the Meeting.

**OLD BUSINESS**

**Black Dirt Flood Control Project Update – Stump Grinding Project** – The District has continued to have resistance from landowners about land access. Sumner is hesitant to push this project with everything else going on. Brown and Franke met with Sam Pollack, one of the landowners that had his property destroyed from the 2012 County project. Pollack stated that because of the damage done, no one is allowed on his land now, which is on the west side of the Orange County Landfill and has a decent amount of river frontage. He is very upset over the 2012 project. District staff took photos of the damaged areas. He had a driveway blocked by trees and around 20 logs left over. The stumps that were left are hard to see so in the future if he did allow access to his land for mowing, someone would have to walk in front of a mower to point them out. Eventually

he told them that if the District worked with him, and if his attorney is in agreement, maybe he would allow a new project with the District.

Hazard Mitigation Grant (HMGP) – This grant is due by the end of this month and the District can't even access the application yet. The intention is to apply for funds for Black Dirt Region Flood Mitigation, per letter of interest submitted in August. Sumner met with Chuck Lee, Department of Public Works, Dave Church and others at Emergency Management. It will be submitted by the County of Orange. The Orange County Law Department said that they think the County has to be the applicant. Brown and Sumner will meet with the County Grants Division about this project today at 2:30. Mike Sweeton told Sumner that there is some sentiment that the leaders involved in this project are intentionally excluding the Towns. Soil and Water did not leave them out of the loop. Sumner told Sweeton that no projects have been decided yet. Pillmeier asked if all four Town Supervisors felt they were excluded. Sumner said only Warwick and Goshen and reminded him that an update was sent to the Supervisors in July. Doug Bloomfield expressed concerns over pending lawsuits. A Motion was made by DeBlock to invite them all to the meeting but that they would have no vote, seconded by Keeton. All in favor.

Wallkill Flood Control Update – The meeting with the DEC, SWCD and the engineers went well. The engineers were going to prepare a summary of the DEC meeting for us to have before the Board Meeting and we still don't have it. They also agreed to assist the District with the Hazard Mitigation Grant and send us an engineering technical report, which we also have not received yet. The contract is sitting at the Orange County Law Department. Sumner suggested that maybe the District needs to retain a private attorney since it's two months into the new contract and still nothing is signed. Soil & Water Law says that we can use the County Attorney but we don't have to. Pillmeier stated that at the moment the Law Department is difficult to work with and that he would have no issues with us hiring a private attorney. DeBlock asked if we have anyone in mind. Sumner said he would have to research this. Pillmeier suggested the former County Attorney, Richard Golden. Pillmeier made the Motion, seconded by Keeton to give the District approval to hire a private attorney. All in favor.

Corn Planter Update - Pillmeier asked about the status of the new corn planter. Wright said the AFPB appropriated \$7,500 towards it. Sumner said several weeks ago he received an email from Dave Church saying that they had to figure out how they were going to handle this in terms of a contract. Sumner and DeGroot worked with Dave's staff on the contract. It's a simple vendor agreement and we've done all we can. The planter was ordered from Hudson River Tractor. Pillmeier said he was led to believe the money was taken care of. Sumner said it would be nice to have the signed contract from the Planning Department first. \$5,000 would come from Soil & Water and \$7,500 from Ag & Farmland Protection Board (AFPB) the rest will come from somewhere else. At least another \$5,000 is needed to refurbish the old corn planter. Wright requested that someone to come to the next AFPB Meeting. He told AFPB that the no-till program is a soil saving program and if it were not available he would have to go back to plowing and discing. He requested the District give them additional info.

Additional comments on the Stump Grinding Project - Wright said that JW Marshall Machinery rents out a steel track skid steer with a forestry package for \$2,500 for 7 days without an operator. Brown stated they looked at the same one from Bobcat. They have a machine for \$3,000/week, no operator. Pillmeier said the problem is the sprouts will collect debris. Sumner said the stumps will re-sprout and become an issue again. The District received two estimates to cut the stumps – from Vellenga and Suburban Excavating. The Flood Committee already had reservations about spending any of the \$2 million on the stump project but the SWCD Board gave the okay. Sumner feels that some of the money will have to be spent on cleaning up damage from the 2012 project. Discussion followed on what was approved at the last SWCD meeting. DeBlock pointed out that an amount was approved for damage control. There was no agreement on paying for removal of woody vegetation. Sumner is looking for what direction to take. DeBlock asked what the outcome would be if the District walked away from this project. Wright said the money already spent there would be wasted. Keeton added that if we have a major flood event we will have a huge mess. Pillmeier said that on the Quaker Creek Extension, coming up by the Cavallaros, there was a portion of a willow trees removed and put on the banks of the river. We've had high water and those dead and rotted trees have not moved. Baglia asked if we need

permission from the landowners to do the rock ledge projects. Pillmeier said that although this is within the Maintenance Agreement area, it was unclear what permits would be needed. Brief discussion followed on the cost of mowing and repairs. Sumner suggested that any future efforts to move the stump removal project forward be postponed until after the HMGP proposal deadline is past, and the Board concurred.

The mowing along the Wallkill is complete. Approximately \$30,000 remains in the Maintenance Fund.

A Motion to go into Executive Session at 12:57 PM was made by Pillmeier, seconded by DeBlock, pursuant to Open Meetings Law, Section 105 (1)(F) to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person. All in favor.

The Board reconvened at 1:25 PM.

### **NEW BUSINESS**

A Motion was made by DeBlock to remove Pahucki as District Treasurer, seconded by Keeton. All in favor. Motion carried.

A Motion was made by DeBlock to further attempts to have Pahucki officially removed from the SWCD Board, seconded by Keeton. All in favor. Motion carried.

Board members discussed the letter sent to the County Legislature regarding the removal of Pahucki from the Board.

District staff will prepare individual staff reports to send to Directors.

### **INTERAGENCY REPORTS**

**R. Baglia (CCE)** – The Flood Resiliency Seminar Series flyer was passed around. The upcoming seminar “Learn How Forests and wetlands Help Limit Damage and Reduce Flood Risks” has been re-scheduled to a later date.

Cornell Water Resources Program - October 28<sup>th</sup> “Streams 101” in the Town of Wallkill.

On December 2<sup>nd</sup> there will be a culvert sizing workshop.

Audrey Reith and Ray Range have left their positions at Cornell Cooperative Extension.

Keeton made the Motion to select DeBlock as the new Treasurer, seconded by Wright. All in favor.

**J. Heller (NRCS)** – Heller briefly wanted to request a revision on the September Board Meeting Minutes. Under his report, where it stated “Wright mentioned that he is pleased with his silage leachate project”, Heller would like it clarified that Gary Johnson was pleased with his silage leachate project.

The **NEXT MEETING** is scheduled for Monday, November 18, 2013 at 9:00 AM. The **MEETING** was adjourned at 1:38 PM, on a Motion by Keeton, seconded by DeBlock. All in favor.

Respectfully submitted,

Christine DeGroot  
Secretary to the Board