

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
August 19, 2019

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:04 AM. Directors P. DeBlock, G. Keeton, J. Kulisek and J. Wright were present, along with K. Sumner, T. Ferry and C. DeGroot (OCSWCD), A. Armlin-Sorgen (NRCS) and E. Schellenberg (CCE).

2019-8-1 Keeton made the Motion, DeBlock seconded, to approve July's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – None.

CORRESPONDENCE

- Bank account statements and Collateral Agreements from M&T Bank were available for review.
- Miscellaneous newsletters were available for review.
- The District received a letter from Brian Steinmuller, NYS Soil and Water Conservation Committee, regarding the Round 4 of the Climate Resilient Farming Grant. The District's CRF4-1 Celery Avenue Flood Mitigation and Bank Stabilization project proposal was not selected for funding. Several agencies ranked the CRF Round 4 proposals and they offered to meet with the District to discuss how to strengthen our application for next year.
- Cornell Cooperative Extension Orange County announced the 32nd Annual Open House on the Farm, to be hosted at Sprucegate Holsteins, on October 5, 2019. They requested the District's participation. No action taken.
- A New York Association of Conservation Districts memo was received and had updates on the NCF Envirothon, 2019 Annual Meeting and the NYACD Board Meeting.
- The District received a letter from Matthew Gilson, Controller at Headzup, Inc., along with a check. The District received \$2,550.00 as part of an Environmental Benefit Payment Settlement Agreement in the Walkkill Watershed between Riverkeeper and Headzup, Inc. We should receive another payment at some point for the Moodna Watershed. We will use the money we just received towards a project on the Walkkill, possibly planting a riparian buffer on the bench project.
- The District tries to revisit projects periodically to assess their functioning and identify operation and maintenance needs. The District has been sending out follow-up letters regarding stormwater projects that need maintenance or repairs. One letter was sent to the Orange County Land Trust regarding the stormwater Filtering Project at the Hunter Farm Preserve. It was mentioned that the rain garden has gone wild but is still functioning as intended after ten years. Another letter went to the Newburgh Town Board seeking assistance of the Town in putting their stormwater filtering practice back into service. There were two rain gardens installed at the Newburgh Town Hall. One is out of service because they repaved the parking lot and modifications made around a pre-existing catch basin were compromised – preventing runoff from reaching the rain garden. In August 2015 Sumner made the Town Engineer aware of the issue and the engineer agreed to investigate possible ways to correct this and put the practice back into service, but Sumner never heard back from him. J. Kulisek asked Sumner to send him the information on the Newburgh practice and he will talk to the Town Supervisor. Sumner stated he was willing to meet on location to talk about how to correct it.
- The District sent out letters to some of the Ag NPS Grant participants regarding their uncompleted practices. These grants run out at the end of this year and there will not be an opportunity to extend one of the grants.

FINANCIAL REPORTS

The notes of explanation on the Dedicated Fund Summary were discussed. Since the Walkkill Flood Projects and Tire Removal Project are being funded from multiple sources, Sumner wanted to make sure it was clear and could be tracked in the financial report.

2019-8-2 Wright made the Motion, Keeton seconded, to file July's 2019 Financial Report for audit review. All in favor.

There was a brief discussion on meeting the Performance Measures for this year. Ruskiewicz attended the NYS Vegetable Growers Conference this year so we will see if it qualifies. The District will set up District Law Training for the Directors before the end of the year.

2019-8-3 DeBlock made the Motion, Ruskiewicz seconded, to accept the Bills to be Paid. All in favor.

Ag Grant Update Report – A copy of the quarterly report was e-mailed to Directors prior to the meeting. The District has three open AG NPS Grants. All are scheduled to run out at the end of this year. As mentioned previously, letters were sent out to participants that have incomplete projects. Some projects require Professional Engineer designs and/or certification. Since engineering fees can only be reimbursed through the grants if the projects are completed and certified by the PE, and since we are close to the grant contract deadlines - making project completion before the contract end date less likely, several participants were told in writing that they would need to hire and pay the PE if they wished to proceed with their projects. If the project is completed before the contract end date and certified by the PE, then grant funds could be used to reimburse the farmer and pay the final certification fees. Another participant has had a complete set of construction plans for several years and says he wants to complete the project but hasn't started yet. The sole remaining farm in Round 20 Livestock Waste grant still wants to complete his project but design work has not been initiated. We have not yet requested a Time Extension for Ag NPS RD 22. One participant has done some work on two of several scheduled projects but has been unresponsive overall. Sumner reported considerable frustration that significant funding was secured at farmers' requests for numerous projects, including fuel storage, composting and ag chemical handling facilities, but inaction on the part of the farms is likely to result in loss of these State funds.

