

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
December 20, 2021

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:10 AM. Director K. Stegenga joined remotely. Directors J. Wright, G. Constable, P. DeBlock and P. Ruskiewicz along with K. Sumner, T. Ferry and C. DeGroodt (SWCD) were present.

December's Zoom Meeting was terminated due to technical difficulties.

2021-12-1 DeBlock made the Motion, Ruskiewicz seconded, to approve November's Board Meeting Minutes as amended. All in favor.

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

CORRESPONDENCE

- The bank statements and collateral agreements were available for review.
- The District received a donation request from the Hudson River Watershed Alliance. No action taken.
- The District received a notice of approval informing us that our AEM Base Program Round 17 Action Plan was approved for funding. It is a 2-year contract in the amount of \$279,920.00.
- The District received a flyer containing information on 2022 Legislative Days.
- Lucy Joyce, the Executive Director of Cornell Cooperative Extension Orange County, sent the District a letter thanking us for donating one of the District's seeder for use at their Education Center & 4-H Park.
- Various newsletters available for review.

FINANCIAL REPORTS

2021-12-2 DeBlock made the Motion, Ruskiewicz seconded, to file November's Financial Reports for audit review. All in favor.

BILLS FOR BOARD APPROVAL

2021-12-3 DeBlock made the Motion, Wright seconded, to accept the Bills to be Paid. All in favor.

GRANT REPORT UPDATE – The Grant Report is updated monthly to reflect changes. The District's Soil Health Incentive Program was added to the report.

STAFF REPORTS

ORANGE COUNTY SWCD DECEMBER 2021 BOARD MEETING MINUTES

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

C. DeGroodt (SWCD) – DeGroodt’s staff report was attached to the Draft Minutes. There was a brief discussion on the purchase of a new typewriter for the office. The one the District uses now is 26 years old and starting to have issues. The Board mentioned looking into using quickbooks for completing tax forms and FSA offered the use of one of their old typewriters. No action taken.

T. Ferry (SWCD) – Ferry did not attend today’s meeting. His staff report was attached to the Draft Minutes.

(B. Diehl, NRCS, joined the meeting at 9:27 AM)

INTERAGENCY REPORTS

NRCS – Diehl stated that they are working on 28 project applications for the year 2022. Most of which are high tunnels and a few that want to incorporate irrigation projects with their high tunnels, and forestry projects.

OLD & NEW BUSINESS

K. Sumner (SWCD) – Office Procedures – DeBlock said that the USDA’s covid policy states that 50% staff may report to work in-person and staff are strongly encouraged to telework. Staffing includes the FSA committee and all NRCS and RD staff. Clients must have appointments. Sumner added that there have been no enhanced security measures installed yet at the building. The District is still parking the trucks close to the building, which may become an issue once it starts snowing and the parking lot gets plowed.

Sumner mentioned that Ferry is out of the office. This is to be discussed in an Executive Session.

AEM Round 16 Tier 4 Implementation Projects Update – Most of the projects are moving forward except for one in which Barton & Loguidice (B&L) completed the design and the barn is constructed. However, the producer did not build it exactly how the engineer designed it. The producer is in contact with a local engineer who may sign off on the structure. If the local engineer doesn’t sign off on it, and we have to go back to B&L, Sumner predicts that we will have issues because to retrofit a building back to what the B&L engineer is going to sign off on, will be quite a job.

Hudson Valley Carbon Farming Project Update (CFP) – Several projects are moving forward. Sumner expects it will be extended past April 2022.

Flood Plain Bench Phase 4 Update –The Climate Resilient Farming Project (CRF) Round 5 is in place to support this project. The District is still waiting on design and construction plans from Barton & Loguidice.

Bench Phase 3, Area 1 – Plantings of the #2 containers were completed the week of 11/15. We are awaiting a reimbursement for expenses for the fall planting from DASNY that was submitted on 11/24.

Bench Phase 3, Area 2 – Soil Utilization Plan – The most recent plan had soil material being taken to Pine Island Turf Nursery’s (PITN) fields and taking the clay to other sites that are on the other side of the Pochuck. PITN is neutral on whether or not they take the soil. Green Farmland (GF) had reached out to Sumner and said they would take the soil. There may be less risk bringing it to Green Farmland. We would need to build a road to GF in order to get the material there but it is less of a risk than building a bridge in order to get to PITN. GF also said we can pile it in their field. It is also less expensive than incorporating the material into active farm fields. Sumner may ask our attorney

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for assistance with an agreement if the alternative to deliver to GF moves forward. It was mentioned that the District has a mining law exemption for the project.

Other Flood Mitigation – A vegetation report, required by the New York State DEC by the end of each calendar year as a condition of our floodplain bench permits, was submitted.

