

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
December 16, 2019

The **MEETING** was **CALLED TO ORDER** by the Vice-Chairman at 9:08 AM. Directors P. DeBlock, G. Keeton and P. Ruskiewicz were present, along with K. Sumner, T. Ferry and C. DeGroot (OCSWCD), E. Schellenberg (CCE) and A. Armlin-Sorgen (NRCS).

2019-12-1 DeBlock made the Motion, Ruskiewicz seconded, to approve November's Board Meeting Minutes as written. All in favor.

(J. Wright joined the Meeting at 9:10 AM)

ACTIONS TAKEN BETWEEN MEETINGS – Some bills were paid with Board approval prior to the Board Meeting and are listed on the Bills for Board Approval.

CORRESPONDENCE

- Bank account statements and Collateral Agreements from M&T Bank were available for review.
- Miscellaneous newsletters were available for review.
- The District sent a letter to John J. Brozdowski Jr. Living Trust regarding the floodplain bench project extending from the confluence of the Pochuck creek and Wallkill River to the County Route 1 bridge over the Wallkill River. And although the area of his property that is affected by the bench project is already within the easement areas obtained by the State of New York for the 1980s federal flood control project, the District wants to make sure the owners are aware of the proposed work and offered to explain the project further. Board discussion followed. It was mentioned that a crossing that would need to be built would be temporary and removed once the project is complete. Sumner sent the landowner an Access License. The contractor is supposed to start work after January 1, 2020 but there are some things that still need to be in place.
- The New York Association of Conservation Districts update was available for review. Legislative Days will be in Albany on March 2nd and 3rd of 2020.
- The District received a letter from Ag & Markets stating that neither of our Ag NPS RD 25 proposals were chosen for funding. We had submitted two proposals, one for Wallkill Watershed Farm Control Runoff and the other for Moodna Creek Watershed Farm Runoff Control.
- The District sent a letter to T. Ewald, Deputy Commissioner of the Orange County Department of Public Works. A farmer who owns land within the Cromline Creek Small Watershed District visited the District office to express concerns over the condition of culvert crossings associated with the "Main Channel" leading to the pumping plant. Given the DPW's role in oversight of the district, Sumner wanted to share this information with them. Sumner received a reply back from Ewald, stating that he would assess the situation.

FINANCIAL REPORTS

The Dedicated Fund Summary was updated to show the Environmental Benefit money the District received. The Wallkill EBP money (\$2,550) was applied towards the P2S planting along the Wallkill River, so next month this will be zero'd out under the Summary. Sumner asked the Moodna Coalition what they wanted to do with their money (\$2,500) and they mentioned doing kiosks.

2019-12-2 Wright made the Motion, DeBlock seconded, to file November's 2019 Financial Report for audit review. All in favor.

Sumner mentioned that one of the Ag NPS Round 20 Farm Runoff projects is making progress. He had everything completed except for a level spreader practice, and when Sumner went out to look at it, he was not happy with it. It can probably be fixed in an hour or so but it's too late to fix it this year. Sumner asked the Soil & Water Committee if the producer can make repairs in the spring as soon as ground conditions permit. They said if the engineer signs off on the practice, they will allow it. The engineer wants to look at the project today and will sign off on it if it looks good. It was

mentioned that we hold back 10% of the BMP payment until the project is completed. While Sumner was checking the level spreader he found that snow slid from the roof on the long side of the barn and ripped down the gutters. The landowner said they would put the gutters back up this weekend and will include ice stoppers this time.

2019-12-3 DeBlock made the Motion, Keeton seconded, to accept the Bills to be Paid. All in favor.

Ag Grant Update Report – All three of our currently active Ag Grants expire at the end of this year. The only project with activity in Round 22 is almost complete, the contractor said it would be done by December 27th.

STAFF REPORTS

- **C. DeGrootd**
 - The District's new rewards business card has to-date accumulated \$318 in cash awards.
 - DeGrootd has been working on the Tire Removal Project paperwork.
 - There is still no news on who is replacing Tonnie Sauca as Envirothon coordinator. We have two Orange County schools interested in attending.
 - DeGrootd is still working on the NYS Retirement paperwork.
 - A Claim for Payment was submitted for Ag NPS RD 22 using their new procedures.
 - DeGrootd assisted with the 4-Hour Erosion & Sediment Control Training paperwork.