STAFF REPORTS

• **C. DeGroot**

- The District's new rewards business card has to-date accumulated \$286 in cash awards.
- We have still not heard back from Paula Preston, NYS Retirement Supervisor, regarding the District joining the NYS Retirement.
- DeGroot has been meeting up with some producers to exchange checks for the Tire Removal Project.
- DeGroot and Ferry visited Benedict Farm Park in Montgomery to access the riparian buffer tree planting project installed years ago by the District.
- DeGroot worked on the CRF1 Close-Out interest calculations.
- DeGroot attended the budget hearing on 8/15/19.
- One of the District's four phone lines was disconnected since it was not in use.
- There is a webinar on Wednesday, August 21st on Claims/Petty Cash that DeGroot would like to sit in on. This will count towards the Performance Measures.

• **T. Ferry**

- Both of the District's no-till seeders are out in use.
- Ferry is hoping to do maintenance on the corn planter planting units this year. R. O'Dell would take the seed units to Pennsylvania to a company that will refurbish them. This will be a good time to add set-back kits to the newer planter to correct operational issues with the row cleaners. We are trying to get Hudson River Tractor, who we purchased that planter from, to come to look at the row cleaner issue out at O'Dells.
- Vehicle maintenance – the Dodge needed brake lines and an inspection and the Colorado needed new front tires.
- Ferry attended the 3-day Statewide Irrigation Management Training in Cobleskill last week. There will be money available to convert to more efficient irrigation systems.
- As previously mentioned, Ferry visited the Benedict Farm Park riparian buffer site located in Montgomery. He added that it could be seen that additional tree plantings have been done by someone over the years at this location.
- Ferry requested to attend the Conservation Skills Workshop September 23-26 in Cortland, NY. They are offering a course on Wetland Delineation. It is \$30 for the week and between \$80-\$100/night for the hotel. Sumner mentioned that mitigation wetlands created as part of the Walkkill Bench projects have

to be monitored and he is confident that with his prior knowledge and the benefit of this course, Ferry will be able to prepare wetland monitoring reports for our permits.

- Update on AEM – The information on the new AEM grant program has been released. It used to be a one year grant. It is now over the course of two years and starts with the new calendar year. It now includes an option for requesting implementation funding. We can receive up to \$100,000 over the course of two years. The money can also be used towards engineering. He added that this grant has to have a separate interest bearing account. Amendments will be allowed and projects that do not finish in time can potentially continue over the following two years. The Plan of Work has to be submitted by November.
- Ferry mentioned at the 3-day training in Cobleskill a downside to high tunnels was discussed. They are now finding that some of the high tunnels in service for several years have seen accumulation of salts in the soil under the structures due to lack of flushing by natural rainfall. E. Schellenberg added that this is not an unsolvable problem. The instructor of the course described moveable high tunnels that would address the salt issue and offer other benefits. It is unknown if NRCS endorses or funds the moveable high tunnels.
- **2019-8-4 Keeton made the Motion, Wright seconded, to allow Ferry to attend the Conservation Skills Workshop September 23-26 in Cobleskill. All in favor.**

- **K. Sumner**

- Sumner received inquiries from Max Cordella from Senator Metzger's office about erosion and sediment control on construction sites. Their office is getting complaints about the Legoland site. Cordella went on-site and took pictures.
- CRF Round 1 is being closed-out. The close-out requirements for these grants is very time-consuming and now includes requirements not previously part of our close-outs. Previously, copies of contractor billing were accepted, but now cancelled checks or signed final billing is required. For the first time, "as-built" documents for engineering projects were requested. Sumner questioned the appropriateness of this, since the Engineer Certification form provides the engineer's professional certification that the project meets the required standards.
- Sumner has been busy working on the Tire Project management and administration.
- Multiple people have called Sumner regarding black dirt drainage issues with their neighbors. He believes that we sometimes get calls because the District has provided administrative assistance to the Wallkill Valley Drainage Improvement Association, a Board of landowners/farmers which acts as a liaison between the Drainage District landowners and NYS. Unfortunately, landowners/farmers sometimes contact this office before attempting to resolve issues directly with their neighbors. Sumner indicated that he believed the District Board would prefer that we avoid involvement in neighbor disputes such as this, and the Board gave no indication to the contrary.

