

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
April 22, 2024

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:04 AM. Directors P. DeBlock, J. Wright, G. Constable and B. Cheney were present along with K. Sumner (SWCD), E. King (SWCD), M. Held (SWCD), O. Velez-Juarbe (NRCS), and Erik Schellenberg (CCE.)

2024-4-1 Cheney made the Motion, DeBlock seconded, to approve March's Board Meeting Minutes as written. All in favor.

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

CORRESPONDENCE

- Bank statements, Account Analyses and collateral agreements were available for review.
- Professional Services Proposal from Barton & Loguidice

Sumner provided the Board with the proposed agreement between Barton & Loguidice, B&L, and the District for the services they provide as it relates to the procurement policy. Cheney previously stated that the District's current limit on professional services, which is \$50,000, is too high. Sumner reported that the District's current contract for 2024 with B&L is \$15,000. Per Sumner, even if the District spent more than \$15,000, the District would be okay financially. Sumner suggested that we edit the procurement policy to reflect \$30,000. Sumner shared the contract with the Board to review. Sumner does not think that the District would find a better deal with another local firm. Sumner reported that B&L's project review fee is between \$400-\$1,000 which is agreeable to him. Sumner explained the contract to the Board as follows; 1.) Task 1 pertains to general engineering review, i.e. if Sumner has a project that he designed and needs engineer signoff which is done on a case-by-case basis via email. 2.) Task two is the Celery Avenue Permit update which has already been approved for \$3,000. 3.) Task three is the Walkill Hydraulic model update that would be looking at the work done so far and helping to decide which projects to prioritize in the future, the total being \$7,000. The total of all these tasks equals \$15,000. Sumner stated that the Board will discuss the procurement policy later in the meeting.

2024-4-2 DeBlock made the motion, Constable seconded, to enter into an agreement with B&L as written. All in favor.

- Region 5 Monthly SWCC Report from Ben Luskin
- Proof of Payment Remittance from the County for the Second Quarter Appropriation Check

Sumner informed the Board that the District received their second quarter appropriation check via automatic deposit for the first time. Cheney asked Sumner how the District is doing cash flow wise to which Sumner assured the Board that the District is doing well especially now with the second quarter appropriation check and the Part C funding.

- The Hartford Worker's Compensation 2023 Audit Statement
- Stormwater Solutions March/April 2024 Issue: Drainageway Vegetation Management

ORANGE COUNTY SWCD APRIL 2024 BOARD MEETING MINUTES

- USDA Inside Agroforestry Canopy Chronicles Issue
- The Upper Delaware Spring 2024 Newsletter
- Newsletter from NYACD Detailing Past & Future Events

FINANCIAL REPORTS

Sumner reported there was nothing of note regarding March’s financial report.

2024-4-3 Wright made the Motion, Constable seconded, to file March’s Financial Reports for audit review. All in favor.

BILLS FOR BOARD APPROVAL

2024-4-4 Wright made the Motion, Cheney seconded, to pay the bills as presented. All in favor.

GRANT REPORT UPDATE

Sumner presented the Board with a grant report update and noted that any new entries are written in red ink on the grant report. Sumner stated that the District is waiting on a lot of money from state agencies. Sumner is not concerned since work on many of these construction projects will not begin for a while. Sumner noted that the District has half a dozen contracts that started in November 2023 that the District is still waiting on funding from the State Soil & Water Committee.

INTERAGENCY REPORTS

CCE: Schellenberg stated that CCE’s 4-H Calf & Livestock sale is taking place on 5/11/24. CCE has two sessions left in their stormwater management training series. Those classes take place on 4/30/24 & 5/14/24. Schellenberg reported that CCE is offering a few tick-borne disease informational meetings at various libraries. CCE’s annual county fair will be from 7/26/24-7/28/24. CCE is collaborating with the Otisville County Fair to provide activities and rides for attendees of all ages. CCE is organizing a composting plan and station for the fair. Sumner asked Schellenberg whether he had any updates on the Conservation Innovations Grant, but he did not have any. Sumner and Held reported that there are currently two farmers interested in using the roller crimper this fall to plant cover crops.

NRCS: Velez-Juarbe reported that a new soil conservationist will be starting in July at NRCS’s Middletown branch. Per Velez-Juarbe, this individual has experience with NRCS since they worked in the Pathways Program. Additionally, the application deadline for a new resource conservationist position closes today. Velez-Juarbe is hopeful that by the end of 2024 there will be three NRCS staff members at the Middletown office.

FSA: There were no updates to report from FSA.

There were no representatives from NYSS or WCC present at the meeting.

STAFF REPORTS

*Sumner, King, and Held emailed their written staff reports to the Board prior to the meeting for review.

M. Held (SWCD)- Held provided supplemental information to the Board, regarding the District’s updated budget for the AEM Tier 4 projects. The District received up to \$200,000 from the State for the farmers involved in the program. Held reported that Ewanciw wants to add a barnyard enhancement aspect to his project and Dembrook Farms, LLC

wants to add a fencing project pending board approval. Additionally, the District wants to increase Rick Minkus' budget to \$30,00 from \$25,000.

