

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
August 19th, 2024

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:05 AM. Directors P. DeBlock, J. Wright, P. Ruskiewicz, and G. Constable were present along with K. Sumner (SWCD), E. King (SWCD), M. Held (SWCD), B. Luskin (NY Ag & Markets State Committee), and E. Miller (Regional Affairs Coordinator for Senator Skoufis).

2024-8-1 Wright made the Motion, DeBlock seconded, to approve July'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. Sumner reminded the Board of the payment that was made to Greystone Stables in the amount of \$26,950 which was paid on 7/23/24. Sumner contacted the Board of Directors via email for their approval to write the check to Greystone Stables.

CORRESPONDENCE

- Bank Statements
- Collateral Agreements
- Region 5 Monthly SWCC Report from Ben Luskin
- Orange County Updated 2025 Budget Hearing Schedule
 - Sumner noted that the District's County Budget Hearing is tomorrow morning from 10:00-10:30 AM at the Government Center in Goshen. Sumner noted that he would appreciate attendance from any Board members who can make it. Sumner clarified that the District is not making any unusual requests this year. Ruskiewicz feels that the District will not experience pushback for their proposed 2025 budget which in total is less than 2024's budget request.
- The Upper Delaware Newsletter: Summer 2024
- National Conservation Foundation: Annual Report 2023
- Stormwater Solutions: July/August 2024
- The Empire State Granger: July/August 2024
- Request for Contribution from the National Association of Conservation Districts
 - Sumner noted that the District has not donated to the NACD in a long time since there were many organizations asking for dues. Sumner noted that it is difficult to satisfy all the requests which is why the District mainly donates to the New York Association of Conservation Districts. The District does this since NYACD's interactions with the State legislature stand to benefit the District more so than

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the other organizations. Sumner asked the Board whether they would like to donate to the NACD. DeBlock was not in favor of the District making the contributions. Ruskiewicz asked what exactly these organizations do besides distributing newsletters. Sumner believes that these organizations lobby mainly for USDA farm related bill activity. Sumner feels that there is not a lot of involvement in Soil & Water programs. Sumner asked Luskin how other Districts handle these requests for contribution. Per Luskin, ¾ of the SWCD's will pay them in case the Districts need anything from them. Luskin stated that the same Districts consistently will not pay the dues.

- Letter from Orange County Dpt of HR RE: "Provisional Employees"
 - Sumner reminded the Board that when the District Technician Civil Service test is scheduled, Held will have to pay to take the test.
- Report from PKF O'Connor Davies RE: District's 2023 Audit
- Nugget & Nibbles: Summer 2024 Issue
- Letter from NYS Ag & Markets: Certifying the Inclusion of Viable Ag Land Into the District
 - Sumner noted that the District was copied on a letter sent to the County Clerk's office noting that the Ag Commissioner concurred with the changes to the Ag District. These changes were recommended by the Agriculture & Farmland Protection Board, AFPB, and formalized by the County legislature.
- Email from Frank Benedetto (NYSDEC) RE: Comments Received During Public Notice Period
 - Sumner received an email from the NYSDEC regarding the Celery Avenue Ledge Lowering project public comment period. The DEC received three public comments. Sumner noted that the District has until 9/9 to respond to the letters. Sumner noted that the Board will discuss these letters later in the meeting.
- Letter from the Ag Board to the District: Sumner noted that the letter details the AFPB's support for the Celery Avenue Ledge Lowering project provided that there are vibration studies and appropriate protections for nearby structures. Also, the AFPB recommended the County address the County landfill project to reduce the landfill's impact on the Walkkill River and the related upstream flooding.

FINANCIAL REPORTS

Sumner informed the Board that there are notes on July's Dedicated Fund Summary which indicate the progress of the various grants and which projects are still active. King told Luskin that the District has not received the final Claim for Payment for CRF Round 5. Luskin stated that the final CFP funds have been allocated, but have yet to be distributed. In regard to the current receivables listed on the DFS, Held reported that she has sent reminder payments with interest added to the outstanding bills. Held stated that she is waiting on one or two partial payments. DeBlock suggested that Held call the renters who have not paid to remind them of their bill. All the outstanding payments pertain to the spring 2024 equipment rental program. Held noted that in the new rental agreement it dictates that you cannot be over four months late for payment. If this does occur, then that person needs to pay ahead of time the next time they wish to rent the District's equipment.

2024-8-2 Wright made the Motion, DeBlock seconded, to file July's Financial Reports for audit review. All in favor.

BILLS FOR BOARD APPROVAL

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Wright asked whether the District will be reimbursed for the current conservation practice payments. Sumner clarified that the BMP payment to Lain was paid for with money that was already allocated to the project when the grant was prepared. The Smiley & Fort Hill payments are affiliated with the CRF Round 6. Sumner noted that there are lingering sign off issues with them, but Luskin is trying to help the District with the approval process so hopefully it will work out. Sumner explained that the Greystone Stables payment is a combination of state grant money and soil & water match which was prescheduled. The payment to Hoyt Farms was through a local cost share program.

2024-8-3 Ruskiewicz made the Motion, Constable seconded, to pay the bills as presented. All in favor.

GRANT REPORT UPDATE

Sumner informed the Board that there were several major updates to the grant report update. Sumner removed a few projects that had contracts that were expired. Sumner added the District's new projects to the report and updated paid column value. Sumner explained to the Board that the State committee recommended the District provide the Board with a monthly updated grant report. Sumner noted that the Floodplain Bench project is not supported by a state grant, but instead a special appropriation from the County. However, the funding for the Floodplain Bench project is significant which is why Sumner added it to the report. This way the District can easily track the project's funding. Sumner asked Ruskiewicz how the District is supposed to receive the additional \$150,000 from the County. Sumner is unsure whether the District needs to submit a voucher or if it will be included in the fourth quarter appropriation. Sumner noted that quarterly would work best since the expenses will be received steadily through the end of the year. Ruskiewicz advised that the District contact the County's Finance Department in order to find answers.

INTERAGENCY REPORTS

****Although there were no representatives from NRCS at the meeting, O. Velez-Juarbe provided a written update to King prior to the meeting. King shared the written report with the Board of Directors and pasted his report below.**

NRCS:

Staff Updates – Resource Conservationist, Matthew Martire started on 8/12/2024 at the Middletown Office.

EQIP – Staff are currently working on obtaining signatures from a few producers so we can complete all obligations by August 30. Other staff started working on expiring contracts and other contracts where follow-up is required for practice implementation and payment.

EWP – We are waiting to schedule a meeting with the Town of Cornwall. They reached out to the landowners where the agency is proposing a buyout and indicated that they were interested. If all the landowners apply and want to move forward with the buyout, that area will be turned into a floodplain as part of the restoration project.

FSA: DeBlock reminded the Board that Hans Persoon, the former County Executive Director, retired in July. Amanda Vitarius is the acting CED for now. There is a Program Technician from Oneida County that was selected for the training program to assume the CED position in Orange County.