INTERAGENCY REPORTS

E. Schellenberg (CCE) – CCE's 4-H Fair had a lot of people attend over the course of the three days. They will probably downsize it to two days next year. Approximately 1,000 milkshakes were sold at Jeremy's Shake Shack.

Recognizing Habitats: A Field Workshop for Municipal Officials will be on September 20, 2019. Free for SWCD employees to attend.

Open House on the Farm will be on October 5th this year at Melissa Menendez's Farm, Sprucegate Holsteins.

Onion/Vegetable school will be opening soon.

The rainwater harvesting system that was donated to CCE was mentioned. Sumner mentioned that Lucy Joyce, Executive Director of CCE, had contacted him about assisting with a GIGP proposal and project for this system, but he was unaware of the outcome. Schellenberg said the grant proposal was submitted. It was unclear whether the District was mentioned in the proposal or would be asked to have any involvement with it.

A. Armlin-Sorgen (USDA NRCS) - EQIP paid out \$261,641 to participants in year 2019, AMA paid out \$150,000 to participants for high tunnels in 2019, and \$750,000 in easements were paid out for 2019. USDA is setting Angelica up with CAD. Sumner mentioned maybe Angelica and Travis can work on a project together since they both took the three day Irrigation Management training.

OLD BUSINESS

The Floodplain Bench Phase 2 excavation and initial stabilization work on Green Farmland and Pine Island Turf Nursery property is complete. Sumner was complimentary about the work of Gurda Landscaping on the project. We still have to do the tree planting. When proposals for this project were solicited by Pine Island Turf Nursery, contractors were asked to submit separate bids for the tree planting portion of the project. Gurda, who was the low bidder, was initially hired to complete all aspects of the project except the tree planting. Sumner has been working with Gurda to prepare for the tree planting, and a revised proposal was submitted at lower cost. Sumner reviewed the details of the revised proposal with the Board. They were in agreement to authorize Pine Island Turf Nursery to accept Gurda's revised tree planting proposal and proceed with the work this fall. There was discussion on the generally poorer survival that could be expected from 2 gallon potted trees relative to 2" caliper trees. Sumner noted that the Project Construction plans are incorporated into our permit and the plan specifies a certain number of trees per acre as well as specifying the percentage of 2" caliper trees and #2 pots. Changing this significantly would call for a permit revision. Sumner said he was considering adding weed control mats on the 2 gallon potted trees. Schellenberg felt there would be a better survival rate if we used bare root trees instead of the 2 gallon potted. Sumner said he has related questions out to the NYS DEC on our permit, including how planting of the River bank will be approached.

Since we have used all of our dedicated flood project money for this year, other sources for the tree planting costs will need to be identified. Performance Measures Part C funds are one option. Sumner thought preliminarily that we would be able to cover the costs of the P2 South tree planting, Phase3 clearing, and our portion of the direct costs of the tire project from 2019 Parts B and C funding. But this funding likely would not allow for including the sites on the tire removal 'waiting list'. Sumner asked the Board what they thought about holding off on a decision on whether we could fund the tire removal for the sites on the waiting list until funding issues become more clear. The Directors were in agreement with this approach. The \$2,250 the District just received from Headzup can be used on the planting and also approx. \$3,000 is estimated to be left over from the 2019 Walkkill Flood dedicated fund from the County after the initial Gurda billing is accounted for. This will add about \$5,000 in funding available for some of these planned expenses.