E. King (SWCD)- King had no updates to add to her monthly report.

K. Sumner (SWCD)- Review "Old and New Business" for further information.

OLD & NEW BUSINESS

Floodplain Bench Phase 4 South– Sumner reminded the Board that most of the construction was done last summer on Pine Island Turf Nursery by CEC Excavating. Sumner reported that the District is waiting for B&L to complete the final quantity calculation of the project. The study gathers information to compare the land surface pre project versus post project. This is done so that the payment can be adjusted appropriately. The District does not have this number yet. B&L encountered difficulty with the files provided by the County surveyor. Per Sumner, the District is holding the last bill, which costs \$19,160, that the contractor submitted so that it can be adjusted based on the verified quantities. Sumner and King have been updating the conservation easements and following a template to change the names and acreages. Sumner shared the description and maps with Richard Hoyt, the District's attorney, for him to approve.

***Ruszkiewicz joined the meeting at 9:27am**

Floodplain Bench Phase 4 North- Sumner reported that the tree cutting is complete on Bastek's property. This was paid for with the special County Appropriation funding which was dedicated to Phase 4 North. Sumner reported that the cut trees are still on site until the road is built so that they can be easily transported as opposed to waiting for dry weather. The District is waiting for a comparable sales report from Orange County Real Property. Paul Wiley requested clarifications so he can accurately discern the location and size of the property. Sumner has not received anything from him yet and does not know how much the report will influence the price. Sumner proposed that the Directors discuss this in executive session since it could affect the future easement prices. The District sent project plans and request for proposals to four contractor companies, but only CEC Excavating submitted their proposal. Sumner reported that the bid for the whole project was \$751,150. The County allocated \$600,000 to the District in their appropriation check. Given the pending costs of the easements, Sumner is hesitant to approve that whole amount to prevent stretching the District thin financially. Instead, Sumner proposed that the District bid only half of the contract.

Sumner offered two options, 1.) To fully complete half the project which would mean the excavation work, tree planting, and road construction. Sumner noted that the tree plantings are a substantial cost of the project. 2.) Otherwise, the District could do all the excavation work in 2024 and delay the tree planting until 2025. Sumner admitted that the District may be pushing the length of the permits by delaying the tree planting. Per the terms of the permits, the tree planting must be finished before moving to the next project. Sumner explained that we cannot wait until November to decide whether or not to plant the trees since the contractor needs to reserve them ahead of time. Additionally, Sumner proposed that the contractor do all the excavation and decide later how much to plant. The cost of the entire excavation and road building without the tree planting is \$550,000. This provides some leeway regarding the \$600,000 awarded. Sumner informed the Board that the bid with the plantings is \$750,000. Sumner is unsure if the District has an additional \$150,000 in its budget to allocate towards the project.

Cheney asked whether the District is open to asking the County or other sources for more funding. Sumner explained that the County allocation is based on the estimate the District provided. Sumner admitted that the initial estimate for this project was unreliable at the time of developing our 2024 budget proposal. Per Sumner, he always expected that additional funding would be needed, but it was a question of how much. Cheney proposed two paths for the District to consider. 1.) The District approach the County and request an additional \$150,000. DeBlock was doubtful

whether the County will award the District more funding. However, Cheney felt otherwise and will investigate how the District could initiate that conversation with the County. Sumner asked Cheney if the District could request money from the American Rescue Plan Act, ARPA, for a project that already has funding. Per Cheney, he believes that the District could. Schellenberg asked Sumner whether he knew Brendon Wagner, who works with Sullivan County SWCD, but he was unfamiliar with him. Schellenberg mentioned him since Wagner has access to materials needed for tree planting and could supply them at a lower cost. Sumner appreciated the suggestion, but explained that the major cost stems from the two inch caliber trees. Sumner admitted that he is reluctant to enter a construction contract since the District and the landowner have not agreed on a price for the conservation easements.

Flood Control Steering Committee- Since all members of the Board attended the flood control steering committee, Sumner did not provide a recap.

Climate Resilient Farming Round 5- Per Sumner, the District is making progress on closing out the CRF 5 which ended at the close of 2023. Ben Luskin from State Committee will visit various work sites with Sumner this Thursday including CRF 5, HVCFP and AEM 17 projects. The District received most of the expected HVCFP payments, except the small payment, which will be allotted towards the Southway project. Once the site visits are completed, Sumner will work on receiving the remaining funds. CRF 5 paid for most of the construction on Phase 4 South.

CRF Round 7- Sumner noted that there are three projects still waiting for their contracts to be finalized.

AEM Round 17- Additionally, the District is waiting on State Committee to close out AEM Round 17 which also concluded at the end of 2023. There is a final payment expected, but since it relates to staff time Sumner is not as concerned as he is for CRF Round 5. Once Luskin approves the site visits, the District will hopefully secure the \$30,000 final payment holdback on CRF Round 5.

AEM Round 18- Sumner reported that the District executed contracts, but have not received payment for the initial claim for payment, CFP. Sumner informed the Board that a resolution for the Tier 4 projects needs to be approved before the meeting adjourns. The District is currently working on the project designs, as well as the State Historic Preservation Organization, SHPO, approval while they await the funding to arrive. Sumner noted that five of the six projects have received SHPO clearance. The one property, Mark Hoyt's, was found to be in a sensitive area which raised red flags. Hoyt's project is on fifty acres of cropland and is adjacent to a site where archaeological findings were uncovered. The SHPO board has not asked Sumner to conduct a Phase One study yet, but has asked for additional information. Sumner explained that in a Phase One investigation, an archaeologist visits the site, conducts a study which includes a literature review, and shovel tests. Sumner stated that a Phase One investigation could delay the project indefinitely. Sumner reported that in cases where state money is involved there are more restrictions in place compared to if the project were funded by the landowner.

State Soil & Water Committee- Sumner was unable to attend SSWC meeting on 4/16 so he does not have any updates on the Committee's decision to grant him authority to sign off on soil health practices. Sumner will update the Board when he does receive news.