NYSS: Luskin reported that the NYSSWCC will not meet in August, but they will meet in September. There is a State Program Advisory Committee meeting on 8/29 to discuss operational matters which are typically detailed in the meeting agenda. Luskin informed the Board of Directors that if they were to call in to the meeting, it would count towards their performance measure credit. Luskin reminded the Board that at least three Directors must attend SWCC approved meetings. Luskin stated that the Concentrated Animal Feeding Operation, CAFO, grant opportunity is available through the end of October 2024. Luskin continued that the Request for Proposals for Ag NPS Round 30 are expected to be released in October and applications will be due in late February 2025. The recipients of the CRF Round 8 will be announced in September, hopefully during Climate Week, which is part of the Governor's initiative. Luskin reported that the total available funding for CRF Round 8 is ~\$30 million since it received federal funding as

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well. Per Luskin, CRF Round 8 is divided into six different tracks. Four of the six different tracks were over-prescribed, so the funding needed to be reallocated to balance everything. Luskin reported that the SWCC is seeking out an at large suburban, nonfarm interest to join the Board as a voting member. The current member intends on staying until her replacement is found. The SWCC intends on putting out feelers amongst the various Board of Directors. Luskin noted that there would be a formal interview process. Luskin reported that the annual plan of work, which outlines an employee's goals for 2025, is due to Luskin by November 1st, 2024. Luskin clarified that since DeBlock already fulfilled her Performance Measure requirement, she cannot receive another credit. Sumner remarked that some of the Board of Directors attend meetings that may qualify towards the needed requirement. Sumner asked Ruskiewicz if he attended the County's Association of Towns & Counties meeting. Ruskiewicz stated that he went in January and will again in September, but he does not think the topics discussed are related to Soil & Water. Luskin stated that the approval of those meetings depends on the meeting's agenda and requires a special request to SWCC. Wright called into the State Committee meeting and Constable reported that he called into the State Committee meeting that pertained to Sumner's sign off approval. Luskin stated that SWCC keeps a record of those who attended the meetings which will confirm their attendance. Luskin recommended that the District keep a detailed, written record of when Board of Directors attend qualifying meetings. Sumner asked Luskin whether he was able to attend the National Envirothon. Luskin reported that he was unable to attend the National Envirothon, but that overall, it went well. The organizers noted that they could use more volunteers.

Senator Skoufis' Office: Miller explained that in her position as the regional affairs coordinator she is focused on regional policy related to agriculture & farmland soil. For the first two months at her position, Miller has tasked herself with researching and evaluating what the constituents need. Miller emphasized that she wants to be of assistance to the District and Board of Directors moving forward.

There were no representatives from CCE 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.

E. King (SWCD)- King wanted to add that the District is experiencing difficulties with their wireless internet and phone provider. The District has had issues with poor or no internet connection and unreliable phone connection. King has spoken repeatedly with the customer service and technicians at Warwick Valley Telephone. King told the Board that if these issues persist, she will reach out to other internet and phone providers to gather estimates to present to the Board.

M. Held (SWCD)- Held informed the Board of her newly developed project that Sumner instructed her to work on. The project aims to encourage farmers and homeowners to build a pollinator garden. Held wants to explore pollinator garden options for landowners with less than half an acre. Held had an informative conversation with the pollinator that NRCS works with and will have a better sense of direction once she has fully digested the conversation. King distributed Held's updated version of the No-Till Equipment Rental Agreement to the Board of Directors prior to the meeting. Held updated the agreement to clearly say that if you do not return the equipment clean, then a cleaning fee will be added. Held has no updates to report on the selling of the mower. Held explained that she highlighted certain sections that she wanted the Board to review such as the rental rates. Sumner and Held have been asking farmers what their preference is between finger pickup planter vs. vacuum planter. The consensus seems to be that the vacuum planter works really well when it cooperates, but can be a pain to fix. Held told Wright and Ruskiewicz that she wants to ask them their opinions on the two pieces of equipment. In regards to the roller crimper project, Held has been reaching out to farmers to determine where they will be planting their cover crop, what they intend on crimping, and what they will plant afterwards. Held is trying to draw a consensus as to what everyone wants, but until the cover crop is planted it is hard to determine. Sue Conklin will decide what field to crimp once she sees how her cover crop came in. She intends on crimping whichever fields have the least amount of weeds.

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Chuck Rowe cannot participate in CCE's roller crimper project since his land lease is year to year. Held reminded the Board that CCE's roller crimper project is a three-year commitment. Held noted that Russ Smiley does not want to participate in CCE's or the District's roller crimper program since he wants to turn a lot of his fields into permanent pastures. Held noted that Jason Touw, Phil Johnson, and Mike O'Dell have identified the fields they intend to use. Held stated that she is compiling a growing list of farmers interested in the cover crop program through the Local Cost Share Program. Sumner asked Held to provide the Board with an estimated number of acreages for the cover crop program, so they can allocate funds to the program this month. By doing so, the District would be able to let the farmers know how much they were approved for. Held will provide the Board with low, medium, and high price estimates. Additionally, Held reported that Luskin went with her to survey the progress of the crop residue management in various fields. Luskin provided Held with the materials to work towards reimbursement. Held noted that NRCS is helping gather the data needed for the RUSLE Soil loss calculations. Held stated that Sumner submitted the closeout materials to Luskin for Marty Lain. Held will reach out to Troy Vellenga in September to confirm whether he is still interested in completing the Ag NPS Round 29 project he is scheduled to do. Held gathered soil samples for Jason Touw and is working on an interim payment for a technical assistance report for AEM Round 18. Held reported that the District received the 90% advance BMP payment approved for the other four projects. Held noted that construction cannot start yet on Mark Hoyt's project since we are lacking final SHPO sign off. The District updated Joe Minkus' budget which Luskin approved so long as the contract and budget are signed and returned to the state. The specific numbers are listed in Held's written Board report.

Roller Crimper- Sumner reminded the Board that the District is partnering with CCE as part of their Conservation Innovation Grant. The grant outlines that CCE would purchase a corn planter and roller crimper which would become the District's property. CCE is not expecting to have this program available for farmers by spring 2025. There is a separate roller crimper project that is funded through our CRF 6 grant. The District wants to start the CRF 6 roller crimper project ASAP which is why Held is working on solidifying commitments for fall cover crop planting. Sumner does not think this is incompatible with CCE's project. Once CCE gains more experience and lays the groundwork then the District will collaborate when appropriate. Sumner noted that CCE's roller crimper program requires more involvement from the farmers, such as participating in educational events. The District anticipates that there will be some farmers that will not want to speak. Sumner noted that there are a lot of details that need to be discussed regarding how the CCE/SWCD collaboration is going to work. However, Sumner expected that there will be separate sign ups for both CCE and the District

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

OLD & NEW BUSINESS

Phase 4 North- Sumner informed the Board that construction is underway on Bastek's property for the Phase 4 North Floodplain Bench project. Sumner noted that new roads were built, stumps were buried, and trees were moved to locations where they will be easily removed from the site. Sumner stated that the contractor took a few weeks off, but that main excavation activities will resume this week. Additionally, title work for the proposed easements on the property were returned to the District. Wright suggested that the proposed easements be discussed in Executive Session since it pertains to sensitive financial information. Sumner agreed with Wright and halted discussion of the easements until the meeting enters Executive Session.

Celery Avenue Ledge Lowering Project- Sumner reported that he is working with the District's consultants at B&L to draft a response letter to three public comment letters the District received. Sumner has spoken with Rob Schreibeis with the County Executive's office and reached a consensus that the District needs to solidify support from farmers who are interested in the project. Sumner believes that it would be beneficial for them to fully demonstrate the level of support, especially given the pushback from landowners. Sumner estimates that there are half a dozen farmers that own collectively 2,000-3,000 acres who have expressed support for the project informally. Sumner believes that if the District could have a written letter of support from them, that it would strengthen the District's case.

