

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
September 18, 2017

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:05 AM. Directors J. Wright, P. DeBlock, M. Kemnitz, G. Keeton and P. Ruskiewicz were present, along with K. Sumner and C. DeGroot (OCSWCD) and J. Mahoney (Orange County Attorney), J. Heller (NRCS), A. Meyer (NYS DEC Hudson Valley Estuary Program) and C. Eachus.

Introductions were made to Eachus and Meyer. Eachus and Meyer were attending the meeting to discuss the Dam Removal Project at Browns Pond Lake. A grant was awarded for this project by NYSDEC-HREP under the sponsorship of OCSWCD. The Work Plan was due to the NYS DEC last Friday. Sumner mentioned that there were last minute revisions to the Work Plan, which Sumner just received on Friday. The Board has been in a holding pattern since it came to their attention that the Rowe Farm relied heavily on the water from this pond. Eachus stated that he is the President and sole shareholder of Canteen American Way, Inc., which owns the Browns Pond Dam. It's taken years to finally qualify for a grant. He said that there are a lot of entities on board for the removal of this dam. Eachus stated that he was surprised that anyone was withdrawing water from the pond. Eachus said that when you withdraw so much water, you are supposed to register and the Rowes were not in the registry. Eachus had met with the Rowes and sent letters saying they could buy the dam and pond for \$1 but the Rowes did not accept. Eachus added that there are no grants to be found to repair dams, only to take them down. Eachus said that this is the one chance they have to help out the Rowes and that he could use some of the grant money to locate wells for the Rowes. They cannot dig them, but can locate them. Rowes turned down this offer also. Eachus said that he has been approved for a New York Rising grant for \$1.1 million dollars. With this grant the dam will be removed but no money can be used to help locate well locations.

(R. Baglia joined the Meeting at 9:16 AM)

The Rowes have the capability to pump 700 gallons a minute to supply their irrigation needs. Eachus said they figured out how much and what type of well they would need to run this much water. He also added the dam is leaking everywhere. He said that the sediment was tested years ago for toxins and the soil tested clean. The cost was \$50,000.00 and Town of Hamptonburgh hired an engineering firm to do the testing. Sumner said that the new CRF Grants out of NYSA&M could potentially be an option to develop water supplies but the Rowes would need to be interested and apply. Ruskiewicz asked about Otterkill. Eachus said that they actually pump water upstream from the pond, not from the pond itself. They do most of their irrigation through wells. If the District sponsors this grant, the Rowes will be affected. Meyer added that the Work Plan time is flexible. The first step is looking at design and permitting. The 2nd step is to remove the dam. Meyer said that they would like the District to oversee this grant because it is in the best interest of the farmer.

(C. Eachus and A. Meyer left the Meeting at 9:41 AM)

Brief discussion followed. The Board does not wish to participate in a project that is detrimental to a farmer. **2017-9-1 DeBlock made the Motion to withdraw our sponsorship of the Dam Removal Project at Browns Pond Lake grant, seconded by Ruskiewicz. All in favor.** Sumner will write a letter to the NYS DEC stating that we are officially withdrawing sponsorship.

INTERAGENCY REPORTS

- J. Heller – Natural Resources Conservation Service
 - Closing on several easements in the Town of Warwick.
 - There is no funding for Ag Management Assistance.
 - Finishing 2018 applications and now accepting applications for 2019.
- R. Baglia – Cornell Cooperative Extension
 - CCE is hosting the New Land Owner and Beginning Farmer Series. The first class is on Friday, September 29: Vegetable and Fruit Production for Beginning Farmers. Baglia said that she would

- send the information to the FSA and SWCD.

2017-9-2 DeBlock made the Motion, Wright seconded, to approve August's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – Sumner hired a surveyor, John Robert Nelting Surveying and Mapping, PLLC for the Wallkill Flood Project.

CORRESPONDENCE

- Bank account statements from the District's banks were available for review.
- NYS Empire Plan Interim Report was available for review.
- A close-out letter for the Ag NPS RD 17 Wallkill grant was received from the NYS S&WCC.
- A copy of a letter that Sumner wrote to the Town of Warwick Building Department regarding a local black dirt producer was available for review. This producer requested that the SWCD review a packet of materials prepared by Christopher J. Smith and render an opinion with regard to the nature of the work described and proposed as compared to the storm repair work the SWCD coordinated and supervised immediately following Hurricane Irene and Tropical Storm Lee in 2011.
- NYACD update from B. Hurlbutt, Interim Ex. Dir. NYACD, available for review.
- Email from Wayne Nunziata, Colonial Surety Company re: a follow up to an email that SWCD sent to them. Colonial is the surety for the Bench Phase 1 contractor, CFI.