Pellets Island Reach Maintenance Program – (extending the Wallkill Maintenance Agreement) Sumner has not had a lot of time to work on this project over the past month. Letters were sent to landowners and we received a few calls back from landowners stating they are not opposed to the project. But we are at the point now that it will require chasing people that did not respond to the letter we sent out, which will be time consuming. We are also waiting on the NYS DEC regarding our permit inquiry.

Ag NPS Round 27 – The Ag NPS Round 27 results were released. The Work Plan is due by 1/1/2022. Letters were sent to the seven participating producers to confirm their intention to stay in the grant.

Legoland Update – The District has not yet received the \$50,000.00 check from Legoland. Sumner reminded the DEC attorney on 11/16 that we did not receive it.

Pulaski Culverts – The District received the Barton & Loguidice analysis on 11/30, which was forwarded to the Orange County Department of Public Works (OCDPW). Sumner received an email from T. Ewald, OCDPW, last week that they do not feel that the analysis demonstrated that there will be no impact as a result of the proposed work. He went on to say that he would be available to discuss this with Sumner and Barton & Loguidice. Ruszkiewicz suggested that if a call is scheduled, he should invite Barry Cheney.

Sumner had a phone conference with Sidle Insurance to review the District's operations in advance of policy renewals. There was discussion regarding the District's Unemployment Fund. Sidle suggested that the District look into the possibility of a plan designed for non-profits. We are waiting on additional information from the insurance company. Discussion followed.

Wallkill Maintenance Project – Work was completed on the Pochuck Creek upstream of Glenwood Road. The contractor was unable to access the federal flood control easement because a guard rail prevented access. To get beyond the guard rail he had to enter through a piece of idle property owned by the County. Sumner notified the County that this was our intention and sent them a Certificate of Insurance from the contractor naming the County as additional insured, but the County said we also needed to apply for a permit and send them a bond. By the time the District was aware of this the Contractor had completed the work. Discussion followed.

Chester Ag Center Pumping Plant – Since the last Board Meeting, Sumner has been trying to assess if there is any commitment to a local match that would allow us to apply for a Climate Resilient Farming Grant for the pumping plant. He received a couple of replies from the DPW with regard to the fund that the small watershed district maintains (approximately \$100,000). There is some question though on whether or not this can be used as a match on a construction project. And it would need to be approved by the NYS Comptroller. Beyond the SWSD fund, there has not been any other suggestions for source of local match. Based on the discussion at last month's Board meeting, lack of identification of required local match would make it unfeasible for us to submit a CRF proposal.

Sumner received a call from the NRCS State engineer's office regarding new funding for NRCS programs via the Infrastructure and Investment Jobs Act. Initially they called about the Wallkill Flood Project so Sumner described the Wallkill Bench Projects and funding needs. Sumner's impression was that the NRCS State Engineer did not find the Wallkill project to one that should be pursued for this potential funding opportunity. Sumner also talked to them

about the Chester muck pumping plant, which was a federal project back when it was built. Last week, Sumner wrote to all of the stake holders involved in this site including the DPW and the Chester Ag Center and briefed them on this and suggested they contact their local federal officials. DeBlock asked what would happen if the pumps finally give out. Who would have to repair them. Sumner responded that he does not believe that any entity would be under direct legal obligation to repair the pumps. Since there has not been taxation and budgeting for the SWSD adequate to accommodate replacement of outdated equipment, there might be no viable means to address a total failure of the pumping plant. Producers would have to farm with the high risk of flooding and crop loss or the area would get abandoned because it is not economically feasible to farm that land without the pump plant protection.

There was additional discussion regarding the Vreeland Project. A proposed revision to the AEM 'SW' form, which is a project budget spreadsheet, was passed out for Director review. Discussion followed. **2021-12-4 Ruszkiewicz made the Motion, Constable seconded, to approve a budget amendment in which the District will cover 15% (\$7,940) of Vreeland project costs out of our Part C discretionary funds and to amend Vreeland's contract showing the adjustment, providing the project receives final engineering certification. All in favor.**

2021-12-5 DeBlock made the Motion, Ruszkiewicz seconded, to approve allocating \$5,000.00 through our SHIP to the Demberg fence project. All in favor. (This action was approved earlier this month by email vote, this motion formalizes the action.)