Revision of Wallkill Maintenance Agreement- Sumner reminded the Board that back in March, the four town supervisors voted in favor of any remaining funds at the end of the year being allocated to the District for work on the Wallkill River. There is a public hearing scheduled to discuss the revision of the maintenance agreement on 8/26. A public hearing is required since it is a proposed change to a municipal agreement and involves County funding. Sumner is not expecting any trouble to arise and views it more as a formality. After the meeting, the District will be in a better position to have the four towns and the County sign the revised agreement. Sumner would like that to be signed before the end of 2024 in order to set a precedent that any remaining funds will be transferred to the District.

Equipment Rental Program- Sumner reported that he has been asking the Board to discuss the future of the equipment rental program for the past few months. Sumner acknowledges that this is not a decision that can be made easily or fast. However, it's an important decision to be made especially since the District will be purchasing more equipment with the funding Senator Skoufis' office is providing. Per Senator Skoufis' office, the funding is fully approved and the District is waiting on details as to how the funding will be transferred. There is also the equipment from CCE's CIG grant to take into account. Sumner is asking the Board to consider what equipment we keep, what we sell, and where the equipment will be stored. Additionally, the upkeep of the new equipment and transportation to users needs to be factored in. Sumner is concerned that it has become a bigger scope of work than the District is equipped to handle.

Sumner noted how the rental program has always been a bit of a strain on the District during the planting season in the spring and the fall. Sumner remarked that most people don't mind the rental program being a component of the job. He continued that both Held and King readily learned and without complaints. Sumner reflected that the District cannot assume that all applicants for the technician position will be willing to tow equipment, crawl under a planter, change out bearings, etc. Sumner thinks that there is a potential for an expanded program which includes other equipment that could be used to foster new farming that is starting in Orange County. Sumner is referring to the more niche, smaller farms in comparison to the dairy farms and large-scale onion farms. Such equipment includes, bale wrappers and post hole pounders for these new farms that lack the financial freedom to own this equipment.

Sumner believes that in order to do so, the District needs to consider hiring a full time employee to oversee the rental program and provide technical assistance to farmers. Sumner mentioned that an ideal candidate would be a practical farmer that needs a job with steady hours and benefits. Additionally, Sumner believes that the District needs to involve other agencies that support local agriculture to help carry the load. These possible agencies include the County, CCE, or the AFPB. The more immediate concern is where the District will store the new equipment. Sumner spoke with Ronnie O'Dell about putting up a new building for storage and needing to negotiate a new rental price. CCE offered, in a preliminary discussion, that the District could store the equipment at their 4-H Park in Otisville. Although the location is not ideal for the planting season due to its location, it is a good option for winter storage. An ideal part of where the equipment is kept now, is that the mechanic, O'Dell, is closely available. The District still needs to find out from CCE what type of building the equipment would be stored in and if there is a fee involved. Sumner remarked that he is open to input about this proposal.

Sumner contacted John Deere to request updated quotes for planters since the ones the District had were over a year old. Sumner stated that the estimates increased by a couple thousand dollars, but nothing significant. The bids in 2023 were ~\$53,000 and are now \$56,000. Sumner commented that during this bidding process, John Deere dealerships are pitted against one another. Apparently, there is something that qualifies as state bidding due to a contract they have called Sourcewell. The salesman Sumner spoke to explained that municipalities use Sourcewell in place of going out to bid. Sumner noted that this would allow the District to buy from the local dealer. Sumner gathered that if the District contacted other local dealers, that they would have access to the same contract. The District has previously found that they were able to get individual quotes from vendors that are lower than the state bid. Hypothetically, if a dealer upstate wanted to sell the District a planter that was less than the Sourcewell bid, then the District could potentially get it cheaper. It is important to note that the District would be legally covered by

buying the equipment through the Sourcewell contract. Sumner noted that the equipment will take some time to be delivered. If the District ordered now, the projected delivery date would be in January 2025. This gives the District some time, but it is important to be mindful that of when placing the order. Regarding the finger pickup planter vs vacuum planter, Sumner thought the vacuum offers farmers more options. For example, farmers can plant pumpkins into crimped cover crop. Wright noted that he has a good experience with his finger pickup planter which is geared differently than the traditional finger pickup. Ruskiewicz stated that the vacuum planter has different plates. Sumner suggested that the Board decide the type of equipment by September's Board of Directors meeting. Sumner continued that hopefully by then the District will know more information from CCE about equipment storage. Additionally, it would be ideal to have a timeline for the funding receipt from Senator Skoufis' office. Sumner believes that the District would benefit more from selling the 2006 Great Plains Seeder and upgrading. Sumner proposed that it is in the District's best interest to play it safe and purchase a finger pickup for now. The District can reconsider which planter to buy when it comes time for CCE to buy one. Sumner and Held will continue to gather a consensus from farmers what planters they prefer.

Secondary Fuel Containment Projects- Sumner reported that secondary fuel containment projects are eligible for state funding. Sumner is surprised that more farmers don't take advantage of these projects which can cover up to 75% of the funding and have protected fuel storage facilities. The District has had numerous farmers request funding for such projects, but they never complete the plans. Sumner noted that on Long Island, which has sensitive ground water issues, there are entire group projects that address secondary fuel containment. Sumner stated that the District has prepared plans in the past and had them approved by private sector engineers. B&L informed Sumner that they have employees that specialize in secondary fuel containment storage. Sumner spoke with B&L and asked them to prepare a plan for a farm that we have funding available for and requested a cost estimate. Sumner admitted that it is practical to enlist the help of professionals who have more experience and manpower available. Sumner expects to receive the plans in the next few weeks. Due to prior experience, Sumner is led to believe that the cost per project would decrease once the template is set up which will make future work easier to compile. Luskin noted that for a lot of farmstead projects, the same engineering plan is used. Sumner admitted that some of his prior plans were lacking in detail, but were still signed and approved by licensed engineers. Sumner wants the plans to have more detail which is why he wants to commission B&L to draft the plans. Luskin noted that Suffolk County only approves double wall tanks and provides the types of tanks available for purchase. Luskin recommended that the District contact Suffolk since they have experience with this process and have purchased tanks from upstate New York.

Sumner brought up Cheney's suggestion for the District to purchase gas for its vehicles from the town to avoid paying taxes. Sumner made an inquiry with the Town of Wawayanda and they added it to the agenda of the town board meeting on 8/8. The Town referred it to their town attorney to make sure it was allowable for them to do that. Dave Cole, the Deputy Supervisor, expressed support for this and advocated for it to be pushed through due to the invaluable service the District provides to local farmers.

Conservation Skills Workshop- Sumner informed the Board that the 2024 Conservation Skills Workshop will be held in Auburn, NY from September 23rd – September 26th. Both King and Held have expressed interest in attending and are seeking the Board's approval to do so. Additionally, the Board needs to approve paying the registration and lodging fee which totals \$350 each.

2024-8-4 Wright made the Motion, Ruskiewicz seconded, to allow King and Held to attend the 2024 Conservation Skills Workshop and pay the associated fees. All in favor.