(J. Heller left the Meeting at 10:00 AM)

FINANCIAL REPORTS

There was a brief discussion on a non-paying no-till user who has an outstanding bill from last year. **2017-9-3 Wright made the Motion, seconded by Keeton, to offer this producer a payment plan. Interest will cease to accrue if producer accepts this plan. All in favor.**

- **2017-9-4 Ruskiewicz moved to file the August 2017 Financial Report for audit review, DeBlock seconded. All in favor.**
- **Sumner reviewed the list of Bills to Be Paid with the Board. 2017-9-5 Ruskiewicz made the Motion, Kemnitz seconded, to accept the Bills to Be Paid. All in favor.**

The Grants Update report was passed out for review by the Board. There was a brief discussion on some of the projects.

STAFF REPORTS

- Sumner
 - Sumner gave an update on the RC&D Council and the talk of dissolving it. After discussions, it was found that it's easy to maintain the organization. Since it's a 501(c)3 it's beneficial to keep even if dormant.
 - The date has been selected for Cobleskill to come and take the last of the pelletizer equipment. The Council is talking about selling the tub grinder to Tantillos for \$900.00. Sumner had previously suggested to the Council that they do a simple bid sale.
 - Sumner attended the Ag & Farmland Protection Board luncheon in which both Wright and Ruskiewicz also attended.
 - The budget hearing went well. The Director re-appointment issue was brought up by Harry Porr, Director of Operations for the County of Orange. His office is the one that reissued the re-appointment letters. Sumner told them that historically, since he has been with the District, there has never been a change made in the directors unless a standing director voluntarily leaves or passes away.
 - Sumner has been making two trips a day to the river to monitor the Bench Phase 2 North project.

- Finished a project at D. Ford & Sons at one of their heifer facilities. On Sept 27th there is an inspection with the NYS DEC at D. Fords. They are requesting to be removed from the CAFO permit requirement. The Fords asked Sumner to attend.
- Moving along two covered barnyard projects. Sumner met with Tom DePew who is the engineer that will be doing the sign-offs. Sumner mentioned that one project is EQIP funded.
- Sumner spent a few hours with a Future Farmers of America (FFA) group in Warwick. They won a competition at the state fair.
- Drapers Ditch –D. Getz, engineer, agreed to sign off on the culvert installation. But work needs to be done around the culvert to make it more acceptable. Sumner is now working with L. Myruski on seeding the ditchbanks around it.
- Sumner interviewed two people for the District Technician position.
- Bastek made another visit to the office. Sumner was very clear that to Bastek that he needs to put everything in writing and Sumner tried to convey to him the Board's sentiment at last month's meeting.
- Maplewood Warmbloods email – They were in a NYS Ag NPS grant application earlier this year but we pulled them because there was a lot of confusion on what projects they wanted to do. The District received a call from Ag & Markets a few months ago that this farm was having some issues with the Town with regard to filling. Sumner received an email from them recently wanting to know when is the next available grant opportunity.

OLD BUSINESS

- Sumner presented a slide show on the Wallkill Flood Project.
- Sumner reported on the status of the phase 2 North flood control work. Conservation Easement on the Wallkill Flood Project Bench Phase 2 North is in progress.
- The Performance Measures money has to be spent by the end of this year as does the Housing Trust Fund grant money, unless we get another time extension on it. The CRF money has to be used on the Phase 2 project. Wendell was at the office last Friday to see the phase 2 project. Most of the tree planting will be done next week. Live stakes will go in sometime in November.
- There is still no news from the Town of Goshen regarding the status of our Celery Avenue permit application, despite that we paid their bill.

NEW BUSINESS

- Sumner discussed the two applicants that he interviewed for the vacant technician position. One applicant is already provisionally approved to be hired by the County of Orange. **2017-9-6 Ruskiewicz made the Motion, Keeton seconded, to provisionally hire Travis Ferry. All in favor.**

(R. Baglia left the Meeting at 11:03 AM)

2017-9-7 Ruskiewicz made the Motion, seconded by Wright, to go into Executive Session at 11:06 AM to discuss pending litigation. All in favor. 2017-9-8 The Board came out of Executive Session at 11:30 AM on a Motion by Ruskiewicz, seconded by Wright. All in favor.

The next **MEETING** is scheduled for **Monday, October 16, 2017 at 9:00 AM.**

2017-9-9 The Meeting adjourns at 11:30 AM on a Motion by Wright, seconded by DeBlock. All in favor.

Respectfully submitted,

Christine DeGrootd, Secretary to the Board