

**MINUTES**  
**ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS**  
**October 15, 2018**

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:09 AM. Directors J. Wright, P. DeBlock, G. Keeton and P. Ruskiewicz were present, along with K. Sumner, T. Ferry and C. DeGroot (OCSWCD), K. Edelman-Reyes, Senior Assistant County Attorney and J. Heller (NRCS).

There was brief mention on what the \$6,000.00 Conservation Projects 2019 Part B funding will be used for. At the September Board meeting it was decided to assign the Part B funding to the farm tire removal project.

**2018-10-1 Keeton made the Motion, DeBlock seconded, to approve September's Board Meeting Minutes as written. All in favor.**

**ACTIONS TAKEN BETWEEN MEETINGS** – There are some expenditures to be discussed under Bills for Board Approval.

**CORRESPONDENCE**

- Bank account statements from the District's banks were available for review.
- Various newsletters were available for review.
- NACD sent the District a Request for Dues. No Board action taken.
- An updated NYACD memo was available for review.
- A copy of 2018 Resolution 215 from the County of Orange revising the Quaker Creek appropriation to allow funds to also be used for the Flood Plain Bench Project was available for review. The District has submitted a reimbursement request to the County for this funding.

**FINANCIAL REPORTS**

A no-till user that was paying monthly is now paid in full.

Dedicated Fund Summary Update – Sumner reviewed the status of the dedicated fund summary with the Board.

**2018-10-2 Wright made the Motion, Keeton seconded, to file September's 2018 Financial Report for audit review. All in favor.**

Large payments that are paid in-between meetings with District credit cards and/or the Staples account will now be listed on the monthly Bills to Be Paid. Microsoft Office for Ferry's laptop was purchased with the District's Staples account and will show up on next month's Staple bill. **2018-10-3 DeBlock made the Motion, seconded by Ruskiewicz, to accept the Bills to be Paid. All in favor.**

**Ag Grant Update Report** - There was a brief discussion on the Ag Grants Update report. Since there are months where there is not a lot of activity to report, the Board agreed to still have them continue to be emailed monthly to Directors, but printed out only quarterly for Board Meetings unless there was significant progress in that month. The Ag Grant Update report will also be added to the monthly Board Meeting Agenda.

**STAFF REPORTS**

- **C. DeGroot**
  - Scheduled payments were made.
  - DeGroot updated the District Website, archived old Meeting Minutes to a new page on the website and added a few of the more current District Projects to the site.