- **T. Ferry**
 - Ferry sat in on a Webinar on the different approval authorities that the State Committee has for signing off on some of the BMP work.
 - Requests for Soil Group Worksheets have started coming in.
 - Ferry assisted Sumner at the 4-Hour Erosion & Sediment Control Training to the Local 17.
 - Ferry helped mark trees downstream of Celery Ledge with Sumner.
 - A. Armlin-Sorgen assisted Ferry with laying out the bench phase 3, edge of the bench, using GPS.
 - Ferry is working with the vendor on the set-back kits, discussed at last month's meeting, for the corn planter and should be ordered next week.
 - Ferry is working on updating producer AEM plans. The AEM Year 16 Annual Action Plan paperwork was submitted.

- **K. Sumner**
 - There has been no further contact with the Army Corp. of Engineers since the field meeting before last month's Board Meeting.
 - Sumner continues to spend some time on the Dairy Initiative. The \$2 premium idea was discussed at the last Ag & Farmland Protection Board Meeting. Rob Schreibeis said he would look into it. The Local Label idea was also discussed. Some people at the meeting thought this to be impossible but Sumner has spoken to some of the local dairy farmers who think this can work.
 - Sumner discussed partnering with Cornell Cooperative Extension on a 4-Hour Erosion & Sediment Control Training Course at CCE.
 - Sumner has been working on organizing project permit paperwork, especially expiration dates. The Bench project alone has 10 permits and all have different expiration dates.

INTERAGENCY REPORTS

- **Erik Schellenberg (CCE)**
 - Finished organizing the Stormwater Series for 2020. He said that SWCD staff can attend for free.
 - Schellenberg attended the Wallkill Watershed Alliance round table at the Hoot Owl in Pine Bush. While there, Schellenberg spoke with Scott Cuppett to find out who he can contact in order to get more involved with water issues. Scott suggested Erik speak with Megan Lung, who works for the Hudson River Estuary Program, about culvert assessment and management projects. Sumner told Schellenberg that years ago the District mapped the culverts in the Woodbury Creek Watershed District. Sumner told Erik that we did not have immediate plans of undertaking another culvert mapping project and would have no objection to

CCE exploring opportunities in this area. Ethan and Erik are submitting a final draft of a grant to the NYS Farm Viability Institute for \$300,000.00. This is for an expanded version of the greenhouse gas sampling they did on different no-till fields (both muck and mineral soils fields).

- 4-H park update – A new consultant is trying to see if CCE should go do the “Living Building Challenge” (an all-encompassing, sustainable building). This is to make the building as green as possible and the most useful for people.
- **A. Armlin-Sorgen (NRCS)**
 - J. Heller, NRCS, is on detail in Washington until March.
 - Armlin-Sorgen mentioned she has been taking a variety of training classes.

OLD BUSINESS

Wallkill River Phase 1 Project Update – A local producer contacted the District regarding their corn harvest yield from the ground where the dirt was placed from the Wallkill Flood Phase 1 Project. Soil from the project was placed on his fields back in 2016. The producer reported that their corn yield on these 40 acres was 3-3 ¼ tons of corn, whereas on similar ground their average yield is 4.5 tons. Sumner presented this to the Board to see if they would be willing to compensate the producer for the difference in crop yield. Using a value of \$4/bushel, Sumner suggested \$8,571.00 would be a reasonable estimate of the lost value. Discussion followed. The Board was reluctant to compensate the full value of the calculated yield reduction due to the lack of yield records for the fields in question. The Board also took into consideration other factors including the cooperation of the producer during and subsequent to the Phase 1 project and the inconveniences experienced by the producer as soil restorative measures were applied to these fields over the last three years. The Directors felt that the producer should be compensated for half of the amount Sumner calculated. **2019-12-4 Wright made the Motion, Keeton seconded, to pay \$4,286 to the producer to compensate for the difference in crop yield with the stipulation that this be the last compensation payment for Phase 1 project impacts on the fields adjacent to the project. All in favor.**

