

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
June 20, 2022

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:04 AM. Directors J. Wright, P. DeBlock, G. Constable and B. Cheney were present along with K. Sumner and C. DeGroodt (SWCD).

2022-6-1 DeBlock made the Motion, Cheney seconded, to approve May's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – Some bills were paid and are listed on Bills for Board Approval.

CORRESPONDENCE

- The bank statements and collateral agreements were available for review.
- The District received a donation request from the Northeast Association of Conservation District Employees. No action taken.
- The New York Association of Conservation Districts (NYACD) sent out an update. They wrote to the Governor, recommending that she veto the changes to the Protection of the Water Regulatory Program via Assembly Bill A6652 and Senate Bill S4162. These bills currently passed both the Senate and Assembly. The NYACD is recommending against the bills and asking Districts to reach out to Governor Kathy Hochul to request that she veto the bills. Currently, streams that are a Class C are non-regulated, these bills would extend regulations to Class C streams. Discussion followed. **2022-6-2 DeBlock made the Motion, Cheney seconded, to sent a letter to Governor Kathy Hochul requesting that she veto the Class C Stream bills A6652 and S4162. All in favor.**
- The District received a NYS Envirothon update which included photos.
- The District received a cover letter from County Executive Steven Neuhaus requesting that the District prepare the 2023 budget in a responsible manner. SWCD had not yet received any information on the 2023 budget from the County, so we reached out to them and were told to use last year's forms.
- Our District Technician, Travis Ferry, submitted his letter of resignation. His last day was June 17th.

FINANCIAL REPORTS

Sumner mentioned we are a little late in receiving our 2nd quarter appropriation from the County. The District contacted the County and was told it would be sent to us soon.

\$6,000.00 from the 2022 Performance Measures Part B and \$5,000.00 from the Ag & Farmland Protection Board were applied to the District's new seeder purchase. Discussion followed on where to take the balance from. **2022-6-3 Wright made the Motion, Cheney seconded, to pay the balance out of the District's Equipment Replacement Fund. All in favor.**

2022-6-4 Cheney made the Motion, DeBlock seconded, to file May's Financial Reports for audit review. All in favor.

BILLS FOR BOARD APPROVAL

2022-6-5 DeBlock made the Motion, Cheney seconded, to accept the Bills to be Paid. All in favor.

GRANT REPORT UPDATE – The Grant Report is updated monthly to reflect changes.

(P. Ruszkiewicz joined the meeting at 9:20 AM)

INTERAGENCY REPORTS – There were no other agencies in attendance.

STAFF REPORTS

Written staff reports were emailed to Board Members prior to the Meeting for review.

C. DeGroodt (SWCD) – DeGroodt had nothing to add to her report, which was emailed prior to the meeting.

T. Ferry (SWCD) – Ferry's report was reviewed by the Board.

K. Sumner (SWCD) – See "Old and New Business".

OLD & NEW BUSINESS

Pellets Island Reach Maintenance Program Expansion – The Title work for the affected parcels has been completed and our Attorney is reviewing it. We are still waiting for more maps/descriptions from the County Surveyor, Tom Barry, but we are not rushing him since we are getting valuable services at no cost to us.

Ag NPS Round 27 – We are waiting for the contract documents. Design work is moving along.

Legoland EBP – The District received a written proposal from the Orange County Land Trust (OCLT) which was provided to the Directors prior to the meeting. There are two projects on which they would like to have permission to use EBP funds. The first one is the Sisters of Saint Dominic, which is close to Legoland off of Old Chester Road which abuts the Heritage Trail. The sisters that own it are donating the easement, but there are other significant costs, and OCLT would like to have permission to use some of the money for those costs. The other project is the Sugar Loaf Mountain Project. Sumner recommended to the OCLT that they list out the various expenses that they might incur within the next year, and we seek permission from NYSDEC to use the funding on any expenses from the list. The EBP money runs out in August 2023. Sumner asked the Moodna Coalition to weigh in by today and he did not hear back. If the Directors agree, Sumner will forward information to the NYS DEC and ask for their written permission. Discussion followed. **2022-6-6 Wright made the Motion, DeBlock seconded, to request NYS DEC approval for the list of expenses OCLT listed for the Sisters of Saint Dominic and the Sugar Loaf Mountain projects. All in favor.**

Discussion continued on the Legoland EBP projects. Cheney mentioned almost ¼ of the Sisters of Saint Dominic's project expenses is for staff time. Sumner said that is the time that they put in on interaction with clients and consultants. Sumner said that we could ask OCLT to exclude the staff time. Sumner stated that he can tell the OCLT that we would rather not spend the money on project management (staff time). **2022-6-7 Wright made the Motion, DeBlock seconded, to revise Motion 2022-6-6 to request NYS DEC approval for the list of expenses without the Project Management line, assuming OCLT concurs. All in favor.** Cheney mentioned that part of the Sisters of St.