Training Plans- Sumner reminded the Board that King sent copies of their training plans in her last email to the Board. Sumner explained that the training plan is a factor in satisfying performance measure requirements. All staff and Directors need to have an updated training plan each year. The District needs to show that at least one item from the training plan was completed in order to fully qualify for the reimbursement through the performance

measure program. Sumner noted that sexual harassment training is a mandated annual training. Therefore, since everyone needs to take it, the training plans' requirement would be met. However, Sumner stated that this does not mean that the Directors need to limit themselves to one course. The District law training is required every three years, but is not due in 2024. Sumner acknowledged that Ruszkiewicz and Cheney will have to take the sexual harassment trainings as part of their requirement as County Legislators. Sumner asked the Board whether they would prefer to take the training at a Board meeting or have the District provide them with the training to do on their own time. Sumner noted that if the Board chose to have the training done at a Board meeting, it would need to be scheduled soon given that it's already August. The Board of Directors stated that they were fine with either approach. Sumner instructed King to find a couple of options/links for sexual harassment trainings that will be sent to the Board of Directors to choose from.

Next meeting date: September 16th

Held provided the Board with the possible expenses for the 2024 Fall Cover Crop program. Held reported that based off the farmers that have reached out to her, the estimates are as follows; On the low end of the scale for a total of 558 acres at \$70 an acre for single species seeding and \$85 an acre for multi species seeding the total is \$43,000. The mid-range estimate comprises of a projected 804 acres with 769 acres of single species & 35 acres of multi species is \$57,000. Lastly at the high end with a total 1,050 acres the total is \$75,000. Held did not yet account for how much funding from CRF Round 6 would cover the expenses. Sumner suggested to the Board that the District allocated \$50,000 to the program. The District can tell farmers that they were approved for "x" amount, but that if they exceed the initial amount then the Board could allocate more money. Sumner asked the Board to consider how much of the available funding we are prepared to commit to the Fall Cover Crop program. The District would be taking the money from the Part C fund. Some of the money is earmarked for matching other grants so it is not fully available. DeBlock asked Sumner if the District can allocate \$60,000 instead to cover the middle range expense Held provided. Wright commented that farmers seldom plant all the acres they initially said they would. Sumner mentioned too that sometimes the cover crop plantings do not meet the program requirements. In years past, if cover crop was planted after 10/20, but it achieved adequate growth before winter then we would still approve it. However, this requires the District to wait to check its progression which can be a challenging with the changing weather conditions.

2024-8-5 DeBlock made the Motion, Ruszkiewicz seconded, to allocate \$60,000 from the Part C fund to the 2024 Fall Cover Crop program.

Miller told Sumner that she will work on getting him a timeline of when the District can expect to receive the equipment purchase funds from Senator Skoufis' office.

2024-8-6 DeBlock made the motion, Ruszkiewicz seconded, to enter Executive Session to discuss the proposed acquisition of Real Property. All in favor.

2024-8-7 On a Motion made by DeBlock, seconded by Ruszkiewicz, the Board came out of Executive Session at 10:59 AM. All in favor.

Sumner informed the Board that the District will work with the advocates for the Celery Avenue Ledge Lowering project to have formal letters of support written. The District will continue to pursue a proposal for a vibration monitoring and control plan. Wright suggested that if the vibration monitoring report indicates that it will have a negative impact, then the District will not proceed with the project. Sumner remarked that from the reports he has read, if the vibration picked up by a meter reaches a certain level, it is recommended to either stop construction or change your methods. Wright recommended that regardless, the District have their plan in writing for liability coverage. Sumner confirmed with the Board that they feel secure that Massa's concerns will be addressed with the foundation and vibration monitoring. Sumner clarified that the Board is not interested in signing a separate agreement with Massa.

ADJOURNMENT

2024-8-8 DeBlock made the Motion, seconded by Ruskiewicz, to adjourn the meeting at 11:01 AM. All in favor.

Minutes Prepared By:

Emily King, Secretary to the Board

Report to Board KMS

August, 2024

Wallkill Flood Projects –

Title work for Phase 4 North of the Wallkill Floodplain Bench area Conservation Easements has come back with a lien. I am working with our attorney on how this issue will be handled. We have time to resolve this since the easement will not be pursued until construction is complete.

Title work for Phase 4 South has identified several issues that will affect pursuit of the Conservation Easement. The landowner has been notified and supplied with a copy of the report.

Floodplain Bench Phase 4 North

Road construction and stump removal contract work completed. Moving trees to the edge of the new road to facilitate export from site has been completed. This work was not included in the contract, so will be billed on a time and materials basis. Excavation of the bench, which is the largest component of the project, is expected to begin the week of 8/19.

Other Flood Control Items

The Celery Avenue ledge lowering project was discussed again at the July AFPB meeting. The Board voted to support the project with two dissenting votes. Strong opposition to the project was expressed by one Board member who lives near the project site. None of the farmers who are advocating for the project attended.

Three comment letters were submitted to DEC opposing the project during the permit application public comment period. I am working with our consultants to respond to the comments, our response is due 9/9.

I wrote to County Executive assistant Rb Schreibeis, copying the SWCD Board, expressing trepidation about proceeding with the project without more overt support from the group of farmers who want the project done. I would like to discuss this concern at our August monthly meeting.

With the various flood mitigation opinions and projects being discussed, I think it would be prudent for us to prepare a Summary/Statement on how Soil and Water views these issues and how we hope to move forward. I prepared a DRAFT Summary for Director review.

Carbon Farming Project – Still waiting on final payment of \$4,268.32 on Southway project (same status as last month).

AEM Round 18 – Continuing to use technical assistance hours to support eligible staff activities. Planning and design on several of the Tier 4 Implementation projects in this round are active. We are working on a request for advance funds on these construction projects. The Hoyt project SHPO study has been completed and submitted to SHPO, waiting for their reply.

CRF Round 7 – Work Plan materials for all three projects have 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 voted to not make any provisions for granting approval authority without CCA certification. We are exploring the feasibility of getting assistance from AEA Luskin for sign-offs.

Revision of Wallkill Maintenance Agreement – Public Hearing scheduled for 8/26.

Climate Resilient Farming Round 8 Proposal – Waiting for results of project ranking/awards.

Roller Crimper Project Update (Mary)

Equipment Rental Program – See Considerations document attached to my report.

In discussions with John Deere sales staff, it was learned that Deere has a program named ‘Sourcewell’ that satisfies “State Bid’ requirements. This would apparently remove the need for us to go out to bid and we could select the JD brand without opening the process to other manufacturers and buy from the local dealer. I will have corn planter quotes available for review and discussion at the meeting.

The AgNPS Round 29 project at Greystone Stables is still in progress.

Other Items for Discussion

Fuel Storage – NYS funding is available for bulk fuel storage ‘secondary containment’ projects. There has been considerable interest in this practice, but numerous projects for which we secured funding were never completed. We have prepared Construction Plans for these types of projects internally in the past with PE review/sign-off, and several have been installed. But I decided to explore having B&L prepare the Construction Plan for a Round 27 secondary containment project. They have staff who specialize in this work, so it may make sense for us to utilize consultant services to prepare the design/construction plans for these projects. Once this initial Plan Set is prepared, subsequent projects may be more economical to prepare since they will often benefit from having project ‘templates’ available to work off of. I will report back to the Board going forward how this approach is working.