Phase 3 - Gurda Landscaping provided mini-excavator services to dig some exploratory test pits for phase 3 of the Bench project. There was a lot of slash from prior logging that made equipment travel difficult, so the investigation was limited to three pits in the Phase 3 area closer to County Route 1. The area near the Pochuck confluence was not reached. Keeton asked what the results were. Sumner said that based on these three pits, he predicts 20% of the soil to be removed for the Bench creation will be clay. There was generally a 24-32" layer of dark mineral topsoil, and a thinner layer of organic deposits including some sedimentary peat. There were also significant sand layers. Sumner cautioned that these results are preliminary since ideally more pits would be dug to better predict expected quantities of the various soil materials – which will have a major impact on costs of the project. Phase 3 is in two areas, one is an acre and the other is 2 ½ acres. Based on land clearing generic cost inquires he made to contractors, Sumner believes it will be feasible to do the clearing this winter - which will be necessary as result of permit conditions if we want to be prepared to do the Phase 3 excavation work in 2020. In order to control costs until more substantial funding can be identified for Phase 3, Sumner proposes to base the clearing bid on accessing the site without building improved roads. This may be feasible by moving heavy equipment in when conditions are favorable (frozen or very dry), then accessing the work site on a daily basis with light vehicles such as UTV's. Marketable wood would be stockpiled for later removal. Sumner is working on a Work Scope for the clearing with this approach in mind. He hopes to be able to collect contractor proposals in advance of October 1st.

The owners of Green Farmland, where Phase 3 is located, have indicated willingness to enter into a Conservation Easement on the Phase 3 lands. Sumner has been working with Karen from the County Law Department to arrange a meeting with Green Farmland representatives with a translator. Sumner's Green Farmland contact indicated they would find such a meeting to be helpful. This will help to ensure that Green Farmland owners fully understand the nature of the project and what is being requested of them. Schellenberg gave Sumner the phone number of his friend that can

speak Mandarin and might be interested in providing translation services. He is knowledgeable in agronomy/agriculture, which could be advantageous.

Additional discussion took place regarding the possibility of the County DPW constructing some of the planned Wallkill flood control projects, as was mentioned at last month's meeting. Rob Schreibeis from the County Executive's office recently indicated that he was trying to arrange a meeting about the idea. Ruszkiewicz indicated he also was working on it.

(P. Ruszkiewicz left the Meeting at 10:47)

Sumner mentioned that Tom Berry, the County Surveyor, is helping us with survey work associated with the Phase 2 South Conservation Easement, and he has been excellent and responsive to work with. His crew's field survey helped to document the 'as-built' condition of the Project.

Tire Project Update - As of last week \$107,600 was paid to Casings by the Orange County Funding Corporation, the participating farmers and the SWCD. Additional expenses were incurred from SWCD staff time and farmer labor and equipment contributions. We have received \$37,500 from Orange County, which is half of what they allocated. We expect full project costs to exceed \$150,000 which should justify requesting an additional \$37,500 from the County. Four participants from the original list still need tires picked up. Sumner will prepare a final budget and Project Report when \$150,000 in Project expenses is exceeded and send it to Orange County with a request for the final \$37,500.

Our Budget Hearing with the County Executive's office took place on August 15th. A highlights document describing Wallkill River flood mitigation work and the farm tire removal project was distributed. The main reason for our increase request – to establish an employee retirement program commensurate with State and County programs - was explained. The County representatives at the hearing stated they considered the request to be reasonable.

(J. Kulisek left the Meeting at 11:05 AM)

(E. Schellenberg left the Meeting at 11:05 AM)

NEW BUSINESS

Copies of the independent auditor's report of the District for year 2018 was distributed to Board members last month. The report was reviewed and discussed by the Board. No issues were reported in the audit.

Staff became aware recently that the District's Procurement Policy stated that staff were not permitted to sign checks. After discussion, **2019-8-5 DeBlock made the Motion, Keeton seconded, to remove this statement from the Procurement Policy. All in favor.** It was also noted that Chairman Wright, who is Assistant Treasurer, is not authorized to sign checks from M&T Bank, but is authorized at TD. DeGroodt had to do an 'in-person' transaction at TD to re-activate our authorized signers.

The next **MEETING** is scheduled for **Monday, September 16, 2019 at 9:00 AM.**

2019-8-6 The Meeting adjourns at 11:15 AM on a Motion by DeBlock, seconded by Keeton. All in favor.

Minutes Prepared By:

Christine DeGroodt, Secretary to the Board