- An Invoice was sent to Orange County for \$3,000 for the silo cover demonstration project – which the Ag & Farmland Protection Board agreed to fund.
  - DeGroot completed and submitted the 3<sup>rd</sup> quarter NYS and FIT/FICA tax reports.
  - DeGroot completed and submitted the 4 active Ag NPS Grant Interim Reports to Ag & Markets.
  - DeGroot reviewed the Office of the State Comptroller auditor's suggestions from our audit completed in 2015 regarding the recording of District Board Meeting Motions and the also the District's response letter to the auditor's suggestions. Since the District has no formal procedure in place, DeGroot has been recording Motions in an excel spreadsheet for the past two years. It was recommended by the Board that there be a sentence added to the Monthly Board Minutes that previous Motions were reviewed by DeGroot.
  - Although not District related, DeGroot assisted with a NYS DEC Trees for Tribs planting on October 7<sup>th</sup> along the Dwaarkill on Awosting Road in Pine Bush, NY.
  - The District purchased Microsoft Office for T. Ferry's laptop.
  - DeGroot emailed out Envirothon information to all Orange County school contacts.
  - A reimbursement request was submitted to the Orange County Water Authority for District bills and staff time on the Monhagen Watershed Planning Project.
  - Added a few local events to the District's facebook page – the tractor pull in Montgomery to support Silent Hill Farm (a local horse rescue), the Trees for Tribs Planting along the Dwaarkill and Open House on the Farm in Pine Bush.
  - DeGroot rehomed three old non-working printers from our office.
  - An Invoice in the amount of \$100,000.00 was sent in to the County of Orange for the Quaker Creek Flood Control Project.
  - A Claim for Payment in the amount of \$6,000.00 for the Conservation Projects Part B for the tire project was filled out and is ready to be signed by the Treasurer.
  - DeGroot updated her 2018 Training Plan.
  - DeGroot researched online information regarding the Open Meetings Law.
- **T. Ferry**
    - Ferry attended the Conservation Skills Workshop in September. Some classes he attended were the AEM Tier 3 Planning Component for Streams course and also a 2-day course on Stream Design.
    - Ferry is taking online courses given by Tim Clark, the NYS Soil & Water Committee Engineer.
    - Ferry is busy moving seeders. He told one user who had issues with seed output in the past to make sure this time he checks the seed output before seeding the entire field.
    - Ferry assisted Sumner with the silo trench cover gravel bag filler.
    - Ferry completed an AEM update for Fred Lang.
    - Ferry has been coordinating with Sumner and a local boy scout who needs environmental service hours, to schedule a date for a Trees for Tribs planting. The trees are due to come in at the end of this week. A few more trees will be added to the West Main site and more to the Gold Mine site near the Monhagen Middle School.
- **K. Sumner**
    - Sumner visited the Chester Ag Center with Ferry. They are trying to figure out how to approach providing assistance to them, through the Center or through individual farmers or a combination of both. This past spring there was a meeting at the County Government Center, which was well attended, to discuss the large increase in land taxes in the Cromline Creek Small Watershed District (the District created to allow for the flood control facilities that service the Chester Muck), the runoff coming off of adjacent developments and going into the black dirt, and the functioning of the pumping plant that provides drainage and flood protection to ~400 acres of black dirt. It was a good first step and it was explained to the landowners that the taxes went up because the previous contractor that managed the day to day maintenance on the pumping plants is not doing

it anymore. So it had to be re-bid and the Chester Ag Center is the contractor now. It was explained that their higher bid is the main thing that made the taxes go up. It was also indicated at that meeting that the County would try to do postcards to notify the landowners of the public hearings that would give landowners the opportunity to hear about and comment on proposed budgets. While Sumner was looking at the County website he saw the notice about the public hearing for the Cromline Creek Small Watershed District, which is the entity set up to operate the pumping plant. So he sent the notice it to Lucinda Poindexter, the Manager at the Chester Ag Center. Poindexter indicated that she had not been notified about the hearing. Wright asked if there has been any movement on the pumps. Sumner said he has been trying to stay in touch with Lucinda and that he recommended to her that she contact the DPW directly or her County Legislator if she does not have any luck. It has been reported to Sumner that there are still issues with the pumps. One local farmer said they are down to working with only one pump and if something happens to that, they're in trouble.