Training Plans, Sexual Harassment training at Bd mtg?

Approval for CSW attendance

Gas Purchase From Wawayanda – Request presented at August 8 Town Board meeting. Referred to Town attorney.

OCSWCD currently owns the following equipment

2 corn planters

3 grain drill/seeder

These are the primary pieces of equipment in our rental program.

We also own two tractor mount mowers – a flail boom mower and a slide-out rotary mower. These mowers are available to rent, but usage is very limited.

Along with various other small equipment and supplies, this equipment takes up an entire coverall building, which we rent from The O’Dell Farm in the Town of Minisink.

We have just been informed that Senator Skoufis’ office has secured \$146,000 intended for the purchase two additional corn planters and one additional grain drill/seeder. It is noted that we did not initiate this request, it was initiated by Jason Touw, President of the Orange County Farm Bureau. Although we are appreciative of the funding, adding this equipment to our rental program presents certain logistical issues, including providing storage space and effectively managing the transport, technical assistance and repair/maintenance associated with the expanded equipment force.

We were also recently notified that CCE of Orange County has received a grant from USDA-NRCS that includes the purchase of a corn planter and a roller/crimper that are intended to become the property of OCSWCD. An active CRF grant held by OCSWCD also includes the purchase of a roller/crimper.

Discussions are underway regarding possible storage of equipment at the 4-H Park in Otisville. This may partially address the equipment storage issue. However, the possibility of expanded storage space at the O’Dell Farm is also under consideration and may be warranted even if space is secured at 4-H Park. The Park could work well for off-season storage. But it is not ideal for retrieving equipment during the rental season due to its location on the extreme eastern edge of our common usage area. This alone does not preclude the option of retrieving the equipment from the Park during the season of usage. But it is also much more convenient and efficient to have the equipment stored at O’Dells as long as Ron O’Dell is employed with OCSWCD with the primary responsibility of maintaining and repairing the equipment. Therefore, staff believe that both options should be pursued. Preliminary discussions with the O’Dell Farm suggest that expanded storage (with corresponding appropriate increase in rental fees) may be doable.

Even with storage issues addressed, the issue of demands on our existing small staff to transport and assist with the operation of an expanded equipment inventory needs to be considered. We have raised the possibility of a staff position largely dedicated to the equipment program – including repairs and maintenance, transport, technical assistance and related program management responsibilities. This could be a Soil and Water position, but does not necessarily need to be. However it was structured, we believe it would be appropriate for entities other than just Soil and

Water to support it financially and otherwise. With the changing face of agriculture in Orange County, from a strong focus on dairy and Black Dirt onions in the recent past to much more diversified and often smaller-scale agricultural operations, a rental program that offered the equipment already discussed and possibly additional equipment could potentially be a very valuable and effective means of supporting a continued viable agricultural industry in the County. Such an expanded program would not need to be focused on conservation planting equipment as is Soil and Water's current program. Finding an individual with the interest and required skill set might be the greatest challenge to such an undertaking, even if the necessary broad-based County-level support could be generated.

An additional option that should be considered is selling some of the older planting equipment we own. This would still accomplish the goal of increasing availability of equipment to potential users since newer equipment will have less down time. If some sort of expanded Orange County equipment rental program is not feasible, we believe this option needs to be seriously considered by the Board due to the limited capability of existing staff to move, maintain and repair four corn planters and four seed drills.

We suggest discussion of these matters at Soil and Water Board monthly meeting and, based on outcome of those discussions, consideration of outreach to other County entities with a role in agricultural promotion including CCE, the Agricultural and Farmland Protection Board and County government if the Board thinks an expanded rental program should be promoted.

Flood Mitigation/Corridor Maintenance on the Wallkill River From the Celery Avenue Rock Ledge Downstream

Background/Considerations 8/2024

DRAFT

Orange County Soil and Water Conservation District

Although other agencies/entities have responsibilities or undertake activities in relation to Wallkill River maintenance and flood mitigation, Orange County Soil and Water Conservation District (OCSWCD) has taken a lead role in this regard in the Pine Island Black Dirt Region – especially since 2013 in the wake of Hurricane Irene and Tropical Storm Lee.

Many projects and actions have been undertaken since 2013 and are described in other publications. As these actions have been completed and efforts made to evaluate the level of benefit they have provided, it is timely and important to discuss where additional actions would have the greatest benefit in order to maximize use of available resources. Much of the work done to date has been in the southern portion of Black Dirt area upstream of the Cheechunk Canal where flooding has generally been more frequent and severe. Local stakeholders – particularly affected Black Dirt area farmers – have identified corridor maintenance in the reach of the Wallkill just below the Celery Avenue Rock Ledge as a high priority. How far downstream from the Ledge maintenance activities should be extended is not well defined, but there is reasonable consensus that these efforts should extend at least to the Orange County Landfill.

There are stakeholders who believe that the Landfill itself is negatively impacting flood conveyance. This is a complex and contentious matter. Investigations by Wehren Engineering in 1989 are available that show the land adjacent to the landfill moving towards the Wallkill. OCSWCD is unaware of any recent investigations or proposals with regard to constrictions in the Corridor in this reach of the Wallkill, and considers it to be largely outside the realm of what we as a non-regulatory agency would feasibly be able to address. In a July, 30, 2024 letter to OCSWCD from the Orange County Agricultural and Farmland Protection Board (AFPB) that expresses support for a project to lower the Celery Avenue rock ledge, the AFPB writes that “...The AFPB also recommends that the County address the County Landfill project to reduce this landfill’s impact on the Wallkill River and related upstream flooding.”

In light of OCSWCD’s lack of authority or any particular expertise with regard to possible impacts of the OC Landfill on the Wallkill, we believe our resources can best be utilized to foster the development and implementation of a plan to improve flood flow conveyance in the reach of the Wallkill from the Celery Ledge to the upstream limit of the Landfill. Some actions can be taken here without additional or new permits or permissions under the authority of existing mechanisms. These include 1) the Wallkill River Federal Flood Control Project (FFCP) and associated perpetual Maintenance Agreement (MA) entered into by the County and four towns bordering the Project (Warwick, Wawayanda, Minisink and Goshen); and 2) Drainage Easements held by OCSWCD on riverfront properties between the downstream limits of the FFCP at County Route 37 (Maple Avenue) and the upstream limits of the Landfill. Activities within the scope of the MA and

easements include removal of dead and down trees and woody debris, and mowing where feasible to control the growth of woody vegetation.

In the period from 2018-2020, with the review and approval of the NYSDEC, OCSWCD undertook tree thinning work from the Celery Avenue Ledge to Maple Avenue that went beyond the normal FFCP maintenance scope of work.

In the period from 2010 to 2014, again with the review and approval of the NYSDEC and extending beyond normal maintenance parameters, OCSWCD undertook two corridor tree management projects extending from Maple Avenue to the upstream end of the Landfill. Subsequent to this work, OCSWCD obtained permanent easements from most of the landowners along this ½ mile reach of the river. Considerable time and expense were required to acquire these easements which will in practice allow OCSWCD to maintain this section of the river with the same protocols utilized within the FFCP.

Even after these efforts, local stakeholders believe that this reach of the Wallkill requires additional improvement. OCSWCD is prepared to spearhead such efforts, with the understanding that especially aggressive actions such as cutting of more live trees or increasing the channel cross section by moving of soil would require permits and/or permissions from one or more regulatory agencies.

