

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

The Meeting was **CALLED TO ORDER** by the Chairman at 9:02 AM. Directors T. Pahucki, J. Wright, G. Keeton, M. Pillmeier and P. DeBlock were present, along with K. Sumner, C. DeGroot and R. Franke (OCSWCD), R. Baglia (CCE), F. Barber (FSA) and J. Heller (NRCS).

Pahucki made the Motion, seconded by Keeton, to approve August's Board **MINUTES**.

Keeton stated that he would like to discuss a draft letter written to the Orange County Farm Bureau (OCFB) which recommends that John Wright be re-appointed as Farm Bureau Representative. The Farm Bureau seat on our Board is up for re-appointment for a three-year term beginning this January 2014. Sumner read the letter to the Board. In the letter it states that John Wright has held the Farm Bureau seat on the Board for the last six years. It goes on to mention John's successful farm enterprise on King's Highway in Warwick where he operates a beef and hay business, as well as pumpkin picking, ag education activities, a corn maze and Christmas tree sales. John has regularly attended Board Meetings and actively participates in discussions of issues and other business matters facing the SWCD. John was nominated for, and accepted, position of Board Chairman back in January 2013. The letter strongly encourages the OCFB Board to consider endorsing John to continue his service on the SWCD Board representing Farm Bureau. It also states that the County Executive and Legislature make the official appointments to the Soil and Water Board, therefore it encourages the Farm Bureau Board to forward their endorsement for John to the County Executive and Chair of the Legislature at their earliest convenience. Sumner asked the Board who then would like to sign the letter. T. Pahucki stated that he is a Farm Bureau member too and he would like a similar letter written on his behalf as he is planning on asking the OCFB to let him represent the OCFB at our Board Meetings. He said if the District is going to endorse a Farm Bureau Representative, he would like to be endorsed as well. Tom Pahucki said that he is more than qualified and would like to continue on at the Orange County SWCD Board. He mentioned he has done numerous things for the District over the years such as pushing hard for the Step System that went into effect as well as fighting to bring more money into the District. He also has a strong interest in conservation practices as he was a farmer in the black dirt in Orange County and he's been on our Board for over 19 years. Pahucki stated that he will not support the letter to recommend Wright so it will not be a unanimous decision so if this Board does not want to write a letter on his behalf he will write his own. Sumner said that he will not write a letter for Pahucki. Keeton said that he would expect the person currently in the position to continue. Wright is the incumbent and has a record of serving as the OCFB representative. He said Wright is well suited for the position but mentioned that he's not saying Pahucki is not. DeBlock suggested that Wright and Pahucki leave the room and the other Directors can vote on who the District will support. Pahucki said that it is not an Executive Session so they do not have to leave. Pillmeier said that he is having difficulty with this and that he's not sure if it's this Board's decision to recommend someone to another organization. Sumner said there is nothing wrong with sending a letter to let the OCFB know that Wright is doing a good job.

DeBlock made a Motion to vote on who to endorse to OCFB. Directors Keeton, DeBlock and Wright voted to endorse Wright. Pahucki opposed. Pillmeier abstained. Pahucki voted to endorse himself. Pillmeier abstained. The letter to endorse Wright was carried by vote and will be sent.

CORRESPONDENCE – The Ag & Farmland Protection Board (AFPB) Meeting Agenda for September was passed around as was July's Meeting Minutes.

Sumner mentioned that the District's request for a new corn planter went to the AFPB and that the District is on the AFPB Agenda. Sumner received a call from Jack Hoeffner asking why the District was requesting a corn planter. Sumner stated that the District did not request funding from Ag & Farmland. After the Budget Hearing at the County Executive's office we were under the impression we were getting the money from a fund the Executive maintains. There was no indication they were going to ask for that money from AFPB. Apparently this decision was made afterwards to try and get some of the money from them. AFPB now wants

Sumner to come to their meeting to talk about this. Pillmeier said that \$12,000 towards the purchase is coming from the County's mileage reimbursement account. The corn planter is going to cost approximately \$30,000.