- The District is still working with the Orange County Planning Department and the Orange County Water Authority on the Monhagen Brook Watershed Plan. The end date on this contract is January 2019. The District originally wanted to apply for this grant but D. Church said they wanted to be the applicant and administer this grant. Sumner wanted to make the Board aware that we are over budget on it. The budget was set up to reimburse us (and other sub-contractors) for 50% of our staff time expenses. We have put many more hours into the Plan than originally anticipated. They just had a meeting with the NYS DEC last week and it does not appear that the Plan will meet NYSDEC's '9-element' Plan requirements. Sumner estimated the District could have another 40 staff hours in on this without getting reimbursed.
- Last month Wright asked Sumner to look into the Climate Resiliency/Flood Control NYS funding that was reported in the Times Herald Record. Sumner did so and reported to the Board by email between meetings the following information: It was a one million dollar grant being shared by five Counties, mainly for developing plans and identifying projects. He does not think it will be a great opportunity for us to get money for the Wallkill Flood Project.
- Sumner did reach out to the County about the Hazard Mitigation Grants Program. He wrote to Dominick Greene at the Division of Emergency Management, copying several other County officials, in response to Greene's announcement on 10/5 of the opportunity to submit 'Letters of Intent'. Sumner replied on 10/9 and said that we would be interested in submitting a project for flood work on the Wallkill and would be willing to draft a LOI if the County agreed to sponsor/support it. No reply has been received to date. The LOI's are due 10/24.
- A month ago, on the recommendation of the Ag & Farmland Protection Board, Sumner wrote to Emergency Management and asked if they had access to a sand bagging machine for the Tire Project. He received a reply that yes the state has a sand bagging machine but you first have to fill out a questionnaire and then they will decide if the request can be supported. The day he got that email Sumner answered all questions and sent them back and has not heard from them since. The District ended up building their own bagging machine for farmers to use.
- Our Legislative Budget Hearing is scheduled for Monday the 22<sup>nd</sup> at 2:00 PM.
- There was previous discussion at Board Meetings regarding a horse farm in Wallkill that is taking in a lot of fill and there were questions on whether or not they were in violation of local or state laws. This situation has again come to the NYS DEC's attention and they issued a letter to the Town last week that indicated the landowner placed fill in the flood way and that they would either have to remove it or hire an engineer to do a study to show that the fill that they placed did not impact the floodway. Sumner told NYS DEC that Bob Somers from Ag & Markets visited this farm a year ago and warned the landowner that the fill appeared to be a Floodplain Law violation. Somers told Sumner that it would be okay to share his letter to the landowner from a year ago.

At the upcoming Legislative Budget Hearing P. Ruskiewicz said that he will be proposing to add \$100,000.00 to the District's budget for Wallkill Flood Projects.

Discussion turned to the tire project. Sumner gave a re-cap of some of his recent efforts to progress the project. Sumner called the vendor that accepts tires for the County of Orange. He was interested in working on this project with the District and told Sumner that he would visit some of the local farms. Sumner has made repeated attempts to contact this vendor but he has not returned emails or calls. The only business he heard back from was Casey's in Catskill, NY which charges \$4 per car/small truck tire. Sumner said he initially prepared a draft funding proposal requesting \$100,000.00 for the farm tire removal project and distributed it to several County officials. This number was based on the assumption that a 'per container' price would be an option and on research into the number of tires that can fit into a container. Since no vendor has offered a 'per container' price, Sumner revised the funding proposal last week using the per tire price offered by Casey's as the basis for cost estimating. The new version estimates funding needs of \$150,000.00. It has been discussed previously that Farm Bureau is asking NYSDEC to pay for the farm tire removal. Sumner asked the Board if they want him to continue working on identifying funding to remove farm tires or wait to see if the state will pay for tire removal. Ruskiewicz said he'll call D. Church, Orange County Planning Department, to ask about the tire money and he'll also call the Orange County Farm Bureau again. Sumner mentioned the possibility of using Part C money next year for some tire removal.

It was mentioned that the District still needs another Legislative Board member.

### **INTERAGENCY REPORTS**

- **J. Heller (NRCS)**
  - NRCS in Orange County is hopeful that the new Civil Engineering Technician will come to the Hudson Valley.
  - 2019 applications for the 1<sup>st</sup> round are due November 2<sup>nd</sup>.
  - Someone was selected for the State Conservationist position but it has to go through the secretary for approval.

Federal Programs Update: There will be no payments on farms enrolled in ARC in Orange County this year. NAP has a lot of notices of loss claims due to the wet weather.

### **OLD BUSINESS**

The full Legislature approved the Quaker Creek Project and we are waiting on the County to review a draft contract Sumner developed. We initially requested review of the contract, which is a template developed by the OC Law Department, in July. We are still hopeful that the project could be completed before the end of the calendar year.

The District requested \$3,000 on September 21<sup>st</sup> from the OC Planning Department based on the Ag & Farmland Protection Board's (AFPB) motion earlier this year to allocate this amount from their budget to the Secure Covers demonstration project. The Cover demonstration project has been completed, and Covers have been secured for additional farmers.