Our near-term goal in this regard is to attempt to organize a field review of the subject reach that includes at a minimum OCSWCD staff and local stakeholders who have been advocating for more work in this reach. Based on the outcome of such a field review, we would anticipate moving forward ASAP on actions that are within the scope of existing agreements and easements while undertaking further planning on identified measures that would require the involvement of regulatory entities.

Celery Ledge Lowering Project –lowering the rock ledge that crosses the Wallkill ¾ mile upstream from Maple Avenue has been considered numerous time in the past. When OCSWCD in conjunction with professional consultants and a committee of farmers developed a list of potential flood mitigation projects in 2013, this project was identified as a priority. It was fully permitted subsequent to this prioritization process, but never completed.

More recently, farmers and landowners along Quaker Creek have become increasingly frustrated with frequent flooding along that tributary to the Wallkill. In the winter of 2023-2024, they undertook a project to clean and improve the Creek. While they believe their efforts have provided benefits, they recognize that their work would be enhanced if drainage from Quaker Creek could more easily enter the Wallkill. Therefore, they have requested that the ‘County’ revive the Ledge Lowering Project. The Ledge crosses the Wallkill approximately 2.5 miles downstream of the Wallkill/Quaker confluence. While this distance may sound considerable, relatively small changes in the elevation of the water surface in the river can have impacts far upstream in the extremely flat terrain associated with the Black Dirt area. In addition to helping to fully realize the benefits of the Quaker Creek improvement project, lowering the ledge would benefit additional expansive areas of the Black Dirt farming region, also owing to the flatness of the terrain.. These benefits are difficult to

quantify and may be limited. However, hydraulic modeling has shown that, primarily because of the flat terrain, dramatic benefits cannot be realized by any single project. Instead, the goal is to strive for incremental benefits of many projects adding up to significant flood mitigation for the region.

Unlike most of the projects considered or undertaken since 2013, the Ledge project faced and continues to face some opposition. This opposition originates primarily from residents near the Project site. While we are not able to fully elaborate their position, concerns include potential impacts from construction activities to structures near the Project and lack of confidence that the Project will provide any significant flood mitigation benefit.

The OCSWCD Board is sensitive to these concerns, but believes that the Project will provide enough benefits to justify the cost, and that measures can be incorporated into the Project Construction Plan that will protect structures near the work.

The current status of this project is that permitting is in the public comment period and construction funding has not yet been identified. Assuming required permits can be secured and support for the project by those advocating for it can be formally solidified, it is the current position of the OCSWCD that the project should be pursued if funding can be identified. We are currently seeking professional input on the development of a vibration monitoring/control plan to be included in the construction plan in effort to address concerns regarding potential damage to structures near the project site. The proposed construction equipment of concern is an excavator-mounted hydraulic hammer. It is noted that preliminary research on this type of equipment suggests that it is equivalent to the vibration created by a bulldozer and that vibrations associated with its use largely dissipate within 25 feet of the activity.

Other Relevant Issues Regarding Corridor Management Downstream from the Ledge

It has been reported to us that there are trees laying across the Wallkill upstream of Route 17M, which would be adjacent to the Landfill. The Drainage easements we hold do not extend past the upstream end of the Landfill. Therefore, we have no authority or ability to remove these trees even though this type of work would be within the parameters of our drainage easement language. In addition, we have been advised in the past to avoid doing any work near the landfill due to liability concerns. As mentioned above, the point in the river at which channel modifications would have no impact on water levels or flooding in the Black Dirt area is not well defined. However, common sense suggests that removal of trees laying in the river in this location should be considered a reasonable and advisable maintenance activity from a flood mitigation standpoint. The County would potentially have access to these down tree locations from the Landfill property, but it is unknown if they would be inclined to remove them.

More concerning than these down trees, which is a result of natural causes, is the dumping of masonry debris and other fill materials in the floodway of the Wallkill downstream of Maple Avenue. This dumping is in violation of more than one local law, and directly negates efforts to increase/improve the flood flow conveyance capacity of the corridor. As flood mitigation work is pursued for this reach, removal of this illegal fill and finding effective means of avoiding similar actions anywhere in the Wallkill corridor in the future should be of paramount importance.

Conclusion

As noted, it is widely believed that providing meaningful flood mitigation for the economically important Black Dirt farming region will require undertaking a range of projects whose individual benefit may be limited but whose cumulative benefit can be significant. Following this logic, OCSWCD believes that the Celery Avenue Ledge Lowering Project should be pursued. We are also committed to working with stakeholders to develop a management plan for the Corridor from the Ledge at least downstream to the start of the Landfill property. Both of these projects are current, active priorities. We are interested in any discussions about possible improvements downstream of the start of the Landfill, but any such discussions would need to have numerous entities involved well beyond OCSWCD, their consultants and Black Dirt stakeholders.

The issue of illegal dumping is also outside the ability of OCSWCD to control or enforce. However, this issue needs serious discussion since it threatens to negate other ongoing efforts.

OCSWCD's engineering consultants have been tasked with evaluating current conditions in the Project area with projects completed since 2013 and making recommendations for priority projects going forward. These recommendations will be considered in conjunction with input and feedback from stakeholders as OCSWCD attempts to continue implementing flood mitigation measures for the Black Dirt area.

Emily King

Secretary to the Board Update

8/19/24

Following July's meeting, I updated Kevin's payroll based on Step 7 increase and calculated a retroactive check to account for the pay periods from the start of 2024 based on his new salary.

I assisted Kevin in collecting and sorting the notarized affidavits for the Celery Ledge Lowering Project. I paid the invoices for both the Goshen Independent and Gannett Co. I updated MDS 426-B forms for the Orange County Department of Human Resources to reflect the current salaries of the staff at Orange County Soil & Water Conservation District. I also clarified to HR their question regarding Rolan O'Dell Jr.'s employment during the payroll period of 1/1/23-1/7/23.

I am currently in email communication with Ben Luskin to determine when the District will receive our final payment for the CRF Round 5. Luskin reported that the last activity on it was on 8/7, but the payment has NOT been scheduled yet. Per Luskin, the District should receive an automatic deposit in our main checking account last week or this week. He instructed me to follow up with him on 8/20 on the status of our payment. The District's final claim for payment for the CRF Round 5 totals \$29,972.50.

I received word from Ben Luskin that the District's contracts in the Ag NPS Rnd 29 program were recently executed. I filled out the Claim for Payment and the SWCC cover sheet for the 25% advance as well as the 65% BMP funds for the Jody Moraski & Robert Brady construction projects. The signed claim for payment, Business Services Center, BSC, Invoice Submission Form, and Claim for Payment-Returned Funds Cover Sheet were emailed to the BSC.

I contacted the County's Department of Finance in regards to the email we received from them notifying us of our third quarter county appropriation deposit. However, the document references it as the second quarter county appropriation deposit. Bonnie with the Department of Finance explained that she cannot change the check description unless the check is returned and reissued. Since the check was automatically deposited, she will print a 2024 Budget inquiry after the last payment which will show the appropriation and expenses for the year showing that it is not over expensed. Bonnie noted that the District can provide that with a payment report for 2024 which will only show four quarterly payments, two of which will have the invoice number of the second quarter 2024 county appropriation. Under Bonnie's instruction, I will reach out to her request at the end of 2024 for the aforementioned documents.