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Dominic's property that does not go into the easement is going to be a solar development. He asked if the solar development property is good agricultural land and it was determined that it was. Discussion followed. Sumner offered to draft a reply to OCLT explaining our reluctance to endorse a project that commits good agricultural land to a solar development. **2022-6-8 Wright made the Motion, DeBlock seconded, to rescind Motion 2022-6-7 and endorse the use of \$35,000.00 of the Legoland EBP money towards the Sugar Loaf Mountain Project expenses as presented by OCLT excluding staff time. All in favor.** Sumner will ask OCLT to submit a revised proposal that excludes the 'Sisters' project and excludes staff time expenses.

Farm Tires – Follow-up to last month's discussion. A Town of Crawford farmer contacted Sumner to inquire about assistance in removing tires from his farm. **2022-6-9 Cheney made the Motion, Constable seconded, to reimburse the farmer 50% of the tire removal costs up to and not to exceed \$1,500.00. All in favor.**

The District received an email from Stacy Butler, Orange County Law Department (OCLD). The OCLD is looking at their workload and what contracts they will be reviewing from all of the different departments and the District is included on that list. So we could let them know what contracts we need review on or ones that we anticipate are coming up. Since the District has been using Rich Hoyt for this for the sake of expediency, Sumner didn't anticipate sending them any projects for their review at this time. They are assigning attorneys to different departments for contracts and also for general legal advice. They assigned Joe Mahoney for us for contract review only.

Sumner received a call from a Washingtonville farmer regarding the State DOT putting a larger opening under Route 94 than what currently is in place. There is a culvert under an existing rail bed downstream from the 94 culvert that is the same size as the existing route 94 culvert. He is concerned that the proposed larger opening under 94 will worsen flooding on his land. He was looking for guidance so Sumner contacted the Ag & Farmland Protection Board for possible support, and suggested he request a copy of the hydraulic/hydrologic study from the State DOT. There was board discussion on getting the County Department of Public Works involved. Discussion followed. The County owns the rail bed. Cheney agreed to contact OCDPW to see if they would consider reviewing the NYS DOT proposal on the basis that it could impact the rail bed.

Meat Processing Facility – A butcher visited the Farm Service Agency office expressing interest in starting a local meat processing business. Sumner and DeBlock provided information and it was suggested he contact the Ag & Farmland Protection Board (AFPB) Chair to request getting on their agenda. Sumner provided the Chair and the AFBP Implementation Committee a draft map of livestock operations in the County and suggested to the Committee and AFBP a collaborative effort to expand the list and estimate potential annual animals for processing. Sumner made contact with a butcher in New Windsor who indicated an interest in expanding his existing operation and offered to show his facility. The butcher that visited our office attended the AFBP meeting on 6/15. It was recommended that he contact the Hudson Valley AgriBusiness Development Corporation (HVADC) for assistance. They may be able to provide him with a business plan, finding sources of funding and possibly locations. It is unclear what other assistance the County/AFPB can provide. It was suggested they also contact the IDA. Cheney suggested giving them Steven Gross's (Director of Economic Development) name as he can help with steps needed to be taken. Discussion followed.

Sumner received a call from the owner of the fields that received soil from the Floodplain Bench Phase One project. The owner said that the drainage issues are worse this year. Sumner advised him that the subsurface drains that were installed in these fields as part of the project were not functioning properly due to sediment build-up in the outlet ditch. Sumner advised him to clean out the ditch and main pipe outlets as needed. The District agreed to collect soil samples for agronomic analysis and is awaiting results.

Sumner received a call from a Goshen farmer regarding filling activities believed to be illegal and to be compromising regional agricultural drainage ditches. This same site was reported to us several years ago by a different Goshen

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farmer. Sumner referred him to the Town and the New York State DEC and offered to assist him with follow-ups with regulatory agencies.