Aldo Leopold Award- Sumner reminded the Board of the landowner who contacted him requesting that the District sponsor her application for the Aldo Leopold Award. Per the Board's instructions, Sumner sent the landowner the Board's recommendations last month, but he has not heard from her. The deadline for the application is 5/15/24.

Filomena Drive- Sumner reported that the easements still need to be acquired in order to maintain the section of the river. Sumner noted that the District has made good progress in that area and there were only two easements left on the Goshen side of the river that the District needed. Per Sumner, the Town of Goshen supervisor was very helpful in obtaining those easements. One of the easements has already been signed and the other one is in the process of.

ORANGE COUNTY SWCD APRIL 2024 BOARD MEETING MINUTES

Sumner noted that one of the easements was needed from Brian Mitchell of Landscape Impressions. Sumner met with him, his engineer, Town of Goshen officials, and Rob Schreibeis to discuss the alleged illegal dumping and possible easement signature. Sumner stated that Mitchell claimed that the work done by the County in 2012 made his roads deteriorate, which forced him to add fill on the bank of the road going down to the Wallkill River. Sumner is interested to see how the Town of Goshen will respond since Mitchell is in violation of the floodplain development law. Additionally, Mitchell violated Goshen's stream overlay district which require permits. Sumner reported that there was to be another meeting with the Town the following day, but Sumner does not know how that went. Sumner made it very clear that the District was not involved in the 2012 project. He wanted to make sure that no blame falls on the District. Sumner provided the Board with a copy of the minutes from April 2014's Board meeting minutes. During this meeting, a landowner who lived across from Filomena Drive, described the damage done to his property because of the 2012 project. DeBlock and Sumner recalled how construction on this project began on a Sunday and the Town was not properly informed of it prior to construction. Additionally, the site was left in disrepair after construction ended. Sumner has possession of a letter Mitchell wrote that credits the issue with his land to the 2012 project, not the District's 2011 project. Mitchell stated that the District left his property how we found it, and that Sumner is a man of his word. The District returned to Mitchell's property in 2014 to try and repair the damage caused by the contractor who used a tree shear on an excavator. Sumner explained that tree shears leave a jagged edge to the stumps, which makes it difficult to cut the stump to the ground. The District drafted a contract and bid for a contractor to cut all the jagged stumps down to ground level so that the land could be mowed. Sumner informed the Board how hard it was to get the landowner's permission following the 2012 project. Luckily, the landowner signed the access license which allowed the District to complete the cleanup project. Sumner does not want the District to get involved until Mitchell and the Town of Goshen resolve their grievances and create a reclamation plan. Sumner does not know if the Town will require Mitchell to remove the fill. Sumner felt that this should be done before any further action is taken. The town supervisor even mentioned possible grants available for the landowner to use to repair his property. Sumner questioned whether this is an appropriate precedent to set. Sumner wanted to make sure the Board is aware of the situation since this will be an ongoing issue.

Quaker Creek- Sumner reported that most of the work on the Creek is finished, but that there are many spoil piles left. One of the farmers asked Sumner for advice on stabilizing the recent work. Sumner provided him with the basic parameters of what would have to happen for them to apply for funding from the District. So far no one has reached out to Sumner regarding available funding.

ArcGIS Pro- Sumner reported to the Board that Held and King have been working with Daniel Muñoz who works for the County at Real Property. Muñoz is the ArcGIS Pro manager for the County. He has been providing valuable data and teaching King and Held how to use the software. Sumner asked Muñoz to teach them since he is more familiar with ArcMap. Sumner stressed how great it is to have this free service from the County since according to Muñoz a one-day training in ArcGIS Pro costs \$1,400 per attendee. The District acquired the new software from NRCS under their license.

Revision of the Maintenance Agreement- Sumner reminded the Board that the town supervisors agreed to allow the District's remaining funds to roll over into the new year. Additionally, the funds would automatically reappropriate the full amount. Sumner believes that the County law department will need to oversee that implementation. Sumner provided Paul R. and Cheney with a summary of the intended plan. Cheney stated that he spoke with the legislative attorney who will review past amendments and keep him updated.

Celery Avenue Ledge Lowering Project- Sumner mentioned that the consensus at the flood control steering committee meeting was to proceed with the Celery Avenue project. Sumner is waiting for an update from B&L regarding the permit application. Sumer spoke with Ryan McGuire from the County's Department of Public Works a

few times. They have discussed using ARPA funding for the project. Sumner is hesitant though since the project does not have a set price. The County would not want to request \$500,00 only for the District to use \$200,000. Sumner promised McGuire that he will get an updated semi-formal proposal from a contractor to have a better idea. Sumner obtained an updated proposal from CEC Excavating who conducted the hammer test on the ledge in 2019. The bid price provided was \$225,000 which Sumner thinks is reasonable. CEC stated that there are a few variables that need to be considered. CEC would need to rent a huge excavator with a 10,000 pound rock hammer and the cheapest way to rent the equipment is by the month. Additionally, CEC needs to account for the unpredictable weather conditions and the turbidity control of the river. CEC noted that there is an initial fee of \$8,000 to mobilize, but if he had to demobilize and restart it would cost an additional \$8,000. The deployment of the sediment control would be \$25,000 initially, but if he needs to restart then it would be another \$15,000.