I went with Mary and Kevin to take survey grade shots at Rick & Joe Minkus' projects in the AEM Round 18 Tier 4 projects. Additionally, we took survey grade shots at the site of the Wallkill Floodplain Bench Phase 4 North.

I reviewed Kevin's SEP & IRA calculations for his newly made accounts for his retirement contributions. Subsequently I wrote checks for his listed payments and distributed them once DeBlock signed them.

Additionally, I reviewed the independent auditor's report PKF O'Connor Davies sent the District for our 2023 audit. Kevin explained to me the report to me and highlighted the following section on page 18. *"Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified."*

I have had to repeatedly contact Warwick Valley Telephone to report issues with the District's internet connection and my work phone. I keep experiencing issues with my phone's connection and not receiving phone calls. The District's internet connection continues to disconnect and requires us to restart the office's two modems. I want to discuss the possibility of switching phone and internet providers with Kevin and the Board should these issues persist.

Furthermore, I reviewed and discussed the available courses with Mary and Kevin to take at the 2024 Conservation Skills Workshop. I registered for the courses Kevin approved and booked my hotel room. Lastly, I updated the various grant ledgers, as well as the receipts, disbursements, and payroll Excel spreadsheet. I added notes to the Dedicated Fund Summary on July's financial report.

OCSWCD Technician Update

Mary C. Held

8/16//2024

Since the last board meeting, I have been doing a lot of research on a potential new project for us to get involved in that will not only include farms but also local homeowners. I have the idea that a pollinator cost-sharing project that is more inclusive of regular homeowners has the potential to be both progressive for the environment and an enjoyable project to lead. I have been in contact with the NRCS Pollinator Partner who has helped me understand the extent of the NRCS cost-sharing program for pollinator habitats and how we could potentially offer a similar service that doesn't completely overlap. I think that having a broader target of farms and homeowners will make our project stand out to potential recipients.

I will have a better-fleshed out program after more research and consultations with other SWCD technicians and managers about their own programs. I am still digesting all of the information provided by the NRCS pollinator partner so there is still lots of development left before a trial program can be created.

Equipment:

No-Till Equipment Rentals: In the last board meeting I mentioned changing the rental agreement language to eliminate any verbiage of taking money off a bill for returning it clean. Rather, we agreed to include a bill that would be incurred if the equipment was not returned clean. I have amended the rental agreement to reflect these changes and would like to present them to the board.

Kevin and I have been asking farmers how they feel about vacuum pickup corn planters as opposed to finger pickups. The general consensus I've found so far is that the vacuum pickup works great when it does but is a hassle when it doesn't.

Mower: No further updates from the mechanic since we approached him about checking out the mower.

Roller Crimper Project: I've been trying to reach out to our farmers who are interested in utilizing a roller crimper and getting a handle on what fields are being considered. I've had fairly consistent and open communication with most of those who I've spoken to about participation.

Rowe, Chuck: can't participate in Cornell project due to year-to-year lease but is still very interested in using a crimper through SWCD. No fields ID'd yet.

Smiley, Russell: Can't participate as he is planning to turn many of his fields into permanent pasture

Ronne, Alex: ID'd fields he could use in the program. Total of around ~25 acres.

Conklin, Sue: Wants to pick fields after seeing how cover crop comes up & will pick fields with the fewest weeds. Conklin is intended on dedicated 4 acres of crimped cover and would like to try some upland and some low land.

Touw, Jason: ID'd fields he could use in the program, total of ~9 acres

Johnson, Phil: No fields ID'd for crimping yet

O'Dell, Mike: ID'd fields he could use in the program, total of ~16 acres

Wallkill River Phase 4 North:

Kevin took Emily and I out to further our surveying skills. We plan to use what we've learned on the Wallkill bench in a close-out survey on the AGNPS project for Greystone Stables.

Local Cost Share Program:

There is a list of farmers interested in cover crop cost share. Some are already planning to be involved in the roller crimper program, some are not.

- Tom Owens (Hillcrest Farms) – 300 ac
- John King (Royal Acres) – 3 ac
- Mark Hoyt (Hoyt Farms) – 200 ac
- Mike O'Dell (O'Dell Family Dairy) interested in roller crimper program – 100 - 200 ac
- Chuck Rowe (Rowe & Sons) interested in roller crimper program – 100 - 300 ac
- Alex Ronne (Possible Farms) interested in roller crimper program – 35 ac
- Brad Meres (Hoeffner Farms) – 20 ac

CRF Update:

Round 6:

Phil Johnson and Russell Smiley had crop residue management sites inspected, and acreage counted up. Projected payouts are as follows:

Russell Smiley: 35 ac - \$770.00

Phil Johnson: 209.81 acres - \$4,615.82

As far as getting money back for this round, Ben provided me with a list of materials we had to submit. He has agreed to return in the fall to sign off on cover crop practices. I have been working and will continue working on the required materials needed to get our state reimbursement.

Round 7: No updates.

Round 8: No updates.

AGNPS Update:

Round 27: Contract End Date: March 2025

- Marty Lain: Kevin sent the closeout materials to Ben, which he received and projected a couple of weeks' time to process.

- Troy Vellenga: Will let us know by September if he plans to carry out projects.
 - o Access Control System:
 - State: \$15,166
 - SWCD: \$3500
 - LO: \$4,667
 - Total: \$23,333
 - o Silage Leachate Control and Treatment System:
 - State: \$26,541
 - SWCD: \$6,125
 - LO: \$8,167
 - Total: \$40,833

Round 29:

- The project at Greystone Stable is still in progress.

Round 30:

- No updates since last board meeting.

AEM Update:

Round 18:

Three more soil samples were taken from the Touw property to accommodate his NRCS-funded CNMP. I took Vaun and Nora with me to demonstrate the process and had them assist in collecting the soil samples. SWCD can cover the cost of soil sampling and testing through AEM funds.

I am currently working on a Technical Assistance report for an interim claim for payment for AEM and will have that hopefully submitted next week.

Ben got our 90% BMP payment approved for Demberg, Joe Minkus, Rick Minkus, and Hoyt projects, but we *cannot* start construction on the Hoyt project until we get the official SHPO document clearing the project forwarded to the state office.

We made a budget update to the Joe Minkus project and are getting contractor bids for the whole project. Ben approved the budget change on the condition the contract and the budget are signed and turned in to the state.

Updated Budget:

Joseph Minkus – Heavy Use Area Runoff Management

State Share: \$29k

LO Share: \$9,666

Total: \$38,666



ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT

225 Dolson Avenue, Suite 103, Middletown, NY 10940

Phone: (845) 343-1873

Kevin.Sumner@ocsoil.org

2024 No-Till Rental Agreement

The Orange County Soil and Water Conservation District (SWCD) rents out no-till seeding and planting and other equipment as part of its soil and water conservation program. This program works best when all farmers are considerate of the equipment and of other farmers who participate in the program. Please be respectful in your use and timing of the rented equipment as a courtesy to your fellow farmers.

This rental agreement discusses several important considerations in an effort to clarify the intent and nature of the program and the responsibilities and obligations of the user ("User") of the rental equipment.