Green Farmland, LLC signed the Conservation Easement for the floodplain bench Phase 2 South area but it has not yet been filed. They signed an Access License for Phase III but because of all the different work to take place, Sumner developed a Work Plan addendum to the Access License in cooperation with the County Law Department. Phase 3 will involve approx. 40,000 cubic yards of dirt, most down by the Pochuck, which is currently expected to go across the creek and onto C. Lain’s fields. Sumner told Green Farmland that approx. 8,000 cubic yards of suitable soil is currently expected to go to their fields. As of now we do not have full agreement from Green Farmland, LLC on the plan that Sumner proposed. Sumner mentioned that the NYS DEC permits are good until 2022. The Army Corp. permit ran out in 2018, a new permit is pending.

There is nothing new to report on the Celery Avenue Project.

Tire Removal Project Update – There have been recent issues with Casings, the company we have been paying to remove the farm tires. There have been a few farms where the farmer states there is a certain number of tires, maybe enough for one load, but Casings drivers say there are several loads. The District was billed for three loads off of one farm that we believe should have been 1 load. Casings agreed to remove one invoice for one full load. Some farms are still awaiting pick-up. Wright asked if these remaining farmers could count the tires before they get taken. There was discussion on hiring a trucker to bring the tires to the County transfer station, as an alternative to using Casings. Rusczkiewicz said he would look into the County working with us on a plan of this nature and how pricing might work.

Wallkill HABS funding update – There is nothing new to report.

It was mentioned that the AEM year 16 money will be used for Moodna projects.

AG NPS RD 26 request for proposals is being released soon. We can resubmit the farms that were in our RD 25 proposals.

The Climate Resiliency Farming Request for Proposals is being released soon.

Sumner discussed with the Board some ideas he had for getting started on the environmental studies that will be required before we can progress permitting and construction plans for the benching work upstream of County Route 1.

SAM Grant update – There is no contract yet. Sumner has been submitting documents. This grant is intended to assist with Bench Phase 2 South planting expenses and P3 expenses. Sumner submitted an estimate on the Phase 3 construction that they requested.

The Memorandum of Agreement between the NRCS and the SWCD was discussed. **2019-12-5 DeBlock made the Motion to have the Chairman sign the Memorandum of Agreement Between the United States Department of Agriculture, Natural Resource Conservation Service and the State of New York, Orange County District, and New York State Soil and Water Conservation Committee as presented to us at the October, 2019 monthly director's meeting by USDA-NRCS; with the understanding that Orange County SWCD was discouraged from offering edits to the Agreement so signs the document as a show of good faith to cooperate with USDA-NRCS in achieving our mutual goals and with the understanding that some aspects of the MoA may be subject to discussion and interpretation with regard to how their intent is achieved, seconded by Ruskiewicz. All in favor.**

2019-12-6 DeBlock made the Motion, seconded by Ruskiewicz, to go into Executive Session at 11:05 AM to discuss employment history of one or more employees. All in favor.

(DeGroot and Ferry left the Meeting at 11:05 AM)

2019-12-7 On a motion by Wright, seconded by Keeton, the Board came out of Executive Session at 11:24 AM. All in favor.

2019-12-8 Keeton made the Motion, seconded by DeBlock, to revise the District's Provisions of Employment to make the District Manager position a Grade 10/11/12/13. All in favor.

2019-12-9 Wright made the motion, seconded by Ruskiewicz, to promote Sumner to Grade 13, Step 5. All in favor.

2019-12-10 Keeton made the Motion, seconded by Wright, to adopt Scenario B of the Retirement Transition Plan document prepared by Sumner as presented at the meeting and attached to these minutes, for Sumner and DeGroot to open Simple Employee Pension (SEP) plans effective January 1, 2020. All in favor.

NEW BUSINESS

The next **MEETING** is scheduled for **Tuesday**, January 21 at 9:00 AM.

2019-12-11 The Meeting adjourns at 11:30 AM on a Motion by DeBlock, seconded by Ruskiewicz. All in favor.

Minutes Prepared By:

Christine DeGroot, Secretary to the Board