A email was sent by Brown to Robert Schreibeis who is currently farming in Warwick. Schreibeis was visited by the NYS DEC and was told he needs a freshwater permit and an opinion from an expert on whether or not the land is suitable for grazing animals, as it is on a wetland. The email discusses concerns with the intended management. Schreibeis has intentions of raising cows and sheep on ten acres of wetlands. He currently has 46 cows, 12 sheep and 12 goats and his intentions are to keep animals in the wetlands during the winter. It was also mentioned that he is using an excavator and cutting trees in the wetlands. The District suggested that he consult with NYS Ag & Markets for further definition of the Right to Farm Law and how he can apply that to his current DEC issue over permits. The letter tells Schreibeis that the District is unsure if a letter from us would aid him as the District's main focus is to reduce environmental concerns.

The District was copied on letter from the NYS DEC to the Town of Warwick regarding a SEQR determination. Because it has prime farm soils on it they are suggesting that the lead agency confer with this office about the prime soils. Sumner passed around a location map.

Although we are far along with the Stump Removal Project, Sumner said that the District received written concurrence from Bill Rudge stating that he discussed the Stump Removal Project with his staff and they do not have any concerns so we don't need permits for the project.

The Legislative Budget Hearing is on October 28th. The Board will be reminded at next month's Board Meeting.

The District received a letter from Brian Mitchell, a landowner along the Pellet's Island Reach. Sumner read the letter to the Board. To summarize, the letter says that back in 2011 the District reached out to him and requested permission to use his private road in order to access the Wallkill River to do a selective tree cutting project. Mr. Mitchell felt very confident in the District and allowed the District to use it. He stated that Sumner is a man of his word, and that Mitchell's property, as well as the neighbors' properties, looked as if nothing happened after the work was completed. Then in 2012 an additional project was completed by the County of Orange along the same reach cutting additional trees. For this project, Mitchell states that he received no call requesting permission to enter his property and was surprised to show up on a Sunday and see large machinery cutting everything in sight. The property was left in terrible shape. Trees were dragged up from the bank and across his gravel road, leaving tons of silt on the road. He spent over \$6,000.00 out of his own pocket to try and repair the damage to not only his property but also his neighbors' properties. He reached out to the Project Manager to request a few loads of clean gravel from the County and was told the County had no money and that the County was not about to give him a new road. He states he now has the County requesting permission to enter again and this time he will not allow it.

District Technician Richard Franke was then asked to describe a conversation he had with Gino Maggio, another landowner along the same Reach. Franke said that Maggio was very upset with the work that was done in 2012. But he did say he would read over the landowner agreement and make a decision at a later time. Pahucki said that there was no impact to Maggio's land with that project. They did not go on his property or store anything on his property.

Pahucki said he is probably the Project Manager that Mitchell was referring to. He said Mitchell wanted the County to go out and build him a road that he never had to begin with. He said after the project, Mitchell took an excavator and cleaned the bank. Pahucki told Mitchell not to do that because the NYS DEC does not allow cleaning up the bank, but Mitchell did it anyway. He said if Mitchell was worried about erosion, maybe he should be worried about what the project allowed to be done. Sumner said that Suburban Excavating would have used an excavator mounted saw to go in and cut the stumps. Sumner said the most relevant point is that the project was started without landowner permission. Mitchell did sign a 2011 Agreement that the SWCD created. Wright asked what it would take to rectify the damages done to Mitchell's property. Sumner said that he is meeting with Maggio today and possibly Mitchell. Sumner thinks there should be an

amendment to add a few thousand dollars to the bid to fix the shared access road. Keeton suggested finding “before” photos to use for the restoration. Wright asked if fixing the road would satisfy Mitchell. Pahucki said that the money should be outside of the bid and the cost overseen by the District. Keeton said it’s very important to keep the landowner happy. Sumner proposes to add \$4,000 to Suburban Excavating’s bid to complete road improvements. Heller mentioned that Mitchell could get into a NRCS program which would pay 100% but there are high specifications the project would be held to. He talked about the Critical Area Protection program and said that Mitchell could stop in and see him to discuss options. Pahucki said that if Mitchell gets a 6” gravel road, he will be happy and that Glebocki owns the rest of the road. A Motion was made by DeBlock, seconded by Pahucki, not to exceed adding \$4,000 to the bid. All in favor. Pahucki said that all parcels on that road have a deeded right-of-way. He also said that Mitchell has done more violations on that river than anyone. He cleared the bank and then says he has erosion worries. Pillmeier said that he is disturbed the letter was received at this point and if someone’s road was messed up a year ago, he should have written the letter then.