The SWCD provides advice and instruction on the proper use of rental equipment. All other aspects of the equipment's use and operation are the responsibility of the User, more specifically:

1. The SWCD is responsible for necessary repairs to rental equipment due to normal wear and tear. If it is determined that rental equipment damage is due to reckless or inappropriate use (for example, planting fields with unreasonably large or numerous rocks or planting at speeds inappropriate for conditions), the User will be responsible to pay for the cost of necessary repairs. A User's refusal to pay for such repairs may warrant legal action and/or denial by the SWCD of future requests to rent equipment.
2. The SWCD operates this program at a monetary loss in order to provide the service and derive associated public benefits. The 'good-will' cooperation of users will help to ensure that the service can continue. For example, users are expected to undertake simple maintenance and repairs themselves. This includes but is not limited to greasing and lubricating the equipment at the proper intervals during use and at completion of equipment usage, replacing shear bolts or pins, repairing tires, etc. as feasible. Calling out SWCD staff to complete simple repairs may result in additional charges to the user and may result in the need to remove the equipment from the user's premises to complete the repairs. **The SWCD should be notified immediately of any significant repair needs or operational issues. In some cases where the user is willing and able, the SWCD may authorize the user to undertake repairs themselves. In such cases, the SWCD will credit the user's bill based on time and materials provided by the user.**
3. It is the responsibility of the User to become aware of all proper operating procedures, adjustments, and safety requirements/recommendations. The User agrees to utilize the equipment in a manner consistent with all safety requirements/recommendations.
4. **Cleaning Out the Equipment:** Equipment MUST be returned to SWCD in condition it was delivered. SWCD starts every season with clean equipment, free of any fertilizer/seed within the hoppers, tubes, and seeding boxes. It is required that the user properly cleans out the seed and fertilizer hoppers to ensure ease of use for the next user. Cleaning equipment can be accomplished via scraping out the boxes and/or vacuuming seed and fertilizer as necessary. PLEASE NOTE: The augers of the corn planters need to be completely free of fertilizer residue on all sides, including underneath. **Failure to properly clean the equipment will result in a fee of \$250 being added to the usage bill and possible denial of future requests to rent the equipment**
5. **It is the User's responsibility to provide insurance coverage when using SWCD equipment.** The User is responsible for any property damage or liability resulting from his/her operation or transport of SWCD rental equipment.

Before bringing our equipment to the User, the SWCD will require evidence of property insurance at the following values: the **2005** corn planter is insured for \$18,052, the **2014** corn planter is insured for \$31,000,

BOARD OF DIRECTORS

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George Constable
PO Box 211
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the **2006** seeder is insured for \$20,000, the **2022** seeder is insured for \$26,640, the **2023** seeder is insured for \$46,200 on the User's insurance policy. The SWCD should be listed as an additional insured/lessor of leased equipment on that same policy.

The insurance paperwork can usually be taken care of by phone/ email right before you receive the equipment. You may wish to contact your agent ahead of time to find out if there will be any charge to you for issuance of the insurance certificate. Also, you must authorize them to issue the certificate before we can request a copy of it from them. **There are no exceptions to this rule. If you are not able to provide an insurance certificate as specified herein, you will not be able to rent the equipment.**

- : **2005 Corn Planter: John Deere 1750 4-Row Conservation Planter
SN - HO1750R 676087, Value \$18,052**
- : **2014 Corn Planter: John Deere 1750 4- Row Conservation Planter
SN- 1A01750F LDM 755224, Value \$31,000.00**
- : **2006 Seeder: Great Plains Model 706NT-1075-03-21
SN GP- 1198WW, Value \$20,000**
- : **2022 Seeder: Great Plains Model 706NT-1075
SN GP-2152WW, Value \$26,640**
- : **2023 Seeder: Esch Model 5612
SN 231205, Value \$46,200.00**

6. SWCD staff will provide advice and make recommendations based upon our experience and research available from sources such as USDA and Cornell University. We have found that Users commonly do not follow all recommended procedures, such as planning the planting 6 to 12 months in advance in order to allow for proper adjustment of such factors as pH, fertility, and soil and weed conditions. Even when all recommendations are followed, plantings sometimes fail, or produce unacceptable results. **The SWCD is not responsible for the results of any plantings performed with our equipment.**
7. Users are reminded of the critical role that properly adjusted equipment plays in good planting results. Users should bear in mind that, even after setting initial calibrations, regular inspections must be made to ensure that settings or material outputs have not changed significantly due to varying field conditions, weather conditions, loosened or damaged mechanical fixtures, varying characteristics of seed and fertilizer types/sources, etc. Note that no charts are available for most SEED MIXTURES, so trial and error may be necessary in order to determine the appropriate output settings. SWCD will assist Users in initial adjustment of the rental equipment based upon the individual job characteristics, when requested. **However, the SWCD is not responsible for excessive or inadequate output of seed or fertilizer materials.**
8. The SWCD cannot guarantee any strict schedule for equipment rental because of numerous factors, including unpredictable weather, breakdowns and other commitments. Flexibility is a prerequisite for this program. General priority for usage will be based on date of request. The District cannot be expected to show up on a certain day simply because it was requested. **It is the responsibility of each potential User to maintain contact with SWCD representatives when he/she is ready to rent equipment.**

9. Rental Rates will be as follows:

- a. **Corn Planters (2005 and 2014), and Seeders (2006 and 2022):** \$250.00 minimum charge covers the delivery and the first five acres, \$20/acre after the first five acres.
- b. **2023 ESCH Seeder:** \$300.00 minimum charge covers the delivery and the first five acres, \$35/acre after the first five acres

Seeder billing will be based off the acreage meter on the machine. If you think this is inaccurate, contact OCSWCD immediately. Going over a field multiple times will be billed for the full acreage as recorded by the acreage meter on the seeder.

10. Interest will accrue on all unpaid bills at 1.5% per month. Users who fail to pay within **4 months** after the invoice mailing date may be indefinitely placed on a pre-pay list for all future rentals at the discretion of SWCD. Removal from the pre-pay list is at the discretion of the SWCD Board of Directors. Repeated failure to pay within 4 months of billing may result in denial of future requests to rent the equipment.
11. Renters are expected to plan their schedule to allow ample time for operation of the equipment once it is delivered to their farm. SWCD reserves the right to apply additional **Idle Equipment Fees** (\$50/day) for every day the equipment sits idle. Equipment will be considered idle if the average of acres planted during the rental is less than 5 per day. Weather and soil conditions will be taken into account when calculating idle equipment fees, but the SWCD will be the sole determiner of when idle equipment fees are applied. Renters should discuss this issue with SWCD **before** signing this rental agreement. Repeated failure to complete seeding/planting in a timely manner once the equipment is delivered to user, as determined by the SWCD, may result in denial of future requests to rent the equipment.
12. If you have any specific questions about the terms of this rental agreement, the rental program generally, or applicable agronomic principles and procedures, please call our office to speak to a SWCD representative.
13. SWCD retains the right to inspect field conditions prior to the rental of any equipment and/or require User to supply information of the fields to be planted, such as aerial maps, acreages, location, etc. If SWCD personnel determine the field conditions not to be adequate for seeding, where potential damage could occur to the equipment or spread of invasive species could occur, **SWCD reserves the right to deny rental.**

SIGNATURE

EQUIPMENT RENTED

TYPE OR PRINT NAME

DATE

TELEPHONE #