The Orange County SWCD 2023 Budget Packet has to be submitted to the County Budget Department in July. A draft of the 2023 proposed budget and salary table were presented to the Board. Discussion followed. Sumner had reduced the Part-Time District Technician salary by \$6,000.00 from last year's budget. Cheney suggested adding the \$6,000.00 back to the Part-Time District Technician salary. Discussion followed regarding a cost-of-living (COL) increase. **2022-6-10 DeBlock made the Motion, Cheney seconded, to submit the 2023 budget as presented by staff with \$6,000.00 added back to the Part-Time District Technician position and a 3% Cost-of-Living increase. The total we are requesting for our 2023 County Appropriation is \$257,834.00. All in favor.**

2022-6-11 DeBlock made the Motion, Cheney seconded, to approve the Districts 2023 salary table with a 3% Cost-of-Living increase. All in favor.

2022-6-12 DeBlock made the Motion, seconded by Cheney, to go into Executive Session at 10:46 AM to discuss employment history of one or more employees. All in favor.

2022-6-13 On a Motion by DeBlock, seconded by Cheney, the Board came out of Executive Session at 11:12 AM. All in favor.

2022-6-14 DeBlock made the Motion, Cheney seconded, to hold Ferry's Annual Leave payout until we can look more into his NYS Retirement deficiency payment. All in favor.

Sumner explained that when an employee goes out on Paid Family Leave (PFL), it is the employer's option if they want to allow the employee to use accrued leave for the 1/3 of the salary that the PFL does not cover. The District agreed to do this and updated our Provisions of Employment accordingly. Ferry charged his 1/3 Paid Family Leave time to his Sick Leave, a total of 63 hours. Since the District's policy does not specify which leave an employee has to use for PFL, Sumner feels we can not argue that he used his sick leave. But we should further clarify this point in our Policy. Discussion followed. There was no action taken as it will be researched.

NEXT MEETING DATE - The next **MEETING** is scheduled for **Monday, July 18, 2022 at 9:00 AM.**

ADJOURNMENT

2022-6-15 The Meeting was Adjourned at 11:18 AM on a Motion by DeBlock, seconded by Wright. All in favor.

Minutes Prepared By:

Christine DeGroodt, Secretary to the Board

C. DeGroodt

Board Meeting Activities May 14, 2022 – June 17, 2022

- We have \$527 cash awards on the rewards credit cards.
- Worked on paperwork for the 4-Hour E&SC course.
- Sent in a Wallkill Maintenance Reimbursement request.
- Posted tech vacancy on several sites.
- Worked on the 2023 proposed budget.

TF June 2022/Final Board Meeting Activity Summary

- 2 newest seeders are currently out on farms.
 - So far for the year we've planted 159 acres with the seeders combined (51.2ac on the 2022 new seeder).
- Cleaned & organized the Ford truck.
- Corn planters continue to need maintenance as the season progresses. Scheduling has been difficult as always.
 - So far for the year we've done 411ac with the corn planters combined (should be around 500ac, close to last year's total again this year).
 - A significant number of small issues have been fixable by Kevin or I, with parts we thankfully had on hand.
 - 1 planter is currently down waiting for parts at a farm. Welds on the wheel arms broke (replaced this past spring), breaking more parts that were just replaced this spring.
 - Farmer is unsure if he will be able to fix it himself.
- Large tree at Pine Island Turf Nursery was removed, stump is still in the river. Contractor will need to dig a ramp down onto clay in area that the river eroded to hopefully remove the stump.
- A large cottonwood fell along the Cheechunk just upstream of Quaker Creek confluence, this caused bank erosion on the south side, causing more trees to fall into the river. Contractor was able to get the large cottonwood and most of the other debris out.
 - Unsure what to do with the resulting bank erosion that is threatening the access road on the south side of the river.
- DEC contacted us about an issue with the lock for river access off Celery Ave., their mowing person couldn't open the lock/thought it was missing. I checked the lock, it is still there, but it is difficult to open and harder to close. This lock was already replaced a few months ago by Kevin, when we discovered it was missing.
- Coordinated with Kevin and Chris on AEM reporting and deliverables tracking for AEM program.
 - Worked on keeping AEM reporting up to date as of June.
- Worked on a PDR request for town of Warwick.
- I wanted to thank the board; I thoroughly enjoyed my time working at Orange Co. SWCD.

Report to Board KMS

June, 2022

AEM/AEM Round 17 Tier 4 (Implementation Projects)

Tier 4 Projects/budgets submitted to NYSSWCC have been approved.