The District spent approx. \$76,000 out of the \$87,800 available from our 'Part C' funding on the tire/cover project so has around \$10,000-11,000 left over from the Part C funding. We have \$3,000 coming from the County (AFPB) and we also have the \$6,000 Conservation Projects Part B funding.

Photos of the gravel bag filler that the District built were passed around. Almost all of the covers have now been picked up by producers. Sumner explained to the Board how the bag filler works. It can fill 10 bags at a time, approx. 140 bags in a little over an hour. It cost the District approx. \$500 in materials and with R. O'Dell's labor bills the total cost was ~\$1,000. O'Dell already filled enough bags for his corn trench and the bag filler is already at another farm being used.

Part C 2019 Funding Update – We can decide what to do with the money any time next year and it doesn't have to be spent in 2019, it can be rolled over. Some ideas of what it could be used for were mentioned: the tire project, progressing the bench project P2S, Phase 3 tree cutting or part of the Celery Ave project.

Residential Rain Garden Cost Sharing Program – Sumner will be seeking Board guidance in the future to decide if they think the District should develop such a program.

(J. Heller left the Meeting at 10:55 AM)

Performance Measures Update – Sumner submitted a special request to Ag & Markets for Performance Measure 1g – Participation in State, Regional, and National meetings and functions for Ruskiewicz attendance at the 2018 Empire State Producers Expo. We just received the information from Wright on the meeting that he attended back in February so Sumner will submit that to Ag & Markets as well. Sumner passed out information on the upcoming 2018 Statewide District Manager's meeting being held December 4<sup>th</sup> – 5<sup>th</sup> in Cooperstown, NY. Rooms and food are provided free for up to three participants per Soil and Water Conservation District. He offered to attend with any Directors should they decide to go. DeBlock offered to attend. Keeton indicated he might be able to attend. The registration deadline is November 16<sup>th</sup>. Discussion continued on meetings that Directors attended in 2018 that may count towards Performance Measures.

### **NEW BUSINESS**

The District's 2019 Annual Plan of Work needs to be submitted by November 1<sup>st</sup>, 2018. Sumner reviewed it with the Board. **2018-10-4 Wright made the Motion, Keeton seconded, to approve the District's 2019 Annual Plan of Work. All in favor.**

Ferry is currently taking courses online as previously mentioned, and Sumner added that a priority of his for Ferry is to get more up-to-speed on the engineering and design/construction supervision work. Formal and in-office trainings will be utilized to develop these skills. Sumner added that computer assisted drafting skills would also be useful for Ferry, since almost all designs are prepared in this fashion nowadays.

There was a discussion on the District using Quickbooks and to hire someone that can come to our office and set it up and have it in place for 2019. Once it is set up, DeGroodt will continue with it. The Board gave approval for DeGroodt to get price quotes from a few places and she'll email the quotes to the Board.

Sumner provided copies of the NYSSWCC Open Meetings Law (OML) Powerpoint presentation to the directors and discussed some aspects of the Law that are particularly relevant to recent matters faced by the District. The training will be completed at next month's Board meeting.

**2018-10-5 Wright moved to go into Executive Session to discuss employment history of one or more employees at 11:31 AM, seconded by DeBlock. All in favor.**

**2018-10-6 Wright made the Motion, seconded by Keeton, to come out of Executive Session at 11:52 AM. All in favor.**

It was noted that Performance Appraisals for Ferry and DeGroodt completed by Sumner in October were reviewed and signed by the Board, and that the Board completed a Performance Appraisal for Sumner. Copies of the completed and signed PA's are in each employee's Personnel Folder.

The next **MEETING** is scheduled for **Monday, November 26, 2018 at 9:00 AM.**

**2018-10-7 The Meeting adjourns at 11:55 AM on a Motion by Wright, seconded by DeBlock. All in favor.**

Minutes Prepared By:

Christine DeGroot, Secretary to the Board