Financial Matters – Sumner handed out an updated sign-up list and financial summary of the Soil Health Incentive Program (SHIP) that the District established this year. It was initially planned for this program to start in 2022 using funding from the Round 17 AEM program. The Board had previously discussed and approved allocating \$50,000 of the \$100,000 Round 17 AEM implementation funding towards the new SHIP. So, starting next year we will have the \$50,000 from RD 17 plus whatever we add to this fund. The Board has already agreed to take \$25,000 from our Part C money to kick start the program this year so we could cost-share some fall, 2021 cover crop. All the sign-ups were listed on the summary. Two large cover crop sign-ups were not completed so we were able to move down a list and approve some of the later applications. After making payments already approved by the Board, there is a balance of \$3,895.00. The Demberg Access Control Project was approved by Directors via email for \$5,000 (and formalized in the motion above). Sumner recommends using the remaining \$3,895 SHIP funding towards this project and the difference paid with other funds to be determined. **2021-12-6 DeBlock made the Motion, seconded by Ruszkiewicz, that the District approve the updated SHIP plan. All in favor.**

Sumner passed out a summary of the Professional/Contracted Services Hired expenses for 2021 (code 460z8) that included recommendations to the Board for charging some of these expenses to various dedicated funds and recording some of them towards match for our CRF Round 5 grant project. The Summary document is attached to this month's meeting minutes.

2021-12-7 Wright made the Motion to approve the assignments recommended in the Summary. DeBlock seconded. All in favor.

Sumner added a Request for Project Proposals to the District's facebook and website. Responses to this RFP will be considered in the allocation of Round 17 AEM Implementation funding and in decisions about Round 28 AgNPS. So far, there are three requests: an additional project at Van Aken's to build a laneway, one for a concrete pad expansion and the third for a covered barnyard. Discussion followed.

AEM Round 17 – The Round 17 contract officially starts January 1st. We have to identify which projects we will use funding on by March or April.

AG NPS RD 28 Request for Proposals – RD 28 Request for Proposals will be released soon. Discussion followed on whether or not the District will submit a proposal. The possibility of a proposal to assist a dairy farm in the Neversink watershed with a manure storage project was discussed. This will be revisited at next month's meeting.

(G. Constable left the meeting at 10:50 AM)

The District's new 7' Great Plains seeder is on order and is expected sometime in October 2022. Sumner the possibility of a CRF Round 6 proposal under the Soil Health track to expand our Soil Health-related field activities including the possible securement of a seeder that covers more than 7 feet per pass but has a swing hitch to facilitate road travel. A roller-crimper, which has been discussed at several previous Board meetings, could also potentially be incorporated in the proposal.

NEXT MEETING DATE - The next **MEETING** is scheduled for **Monday, January 24, 2022 at 9:00 AM.**

2021-12-8 Ruszkiewicz made the Motion, DeBlock seconded, to go into Executive Session at 11:01 AM to discuss employee history of one of more employees. All in favor.

(B. Diehl left the meeting at 11:01 AM)

2021-12-9 The Board came out of Executive Session at 11:25 AM on a Motion by Wright, seconded by DeBlock. All in favor.

2021-12-10 Ruszkiewicz made the Motion, seconded by Wright, to establish a policy for Paid Family Leave which will include supplementing PFL with an employee's leave time. All in favor. This new policy should be formalized by adding appropriate language to the Provisions of Employment for review at the time of our annual policies review.

2021-12-11 Ruszkiewicz made the Motion, seconded by DeBlock, to establish January 2022 as the District's Annual Meeting to review office policies and hold the Election of Officers. All in favor.

Sumner mentioned that Orange BOCES requested for him to hold a 4-hour contractor training for a class for free. Discussion followed on possibly doing it for the cost of time and materials.

ADJOURNMENT

2021-12-12 The Meeting was Adjourned at 11:31 AM on a Motion by DeBlock, seconded by Ruszkiewicz. All in favor.

Minutes Prepared By:

Christine DeGroodt, Secretary to the Board

C. DeGroodt

Board Meeting Activities November 11, 2021 – December 16, 2021

- We have \$456 cash awards on the rewards credit cards.
- Created spreadsheet of landowner addresses for the Quaker project.
- Created 2022 payroll spreadsheets.
- Shelterpoint workers comp and Family Leave form filled out and premium due added to bills to be paid.
- Completed soil group worksheets.
- Researched new typewriter for office.
- Submitted Invoice to County for the AFPB funds in the amount of \$5,000 for the District's Soil Health program – cons. Tillage demo projects.
- Updated the 2022 health insurance employee contributions spreadsheet.
- Finished 4th quarter FICA/FIT and NYS tax reports, ready for submittal.
- Worked on the DASNY grant reimb. request. Sent them the info they need in order to send payments direct deposit to our bank account.
- Listened in on a portion of a AG NPS RD 27 webinar. Mailed out RD 27 letters to landowners letting them know grant was selected for funding.