Sumner believes that lessening the possible risks for the contractor yields a better price for the District. The entity seeking the proposal must be prepared for the likelihood that the price could increase. Sumner reported that the hammering part of the project is \$192,000 based on the cubic yardage. The District can ask the County to allocate \$250,000, but needs to accept the risks involved. For this reason, Sumner advised that the District have a reserve fund of \$50,000. Sumner's thinking is that work done in the winter is subject to wet, unfavorable conditions. However, in the summer there is a lower likelihood of two continuous months of rainfall and wet weather. Sumner mentioned the consensus that the benefits of this project will not be monumental. For this reason, it is imperative for the District to be realistic when deciding how much money should be dedicated. Constable asked whether the District has access to historical data that could reveal trend lines of when the river is at its lowest point. Sumner read historical records of the Walkill River that reported its flow being 9 cubic feet per second in the middle of the summer. Muñoz gave the District access to Near Map which allows the user to access high resolution aerial photography from previous years. Sumner viewed the river from September 2022 which showed the water levels being so low that 90% of the rock that needs to be hammered out was above the surface of the water. Sumner stated that low flow conditions are preferred for this project. The District's experience from the Pochuk Creek Rock Ledge Project showed that leakage will occur through the turbidity controls and through the area where the rock is being hammered. The Board needs to be mindful of the fact that this project is surrounded by more neighbors who could potentially file reports. One of the other conditions that Sumner gave the contractor was that the neighbors will be amenable to the project. Per Sumner, the Quaker Creek farmers who support the Celery Ledge should assuage the worries of the neighbors near the worksite. Sumner asked the Board if they had any questions or concerns. Sumner felt that there would be a minimum three month wait for the permits to be processed. For this reason, Sumner does not believe that construction will begin this year. However, Sumner stressed the importance of keeping the parts moving to prepare for when it does occur.

AEM Round 18 Project Resolution- Sumner provided the Board with the AEM Round 18 resolution that requires their approval to receive funding. The farms named in the resolution include Mark Hoyt, Peter Ewanciw, Joe Minkus, Rick Minkus, Devon Simpson, and Dembrook Farms, LLC.

2024-4-5- Wright made the motion, seconded by Constable, to adopt the resolution under Round 18 of the AEM Base Program. All in favor.

Sumner asked Constable if he has any input on the Dembrook Farms, LLC's project application. Constable noted that the farm rented their fields to other farms quite often, but not his family's farm. Constable asked Sumner how many animals they have and whether the willow trees are still an integral part of their operation. Dembrook listed sixteen animals in their application. Sumner noted that Dembrook wants to access the stream to provide water for the animals. It may be possible to use an alternative solar powered watering system to avoid watering animals directly from the stream. Sumner explained that funding from AEM Tier 4 can be reallocated to a different project if plans change. The progress of part of this project is dependent on whether the crossing of Rutgers Creek is feasible. Sumner reminded the Board that Rutgers Creek is a class CT stream so it would need a DEC permit to do the crossing.

ORANGE COUNTY SWCD APRIL 2024 BOARD MEETING MINUTES

The District will only cover the cost of the fencing that excludes the livestock from accessing the stream. Otherwise, the rest of the fencing is at the landowner's expense.

Additionally, Sumner updated the Board on Ewanciw's livestock heavy use area runoff management project. Ewanciw previously applied for funding for the same project through AEM Round 17, but never completed the project. Ewanciw is reinterested in receiving funding, but this time through AEM Round 18. Sumner suggested that the Board approve the project, but on the terms that if work is not completed by 9/1/24, his application will be rescinded. Per Sumner, those funds would be given to another project. Sumner does not want to run the risk of losing the opportunity to use all these NYS funds on Orange County farm projects. AEM Round 18 money is available through the end of 2025. The Board agreed to set a deadline for Ewanciw to complete the work by 9/1/24.

Policy discussion began at 10:10AM

2024-4-6 Cheney made the motion, seconded by DeBlock, to enter the executive session to discuss a proposed acquisition of Real Property. All in favor.

2024-4-7 On a motion by Cheney, seconded by DeBlock, the Board came out of executive session at 10:33AM. All in favor.

***Ruszkiewicz left the meeting at 10:33am**

Reviewal of Policies

Procurement Policy

Cheney began by asking for clarification regarding who the Treasurer and the Assistant Treasurer on the Board. DeBlock explained that she is the Treasurer, and that Wright is the Assistant Treasurer. Regarding the professional services bid limit, Sumner asked the Board if they approve replacing \$30,000 with \$50,000 for the competitive bids. Cheney stated that since it is a professional service it does not need to be done based on cost. In terms of selection, if a bid is over \$30,000 then the District would need multiple proposals. The Board approved this edit and confirmed that the policy would otherwise remain the same.

District Vehicles

Sumner discussed the provision pertaining to whether the District must cover the deductible in the event that an employee gets into an accident while using their personal vehicle on District business. This is currently not in the District's vehicle policy. Sumner confirmed that the individual's own auto insurance would provide the main coverage. Sumner recommended that this clause specify that this policy only takes effect when the use of an employee's own vehicle is required by the District. Such an event would occur if the three vehicles are being used or are in poor condition to drive. Every so often an employee will use their own vehicle on either the commute to or from work for efficiency purposes rather than use the District's vehicle. Cheney and Sumner proposed that the District cover the employee's deductible up to \$1,000 if they're involved in an accident while conducting District business. Lastly, DeBlock stressed to King and Held the importance of not admitting guilt if involved in an accident.

Reprimands/Termination of Employment

The Board approved Cheney's addition to add the "Under the influence of alcohol or drugs" to the list of conditions that may be cause for dismissal.