Ewanciw

Van Aken

Dean Ford

Kocot

DeStafeno

Two of these farms required new/updated SHPO investigations, both have been received (no effect).

Contract paperwork received, notarized and returned to Albany.

Hudson Valley Carbon Farming Project [contract extended to 2023]

Two construction projects are pending, as well as 'after' Comprehensive Assessments of Soil Health (CASH) for all six participants that are now planned for fall, 2022.

Floodplain Bench

Phase 4 (CRF 5)

Site meeting with DEC took place on 5/17. No significant concerns were raised. Schedule for their formal review is not clear, but we expressed our goal to be able to start tree cutting winter 2022/2023 for possible construction summer 2023.

Met with one of the two affected landowners, he does not have any objections at this time.

Based on communication with DEC Stormwater staff, appears we will be able to avoid having to secure a Stormwater Construction permit.

Phase 3, Area 2

Still anticipating start this month or early July.

Other Flood Mitigation

Pellets Island Reach Maintenance Program – Title work for affected parcels has been completed (arranged and covered by County Real Property). Our attorney is reviewing. Reviews are not complete, but he advises some issues such as liens and mortgages have already been identified. These issues will not prevent securing the easements we want, but should be recognized as possible complications in the future. Given the complexity/cost of trying to address all these issues (such as seeking subrogation from lending institutions), attorney expects to recommend we proceed with easement acquisitions but understand range of issues identified by the title reports. We are still

waiting for more maps/descriptions from County Surveyor, but we are not rushing him since we are getting valuable services at no cost to us.

Round 27 ANPSACP

Waiting for contract documents (start date for contract – November, 2021). Moving along design work.

Other

Legoland EBP – OCLT proposal provided to Directors, to be discussed at Board meeting.

Pulaski Culverts – nothing new to report since last month

Cornell Pesticide Study

A potential participant met with Cornell project staff. He was concerned about their proposal to drive several shallow wells and sample from them, as opposed to using existing drilled wells. He may still participate.

Farm Tires

Need to respond to Crawford landowner about what assistance will be offered.

Cornwall slope – OCDPW met with stakeholders from Cornwall. My understanding is that their study recommended treating the entire slope failure, and they are exploring several funding sources for doing so. I don't see a significant role for us in this process.

New Hire – Ferry is resigning effective 6/17. We have distributed a vacancy announcement via Social Media, NYSSWCC mailing list, some job listing sites and select NYS colleges.

Meat Processing Facility? – A butcher visited the FSA office expressing interest in starting a processing business. DeBlock and I provided information and suggested he contact AFPB Chair to request getting on their agenda. I provided Chair and the AFPB Implementation Committee a draft map of livestock operations in the County. The map has over 70 points based on my personal knowledge, there are likely many more. I suggested to Committee and AFPB a collaborative effort to expand the list and estimate potential annual animals for processing. I made contact with a butcher from New Windsor who indicates an interest in expanding his existing operation and offered to show his facility. The butcher that visited our office attended the AFPB meeting on 6/15. It was recommended that he contact HVADC for assistance. It is unclear what other assistance the County/AFPB can or will provide. The Gynwood Center is engaged in a project to support livestock farming in the Hudson Valley. I am in communication with the Project Manager and want to explore potential collaboration.

Other

Call from Washingtonville farmer – State DOT putting larger opening under Route 94, goes through farm to RR culvert that is the size of the existing 94 culvert. He is concerned about worsened flooding on his land. Referred to AFPB and suggested requesting hydraulic/hydrologic study from State DOT.

Call from Blooming Grove farmer – reports un-controlled construction site runoff in Town of South Blooming Grove.

See correspondence from NYACD re: Streams Bill. Do we want to take a position?

Contacted by Middletown DPW Commissioner re: help with riparian buffers on City watershed lands. Agreed to be involved, but have not heard back.

Received call from owner of fields that received soil from Floodplain Bench Phase One. Drainage issues worse this year. Advised them that subsurface drains we installed in these fields as part of the project were not functioning properly due to sediment build up in the outlet ditch. Advised to clean ditch and maintain pipe outlets as needed. Agreed to collect soil samples for agronomic analysis, waiting on results.

Received call from Goshen farmer re: filling activities believed to be illegal and to be compromising regional agricultural drainage. This same site was reported to us several years ago by a different Goshen farmer. Referred to Town and NYSDEC, offered to assist with follow up with regulatory agencies.

2023 Budget and Salary Table – Information supplied to directors, need formal action on both.