TF December Board Meeting Activity Summary

- All equipment is back at Ron's. Some maintenance still needs done between now and next spring.
 - Total no-till acreage this year was 883.1 ac.
 - Total income to the program was \$19,805.00.
- Chris Vellenga spent some time at the river removing a few trees on the upper Pochuck
- Worked on the Plan of Work documents for round 27
- Moved UTV back to Ron's
- Worked with Chris on getting her setup to do the easier soil group worksheets that come in while I am out on paternity leave.

Report to Board KMS

December, 2021

Office Procedures – Nothing new to report on office procedures. No evidence of any enhanced security measures yet.

Ferry is out on family leave. We will brief the Board on how this is being handled at the meeting.

AEM/AEM Round 16 Tier 4 (Implementation Projects) [Must be completed by 12/31/21]

Browne project mostly complete. Close-out before end of year expected without complications.

Vreeland – wood roof structure mostly complete. Some construction techniques did not follow the stamped plans. We are in the process of determining if engineering sign-off can be reached. Assuming engineering sign-off can be obtained, I will be requesting that the Board allocate funding to cover 15% of eligible project costs as we did for the Van Aken AEM 16 project.

Van Aken project is complete. Close-out before end of year expected without complications.

Hudson Valley Carbon Farming Project [contract ends 4/30/2022]

Keith Stewart – Construction complete and certified by engineer. Payment made to landowner (via email approval) and reimbursement requested from HVCFP administrators.

Matthew Southway – Design/construction will be postponed until 2022 construction season. Exploring option of a generic design that can be used for Southway and two AgNPS Round 27 compost projects to economize on engineering fees.

Minkus Controlled Drainage – Waiting on landowner .

Soil Health project proposal, possibly including Roller-crimper and swing-hitch NT seeder, discussion to continue at December meeting.

Floodplain Bench Phase 4

Still waiting on B&L for design/construction plan. County surveyors completed field work on north side of river.

Phase 3, Area 1

Planting of #2 containers was completed week of 11/15. First reimbursement request to DASNY was made on 11/24 for this expense.

Phase 3, Area 2

Nothing new, still hoping for 2022 construction with DASNY funds.

Other Flood Mitigation

Vegetation Report, required by NYSDEC permit by end of each calendar year, has been submitted.

Pellets Island Reach Maintenance Program – I haven't been able to put in time on this project over the last month.

Quaker Creek – I haven't been able to put in time on this project over the last month.

Round 27 ANPSACP

Official results released. Work Plans due by 1/1/2022.

Other

Legoland EBP – Still waiting for \$50,000 check from LLNY that was officially agreed to in September. Reminded DEC attorney on 11/16 that we have not received it.

Pulaski Culverts – Received B&L analysis on 11/30. Forwarded to OCDPW immediately. Followed up with them by phone on 12/2, they were still reviewing it.

Callisto Vineyards ponds – pond berms were raised to design elevation, and spillways installed.

Cover cropping under our new Soil Health Incentive Program was certified by staff and paid after email approval by Board. More payments proposed. See below.

Had phone conference with Sidle Insurance to review our operations in advance of policy renewals. Discussed our unemployment self funding plan. Exploring possibility of a plan designed for non-profits.

Wallkill Maintenance work was completed on the Pochuck Creek upstream of Glenwood Road.

Chester Ag Center – No substantive replies regarding local match for a CRF grant to upgrade pumping plant. Wrote to involved parties about this a second time on 12/14.

Contacted by Pine Island sod grower who needs to obtain NYSDEC permit for irrigation due to expansion. Offered to obtain consultative services from B&L (permit requires PE sign-off).

Made presentation on SWCD activities at Minisink Kiwanis 12/7.

No-Till Program – Submitted 'invoice/reimbursement request' to OCPD for \$5,000 towards program support (from AFPB)

Contacted by NRCS State Office regarding new funding for NRCS programs via the Infrastructure and Investment Jobs Act. I described Wallkill Bench Projects and funding needs. I didn't get the sense that they would pursue it. I also described the needs at the Chester Muck Pump Plant. Also not sure if that project will receive any further consideration by them.

Requests for Grant Proposals Expected to be Released Soon/Potential Proposal Ideas

Climate Resilient Farming(CRF) – Water Management Track / Quaker Creek, Chester Muck Pump Plant

CRF – Soil Health Track / Enhanced Soil Health Field Demonstration Project including roller/crimper and swing hitch NT seeder purchase

AEM Round 17 (Non-competitive, but need to identify projects that \$100,00 Implementation funding will be applied to)

Financial Matters

Our 'unobligated fund balance' has been in the red for several months. I have advised the Board that this was not a concern but more a matter of timing as to when payments are received and assigned to various dedicated funds. Now that we are at the end of our fiscal year, I would like to update the Dedicated Fund Summary by making some payment assignments. These proposed assignments will be presented and reviewed in detail at the meeting.