Overtime

Cheney asked Sumner to confirm whether the District defines a nonexempt employee as one who is paid hourly. Furthermore, Cheney wanted to know if an exempt employee is salary based. Sumner confirmed that he and King are exempt, but that Held is non-exempt. Therefore, if Held works overtime, she is paid time and a half for each hour. Per Sumner, King is exempt since she has the title of office manager and was hired at the pleasure of the Board. Sumner shared that he thought that as a manager he is expected to get the job done and does not qualify for overtime. However, staff that is non-supervisory are allowed to take overtime. DeBlock stated that the District opts for additional hours accrued as compensation rather than time and a half. Cheney stated that the Department of Labor could find issue with this and state that non-exempt employees are entitled to 1 for 1.5 of overtime. Cheney reported that NYS does not look favorably upon compensatory time for employees. DeBlock noted that when she worked at FSA, they wanted her to take comp time instead of overtime. Cheney remarked that if you can get the State or the agency to agree with our current definitions then the District can justify comp time. Cheney recommended that King check with civil service to ensure that we will not owe money in the future. Additionally, Cheney suggested conferring with other Districts to see how they classify these terms. Otherwise, Cheney suggested that King contact the County's Department of Human Resources, provide them with the District employee's job descriptions, and hopefully determine their classification. Sumner mentioned that he and Held are subject to the Civil Service guideline. For this reason, Sumner believes that it would be defensible and logical to adhere to the County's guidelines. Cheney recommends that King review the County job classification and if not then we are entitled to the county making that decision as to what it is. All the staff are exempt employees and can receive approved overtime compensation.

Annual & Sick Leave

After confirming with King that the District is on a two week pay period, he said that she can disregard his first comments under *Annual Leave & Sick Leave*.

Sick Leave

Cheney suggested that the District state that *"anyone not a part of the NYSLRS who has one year or more of accumulated sick leave, will receive a final retirement fund payment equal to the annual combined IRA and SEP contributions made by the District on their behalf per the policy adopted by the BOD in 2021"*. DeBlock clarified that Sumner will be paid out based on a monthly calculation. Sumner has advocated for the creation of the dedicated retirement liability to protect the District financially and make it clear that the BOD did not send him off with a golden parachute when he retires. Sumner stated that this policy has been in effect since he started working with the District decades ago. Sumner noted that if you're getting a pension that it adds to your years of service so that your perpetual pension payment is higher. Sumner does not know if NYSLRS adheres to the same policy. DeBlock confirmed that the Board will cover 50% of Sumner's health insurance when he retires.

Paid Holidays

Cheney requested that King remove the sentence that stated, *"The District shall observe the County's paid holidays"* since the Board approved the proposed new holidays from the District.

Retirement Plans

Cheney removed the sentence from the provision which explains Sumner's absence of registration with NYSLRS. Cheney suggested that the policy read *"Employees hired before January 1st, 2020, participate in an alternative retirement plan created and administered according to requirements established by the IRS. The specific details of the alternate retirement plan were determined by the Board of Directors and recorded in regular and special meetings of the Board."* Cheney advised that King or Sumner include what was specifically recorded in these meetings in the policy.

Health Insurance RE: Buy Out Provision

ORANGE COUNTY SWCD APRIL 2024 BOARD MEETING MINUTES

Sumner stated that the Board would need to establish a price for the buyout provision for employees that do not participate in NYSHIP coverage. Currently, two of the three employees at the District are enrolled in NYSHIP. Per Sumner, an individual health plan costs the District ~\$12,000 and a family plan is ~\$25,000. Cheney mentioned that the buyout would save the District a lot of money. Cheney noted that he is paid a total of \$5,000 annually and is paid in quarterly installments from the County for his health insurance buyout. Cheney noted that the buyout shows up as a taxable income, but is not treated like salary is. Cheney suggested that King talk to the finance office or risk management from the County to understand how they do that. **Cheney emailed the BOD this proposed amendment after the meeting- *"If an employee chooses not to be covered by the OCSWCD health insurance plan the employee will be paid \$1,250 per quarter. The employee must provide written proof that he/she has coverage through another source. The decision of the employee to change their coverage shall be made prior to the calendar year. Payment to the employee shall be made at the end of the quarter."*

Dental/Vision Benefit-

Cheney proposed an addition to the dental/vision benefits that would increase the District's reimbursement towards a vision/dental plan from \$190 to \$2,000. The BOD shared their support for this increase. **Cheney emailed the BOD his proposed amendment- *"The OCSWCD shall reimburse all full-time employees up to \$2000 per year for dental work and/or eye care for the employee or eligible family member, that was performed and paid for less any benefits derived through other plans. Premiums for an employee elected plan are also covered up to the stated limit. Cheney stated that receipts are required for any potential reimbursement."*

FOIL Policy

*Correction- *"Fees for 8 ½ x 11 copies shall be twenty-five cents per photocopy."*

Sexual Harassment and Discrimination-

King updated the District's discrimination policy against sexual and other forms of harassment by referring to the County's policy which was revised in 2024. Sumner wants the Board to discuss who the District should list as outside resources that the County listed such as fellow department heads or human resources. The Board agreed that they need to assume the role of the County and their support entities. The District included the recommended outside agencies such as the County's and the State's Division of Human Rights. Cheney noted that the Conservation District Manager would be made aware of any reports filed. The District currently has both a County Discrimination and Sexual Harassment policy & a NYS Sexual Harassment policy. Sumner asked the Board whether they felt it was necessary to keep both policies. The BOD decided to disregard the NYS Sexual Harassment policy and keep the updated County Discrimination and Sexual Harassment policy.