There was more discussion on the purchase of a corn planter. Sumner said that the District is on the Agenda at the next Ag & Farmland Protection Board Meeting. Sumner asked Pillmeier if the \$12,000 is coming to us and Pillmeier said it’s coming out of the legislative mileage account. Kevin will tell AFPB that we need \$30,000 minus the \$12,000. \$5,000 will still come from the District.

FINANCIAL REPORTS – Sumner handed out updated Ag Grant Reports and the staff time for the Wallkill Flood and Wallkill Maintenance Projects. He pointed out that he updated the notes on the Wallkill Flood Project.

Sumner explained the Scotts Natural Award Project for \$5,000. It’s for the Newburgh Rain Garden.

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

Starting next month, Sumner said that any projects not completed on grants nearing their end date will be added on to the Ag Grant Reports. For example, Round 15 has three projects not completed and it ends at the end of this year. Baglia offered to assist with Chip Watson’s project but Sumner said he offered Chip assistance already and now Round 15 has no more time extensions available.

SWCD STAFF REPORTS

C. DeGrootd – DeGrootd and Franke worked together on the Pellets Island Stump Cutting Project Landowner Agreements. The Agreement along with location maps were sent to all landowners. DeGrootd also sent in the latest Wallkill Flood Project reimbursement request which includes a bill from B&L.

She has been working on a draft tree and shrub list for next year and looking into having it at a different location closer to the office.

R. Franke - Franke ordered the new laser survey machine online, it’s an AGL One Touch for \$919.99. Pine Bush Equipment would not lower their prices.

Franke has been doing follow-ups with landowners on the Stump Cutting Project.

Franke has been busy moving the District’s seeder to farms as well as checking in on Chris Vellenga for the Wallkill Maintenance Agreement.

The Contractor put the fascia on the Cornell Cooperative Extension building.

Franke surveyed the O’Dell farm and has been working on designing a VTA and a silage leachate system.

K. Brown – Brown was on vacation so Sumner passed around her report. She has been working with the NYS DEC and the Montgomery Conservation Advisory Committee (CAC) on a Trees for Tribes project behind the playground at the Benedict Town Park. This project is to plant a riparian buffer along the flood plain next to the river.

She helped coordinate the gutters at the CCE building.

She has been keeping tabs on the Wallkill Maintenance Project with Franke. Suburban Excavating is done and Vellenga only has a few days left. One issue came up with Dino. He removed a gate post off of a gate that was not on the access road but within the DEC easement. Once removed he tried to place it back but the landowner called the next morning upset. Dino met with the landowner to resolve the issue. She said that the District will get another lock from the DEC so that we also will have a key. She said that Dino also removed the logs over the bridge and filled in the mote. John Madura said that the debris and mote was there because of four wheelers and he wanted to restrict them from accessing his land. He will now install a gate to prohibit four wheelers but allow the District to put a lock on it for access.

The seeders are out and moving.

Brown has been looking up corn planters to purchase as well as researching prices to refurbish the old corn planter.

K. Sumner - Wallkill River Maintenance Mowing – Sumner said that Brown asked Russell Kowal for written reports and maps showing the locations where he mowed. He ended up submitting a one page invoice and came in to mark up maps showing locations. Russ was paid \$8,000.00.

Sumner said he is pleased with Chris Vellenga's work this year. He does the work by himself so he has no hired labor. Sumner said that Dino is slipping, he's walking by sites that were flagged. He mentioned what Brown had already written, that Dino took it upon himself to remove the logs and moat on Madura's bridge and he also pulled out a gate post. Sumner put Dino in touch with the landowner so they could get together and get it fixed to the landowner's satisfaction.

There is not a lot of construction going on this month but there was engineering planning at Troy Vellenga's, Dean Ford's, Mike O'Dell's, George Vellenga's and Pete Ewanciw's.

Quassaick Creek Watershed Plan (QCWP) – The QCWP is led by the Orange County Planning Department. They are starting to look into money for implementing planning recommendations. They are talking about putting in a proposal to the NYS DEC's Water Quality Improvement Program focused on the stream that is downstream of Winona Lake, over the Town of Newburgh. The spillway partially washed out in 2007 and was damaged more after the recent flooding. There are no intentions at this point to renovate the dam or spillway. The Proposal would be to stabilize the downstream streambank erosion at the toe of the dam.