Health Insurance RE: Retiree Rate

Cheney asked Sumner to clarify if it is the District or the retiree that contributes 35% for family premiums or 50% for individuals on number five of the policy. Cheney suggested restructuring it and saying the employee contribution rate for retirees shall be __ *amount will be added once the District receives instruction from the County*

Cheney recommended that the District add the policy that was adopted and cite it in the Provisions of Employment regarding the contribution rates for retirees. Sumner stated that the current rate of retirement contribution is determined by a sliding scale that is influenced by your years of service. The Board confirmed that if a new employee has an individual health insurance plan, then they make a 10% contribution. The Board wants to confirm whether contribution rates are under the control of the District. The current rate of retirement contribution is determined by a sliding scale influenced by years of service. Cheney mentioned that the Village of Warwick's policy states that after ten years of service, an individual plan does not pay any premium and when you retire you don't pay any premium. Cheney recommended that the District check with the County or risk management to determine how much employees contribute towards their health insurance. Per Cheney, this shows that the employee contribution of 10% listed in the provisions of employment is not mandated by NYSLRS. Due to this, DeBlock suggested that we edit the

ORANGE COUNTY SWCD APRIL 2024 BOARD MEETING MINUTES

provisions of employment to state that after thirty years of service with the District, individual plans no longer must pay their premium while employed and during retirement. Cheney and DeBlock agreed that this would incentivize employees to stay with the District.

Health Insurance: Domestic Partners

Cheney proposed that the Board revise #7 to state that- *“OCSWCD shall extend health insurance to Domestic Partners of full-time employees providing they meet the eligibility criteria of the health insurance plan.”*

Step Adjustments

The policy currently reads that “In the event that the most recent employee appraisal is unsatisfactory, any step increase for which the employee is eligible will be postponed until the next eligibility period.” Instead, Cheney suggested that *any step increase will be postponed for one year for reevaluation*. DeBlock and Cheney agreed with this proposed edit.

Sumner recommended that he and King make the suggested edits and present it to the Board at May’s meeting. Cheney will contact Paul Wiley, follow up with the legislative attorney, and forward King the official wording for the dental and vision provision. Sumner will contact Schreibeis and let him know that he has a number for the Celery Avenue Ledge Lowering Project.

Next meeting date: May 20th

ADJOURNMENT

2024-4-8 DeBlock made the motion, seconded by Wright, to adjourn the meeting at 11:19 AM. All in favor.

Minutes Prepared By:

Emily King, Secretary to the Board

April, 2024

Walkkill Flood Projects –

Floodplain Bench Phase 4 South – Waiting on B&L for quantity calculations so final bill can be adjusted as necessary. The unadjusted final bill is \$19,160.

We are working on the Conservation Easement documents. The project extended on to four separate parcels, so we will need to prepare four separate Easements. See Summary of Easement Status at end of this report.

Floodplain Bench Phase 4 North

Tree cutting and processing complete. Paid out of County Appropriation Special Project fund. We are thinking now to wait until the road is built to remove the trees.

We are still waiting for ‘comparable sales’ report from OCRP. It is important that we resolve Easement purchase price before entering a construction contract.

As noted last month, we solicited proposals on behalf of Sunflower Valley Farms for the Phase 4 North project. Of the four contractors who were contacted and sent the plans and RFP, only one submitted a proposal. CEC Excavating bid \$751,150 for the entire project. For Areas 1 and 2 only (~half the Project), the cost would be \$394,900. If we constructed the entire floodplain bench and held off on the tree plantings, the cost would be \$549,650. This matter requires discussion in conjunction with the Easement Summary discussion.

Other Flood Control Items

All the directors attended the flood control steering committee meeting on 3/20. A meeting summary and executive summary was distributed after the meeting.

Carbon Farming Project – We finally received a reimbursement for the Southway and DeBuck projects on 4/12. NYSSWCC still needs to view the projects in the field. Visit scheduled for 4/25. We are still hoping to receive an additional ~\$3,700 towards the Southway project.

AEM Round 17 – This contract has not been closed out yet (ended 12/31/2023). Waiting on NYSSWCC. Fortunately, we are not holding a large financial liability. Final payment expected to be around \$4,700.

AEM Round 18 – Executed Contract documents were received. Waiting on NYS processing of initial Claim for Payment. We need to allocate additional ‘Tier 4’ implementation funds and pass resolution naming all farms receiving funding at April meeting and submit before 5/1. We are already working on project designs and related work such as SHPO clearance. It looks like Hoyt project raised a red flag already. All others cleared for SHPO concerns.

CRF Round 7 – Work Plan materials for all three projects has been submitted to NYSSWCC – awaiting contracts. All staff are working to advance these projects while we await funding. (Same status as last month.)

‘Sign Offs’ on Soil Health Practices – NYSSWCC did not address this matter at their March meeting. April meeting was last week. Haven’t heard anything from NYSSWCC.

Leopold Award – I contacted the landowner and provided the recommendation of the board from last month that they complete a draft of the application and submit it to us for further action. I have not heard from them since sending that request right after last month’s meeting.

Filomena Drive Easements and Dumping. Met at Filomena 4/17 with landowner and Town of Goshen officials. Landowner claims work done by County cutting trees caused his road to subside, necessitating filling the road bank to stabilize the road. There are large quantities of fill of all kinds including large concrete chunks. Landowner claims there is no more fill in the river channel than what was there before the County work caused the road to subside. He had a meeting scheduled at the Town the next day. It remains to be seen what will happen with the situation.

Subsequent to the field meeting, I reviewed emails and Board meeting minutes from 2013 – 2014 to clarify that the impacts the landowner claims were all from the ‘County’ project in 2012, not from either of the SWCD projects (2011, 2014). Sent summary and 4/2014 SWCD Board meeting minutes to landowner and copied Town of Goshen and Rob Schreibeis.

Quaker Creek Soil Stabilization

I received a reply from Joey Morgiewicz to my offer to explore funding opportunities to stabilize spoil piles left from the Creek cleaning project undertaken by farmers. He copied several of the farmers involved in the project. I replied to all with a summary of how to apply for funding assistance. I have not received any replies or requests.

GIS Assistance from County

I asked County GIS Manager Dan Munoz if the County could provide GIS training to our staff. He gained approval from Paul Wiley (Dan works in the Real Property Department now), and has visited our office several times and provided access to various County mapping tools/resources. This has been extremely helpful in getting Emily and Mary started on learning GIS. We received new GIS software (ArcPro) from NRCS at no cost.

Partnering with Wallkill Wildlife Refuge on Flood Mitigation/Riparian Restoration - I contacted staff person in Ryan’s office who had previously agreed to assist in re-establishing dialogue on this matter. No reply.

Revision of Wallkill Maintenance Agreement – I contacted Paul and Barry in effort to get the ball rolling on formal amendment of the MA that would allow end of year balance to transfer to Soil and Water.

Celery Avenue Ledge Lowering – Spoke with Ryan Macguire from OCDPW. There is apparently discussion about using ARPA funding. It would be important to understand how using this funding would affect procurement and construction management relative to our typical practice of having farm hire contractor/us reimbursing farm. Apparently, there are some concerns at the County about whether this project is a good fit for the ARPA funding.

I developed a brief Work Scope to accompany the B&L Plans for the Ledge Project, and asked a contractor to provide an up-to-date informal bid in effort to move forward discussions on how the project might be funded. Asked B&L for update on permit renewal. No reply yet.

Status of Conservation Easement Acquisitions Associated with Walkkill River Flood Control/Floodplain Bench Projects 4/2024

Background: The Floodplain Bench construction projects being implemented by OCSWCD are all permitted by NYSDEC. One of the permit conditions is that a Conservation Easement be placed on the constructed bench areas. To date, Floodplain Bench projects have been completed from the Pochuck Creek/Walkkill River confluence to properties south of the County Route 1 bridge over the Walkkill, involving multiple landowners. The projects were undertaken in six different phases over the time period 2016 to 2024.

PHASE 1 – Walkkill-Pochuck Confluence to Rutgers Creek, North Side

OCSWCD initially acquired a Conservation Easement (CE) on the Phase 1 area, subsequently the 10.4 acre CE area was subdivided from two parent parcels and purchased by OCSWCD from two landowners in 2017.

PHASE 2 North – North side of the Walkkill, east of County Route 1 and west of Rutgers Creek

CE acquired in 2017 on 3.6 acres from Robert Gantt, P/O Town of Minisink 7-1-21.2. A portion of this project was on Town of Warwick 3-1-6.22, but CE was not acquired at time of construction.

PHASE 2 South – South side of Walkkill, east of County Route 1

CE acquired in 2019 on 1.8 acres from Green Farmland, P/O Town of Warwick 3-1-6.22. A portion of the P2S project (0.787 acres) was on Warwick 3-1-1 but CE was not acquired at time of construction.

PHASE 3

Completed in two separate projects from 2020 to 2022. Area 1, south side of Walkkill at Rutgers confluence, 4.26 acres, owned by Green Farmland (a portion of this 4.26 acre area is on the north side of the river and was constructed in conjunction with P2N). Area 2, south side of Walkkill west of Pochuck Confluence, 5.02 acres, owned by Green Farmland. Area 2 south side of Walkkill west of Pochuck Confluence, less than 1 acre owned by Davandjer Farms.

Status – Maps and Descriptions finalized by County Surveyor, April, 2024. OCSWCD prepared CE documents using existing template which have been submitted to attorney for review before presentation to Green Farmland. Have not begun work on the Davandjer Farms CE.

PHASE 4

Phase 4 South

Construction complete, some additional plantings may be undertaken. Verbal agreement with Landowner on CE purchase price. Maps and Descriptions finalized by County Surveyor, April, 2024. OCSWCD prepared CE documents using existing template which have been submitted to attorney for review before presentation to owner Pine Island Turf Nursery. P4S covers parts of four Town of Warwick parcels, all controlled by the same landowner(s). The total acreage is 15.05. Four separate easements will be required. The 0.787 acre area on Warwick 3-1-1 not acquired in 2019 will be included in the P4S acquisition and is part of the 15.05 acres.

Phase 4 North

Negotiations are in progress with the P4N landowner(s). Construction is currently anticipated for summer, 2024. Tree cutting/processing was completed in March, 2024. Anticipated size of the CE area – 16 acres.

PENDING CE EXPENSES

PHASE 3 Green Farmland 9.28 acres

PHASE 3 Davanjer Farms <1 acre

PHASE 4S Pine Island Turf Nursery 15.05 acres

PHASE 4N Bastek 16 acres

The cost per acre has not been defined for these CE's, except for the verbal offer from PITN of \$3,000/acre.

If all acreage can be acquired at this price, the total cost would be:

41.3 acres *\$3,000=\$123,990.