INTERAGENCY REPORTS

R. Baglia (CCE) – The bus tour at Greenwood Lake on September 18th was cancelled as there were only 8 people signed up.

On September 28th Open House on the Farm will be held at the O'Dell Farm.

On October 2nd there will be Farm Safety class presented by Megan Weiboldt.

“The Woods in Your Backyard: Learning to create and Enhance Natural Areas Around Your Home” webinar was last Thursday and the next one is this week. The 3rd one is October 3rd then on the on October 5th they will hold a field day to go out and look at practices. It's Orange, Ulster and Dutchess Counties that are involved in this. They are looking for a site along the Orange/Ulster border. Over 50 people signed up for the webinar.

Cornell Water Resources Program - October 28th “Streams 101” in the Town of Wallkill. They need more outreach.

F. Barber (FSA) – It’s been a fairly decent growing season with onions being a hit or miss.

There is no farm bill so they don’t know what programs will look like next year. Whatever programs they do have are going to be contingent on compliance with conservation practices. There are concerns out west that grain prices are driving farmers to consider plowing up marginal land for producing more because they figure they are not getting payments anymore. But the bottom line is that it will still be tied to all programs.

The USDA is not attached to the NYS DEC rules.

J. Heller (NRCS) – The 2013 season ends September 30th. This past year was successful with a combined amount of \$529,000 in funding, which includes some easements in the Town of Warwick.

\$87,000 was obligated for the Town of New Windsor for their EWP Program. This project should be starting soon. There are multiple agencies involved.

They are taking applications for 2014. They do not know yet where the programs are going to go.

AMA will possibly be funded for irrigation. They’ve had 17 applications in Orange County. Each one is \$20-\$40,000.

The Senate confirmed the nomination of Robert Bonnie to be the new Under Secretary of Agriculture for Natural Resources and the Environment. He will supervise the U.S. Forest Service and the Natural Resources Conservation Service.

Quentin Gahan is now the Regional Resource Conservationist.

Wright mentioned that Gary Johnson is pleased with his silage leachate project.

OLD BUSINESS

Black Dirt Region/Wallkill Watershed Flood Control Program Project - All present at the last Pine Island meeting want to continue with the existing contract. The Orange County Law Department (OCLD) said that we need a new contract. Sumner reminded the OCLD that our procurement policy is \$50,000 without a bid. They still suggested we get other prices. Everyone feels that we should use the same firm. Twice as much would be spent getting a new firm up-to-date. Sumner said he will specify in the new contract that B&L will need to give us 2-week reports and two future weeks of their plan. Sumner drafted a new contract and sent it over to the OCLD for review. The District is still waiting for the 2nd invoice from B&L.

There is a NYS DEC Meeting on October 10th at 10:30 AM to discuss priority projects that were discussed at the Pine Island Meeting. Sumner has not gotten any landowners/farmers to agree to go yet. Pahucki expressed an interest in going.

Pillmeier asked what was going on with the pelletizer. Sumner said he took a step back from the project but that it’s still in use and makes 1 ton of pellets per hour. Warwick is still committed to putting a unit into the Dial-A-Bus. The Project Manager Bob Thomas has done a great job with outreach. Bob got a central boiler rep in to fine-tune the biomass boiler at Orangetown Highway Garage where project grass pellets are being burned.

NEW BUSINESS

Four quotes for new corn planters were received. 1) Binkly & Hurst – if paid by September 30, 2013 it would

cost \$30,500. After the 30th it's \$33,000. 2) Hudson River Tractor (HRT) – without row cleaners \$28,101. 3) Casanovia - without row cleaners it's \$30,525. With row cleaners it's \$33,151. 4) Phil Johnson – \$35,500. It's a Great Plains planter without finger pick-up but has a vacuum meter. It has seed rings that would need to get changed. Phil called this morning and said he could do for \$10,000-\$12,000 cheaper than what was originally quoted. The Hudson River Tractor quote was only good until the end of August. DeBlock made the Motion to lock onto the one from HRT if the price is the same and it is still available. Wright seconded the Motion. All in favor.

The **NEXT MEETING** is scheduled for Monday, October 21, 2013 at 9:00 AM. The **MEETING** was adjourned at 10:38 AM, on a Motion by Pahucki, seconded by DeBlock. All in favor.

Respectfully submitted,

Christine DeGroot
Secretary to the Board