P4N landowner has requested \$5,000/ac. If OCSWCD agrees to this price:

25.3 * \$3,000=\$75,900

16 * \$5,000=\$80,000

\$155,990

Considerations

These expenses can probably be split over a two-year period, and largely covered by 'Part C' funds (\$207,800 was received in Part C for 2024, similar anticipated for 2025). However, we rely on Part C funds for other expenses as well, including local match for current and future farm project grants.

I would like to discuss this matter with the Board at April meeting to ensure that we do not over-extend the District financially. Options include only contracting for one half of planned P4N construction to reserve funds for CE payments, reducing use of future Part C funds to match NYS funds for farm projects, delaying tree planting component of P4N, other?

Emily King

4/22/24

To the Board of Directors,

Since we met in March, I have undertaken a variety of new tasks and responsibilities. Leading up to the District's yearly audit I corresponded with the audit firm, PKF O'Connor Davies, to learn what materials they needed. When the auditor was at our office, I assisted him with his requests such as Schedule B for form 941. This is used to show the District's tax liability for the quarter. I received assistance from a fellow office manager whom I met at the WQS. I wanted to thank the Board again for allowing Mary and I to attend the WQS and further our education and professional connections.

I spoke with a representative from NYSHIP and reset my account to obtain access to the Health Benefits Administrator and NYS Health login. I updated the office binder with the new login information.

I attended and wrote the meeting summary for the flood control steering committee meeting on 3/20. The approved meeting and executive summary were shared with everyone who attended.

I worked with Kevin and Mary to replant trees on the Floodplain Bench at Pine Island Turf Nursery. While there, we replaced stakes that went missing and cleared away debris that stood to impede the growth of the saplings. I prepared BMP reimbursements under Kevin's guidance and shared them/delivered them to Pine Island Turf Nursery.

Additionally, I received a few calls regarding the rental of the No-Till seeders and refreshed myself on the No-Till rental agreement, the rental rates, and the required insurance certificate.

I reviewed edits to the list of policies made by Barry and updated the policies based off these recommendations. The updated policies were shared with Kevin and his suggestions were factored into the final draft that was shared with the Board of Directors. I reconfigured the District's discrimination policy as well as the discrimination/harassment complaint form based off the County's 2024 version.

I conducted a field survey with Kevin and Mary at Greystone Stables to advance their access control project through AgNPS Rd 29. I learned how to use the appropriate equipment, take detailed notes, and how to calculate the elevation rates. Additionally, Kevin showed Mary and I how to graph survey points.

Last week Mary and I visited Wagon Wheel Farm to collect soil samples and soil penetrometer readings. This visit was needed to satisfy the terms of his 2023 fall cover crop agreement.

Towards the beginning of April, I collected the information needed for the quarterly taxes and filed them in a detailed Excel workbook. I submitted the quarterly taxes well before the end of month deadline.

I helped Kevin with edits to the conservation easements that were shared with Richard Hoyt for review which pertain to the Walkill floodplain bench project.

Mary and I are working with Dan Muñoz from the GIS division of the County to familiarize ourselves with ArcGIS Pro and Near Map software. These lessons have proven to be very informative, and I look forward to contributing more to the design of soil maps, etc.

Furthermore, I updated all the ledgers for the various grants we have and with that information updated the dedicated fund summary on the March receipts financial report. I have been updating the digital and physical ledgers, checkbooks, as well as the monthly financial reports.

OCSWCD Technician Update

Mary C. Held

4/18/2024

Since the last board meeting, I have been involved with a variety of new things to learn and practice. To begin, Kevin spent a great deal of time with me explaining survey notes and helping me practice plotting information we took in the field onto paper.

We have also reached out to a couple of individuals who have helped us become familiar with ArcGIS Pro, the newest GIS software that the state has been encouraging districts to utilize. Dan Munoz of Orange County GIS has come into the office a few times to get us more familiar with the functions and comfortable with starting basic projects such as soil group worksheets. It is our intention that once we are comfortable with using the GIS software, Emily and I will be able to help a bit more during soil group worksheet season.

Aside from learning new things, I have been making sure our Tier 3 farm planning information for our projected AEM Tier 4 projects is up to date and consistent with AEM standards.

With the growing season coming into full swing once again, the seeders have been moving as requests for rentals come in. Thankfully, it has so far been smooth sailing.

CRF Update:

Round 6: Soil testing at Jason Touw's has been completed.

Round 7: No updates on the technician's end.

HVCFP Update:

Final materials were submitted to Ben Luskin for submission. Kevin has been mostly in contact with him about what is still required.

AGNPS Update:

Round 27: Contract End Date: March 2025

- Marty Lain: Has indicated one final payment he would like to record and we are waiting on that before submitting the full closeout package to Ben.
- No other updates on other farmers within the contract.

Round 29: Still waiting for a contract.

- Moraski: The team (Kevin, Emily, and I) went into the field to take survey shots of the area where the project is being suggested. We got a general profile of the area plus numerous cross sections to get a better picture of the scope of work needing to be performed.

AEM Update:

Round 18: Materials for Rick Minkus, Joe Minkus, Mark Hoyt, and Devon Simpson have been signed and prepared, including budgets and landowner contracts.

We plan to get survey shots of the Rick Minkus property (heavy use area runoff protection) as soon as the weather is favorable.

It is our hope to include Dembrook Farm for an access control project and Peter Ewanciw for a barnyard enhancement project in our AEM Tier 4 track, pending board approval.

Demberg and Ewanciw have signed budgets to agree with projected project costs. We still need to have their LO contracts signed. Budgets for all six farmers are available for review.