

**MINUTES**  
**ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS**  
**December 18, 2023**

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:06 AM. Directors P. DeBlock, J. Wright, P. Ruskiewicz, G. Constable and B. Cheney were present along with K. Sumner (SWCD), E. King (SWCD), M. Held (SWCD), O. Velez-Juarbe (NRCS), and Gabriela Pereyra (local farmer.)

Cheney pointed out one correction in the draft minutes regarding the Executive session motion on page 7. Cheney that we neglected to include the reason as to why we entered the Executive session. The will be amended to clarify that the reason for entering executive session was “to discuss the employment history of a particular person..”

**2023-12-1 Ruskiewicz made the Motion, DeBlock seconded, to approve November’s Board Meeting Minutes as written. With the correction noted above. All in favor.**

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

**CORRESPONDENCE**

- Bank statements, Account Analyses and collateral agreements were available for review.
- Letter from the NYS DEC RE: Eligibility to Participate in Round 4 of the State Septic System Replacement Program
- Letters from Selective Insurance RE: Notice of Change in Policy Terms and Changes to the Pay Plan
- Newsletter from *On the Ground* which is affiliated with the Open Space Institute
- Letter from the Northeast Association of Conservation District Employees Asking for Donations
- Fall 2023 Edition of *Clear Waters* published by New York Water Environment Association, Inc.

Sumner discussed that this was the first time the District was CC’d on a letter discussing the State Septic System Replacement Program. Cheney stated that it seemed like a health department matter, but recommended that Sumner call County Health if he wanted to find out if the County plans to participate in the program Sumner thought the program looked very worthwhile, but questions our ability to manage additional programs with current staffing. Cheney thought this should be a Health Department initiative and should not need our participation. Sumner informed the Board of reported failing septic systems and the nearby waterbodies listed on the sheet provided by the NYS DEC.

Sumner addressed the letter from Selective Insurance regarding our 2024 insurance premiums and told the Board that we will pay the premium quarterly rather than all at once in January.

**FINANCIAL REPORTS** The November financial report was presented for review. Sumner noted that our year-to-date receipts are above what we budgeted. Sumner clarified that although our disbursements are low now, they will rise above the budget after the District makes its December payments. Sumner stated that most of the December expenses will be covered by our dedicated funds. Per Sumner, in January ’24 a large portion of the Part C performance money will cover the current interim payment for the Flood Plain Bench Project Phase 4.

**2023-12-2 DeBlock made the Motion, Ruszkiewicz seconded, to file November’s Financial Reports for audit review. All in favor.**

**BILLS FOR BOARD APPROVAL**

Sumner highlighted number eight on the Bills for Board Approval to explain the reasoning for holding 25% back on the interim payment for the Floodplain Bench Project. Per Sumner, he chose to do this to avoid stretching our finances too thin at the end of the year. Sumner stated that the District will make the final payment for the Floodplain Bench Project in January or February of 2024.

**2023-12-3 Cheney made the Motion, Constable seconded, to pay the bills as presented. All in favor.**

**GRANT REPORT UPDATE** – Sumner informed the Board that he and King did not update the printed version of the grant report for November ’23, but there was some project activity. Per Sumner, there was a lot of activity with the DeBuck Control Drainage Project & Southway Compost Facility. Sumner confirmed that the Zylstra’s Grazing Project is completed and closed out.

**INTERAGENCY REPORTS**

**FSA:** DeBlock noted that Hans Persoon, the current County Executive Director, will be retiring at the end of July 2024.

**NRCS:** Velez-Juarbe stated that after 12/22/23 there will not be any staff in the NRCS Middletown office. Velez-Juarbe will be away for two weeks, but instructed the District to give any inquiring minds his business card while he is away. Velez-Juarbe updated the Board regarding the confusion as to how the Chester Ag Center got land approved for purchase of development rights, PDR. Per NRCS guidelines, there are four ways that an entity can apply for funding to cover half of the cost for the PDR. They are as follows: 1.) The property needs to have prime farmland with 50% of the soil categorized as upstanding. 2.) The land that is in question is a part of a farmland protection plan in either the local or state government. 3.) If cultural resources can be identified on the property. 4.) If the property is a protected grassland or bird reserve. Velez-Juarbe stated that Scenic Hudson submitted the application for the Chester Ag Center. The Board does not want to seek additional information from Scenic Hudson regarding the aforementioned question.

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

Pereyra introduced herself and explained that her farmland, located in the Town of Walkill, sits adjacent to the Masonic Creek. She explained that herself and nearby farmers suffer from flooding because the Masonic Creek has not been maintained for decades. Additionally, the flooding conditions are exacerbated due to a large beaver population. Per Pereyra, the constant flooding severely impacted the farming community in the upwards of \$100,000 profit loss. The Board recommended that she contact the Town of Walkill Supervisor to have her concerns heard. DeBlock suggested that Pereyra have a trapper deal with the beavers. Sumner informed Pereyra of applications we could potentially apply for on her behalf through the 2024 Climate Resiliency Farming grant. Sumner stated that if Pereyra and the other farmers were contribute to the development of the application, then it would be easier for the District to sponsor it.

**STAFF REPORTS**

\*Written staff reports were emailed to the Board prior to the meeting for review\*

**M. Held (SWCD)**- Held submitted her staff report via email to the Board prior to the meeting. Held told the Board that Jason Touw emailed her today to let her know that his cover crop is coming in well. Additionally, Held is collecting study materials in preparation for the Certified Crop Advisor, CCA, exam.

**E. King (SWCD)**- King submitted her staff report via email to the Board prior to the meeting.

**K. Sumner (SWCD)**- Sumner submitted his staff report via email to the Board prior to the meeting. Review “Old and New Business” for further information.

### **OLD & NEW BUSINESS**

**Floodplain Bench Phase 4** – Sumner noted that from a construction standpoint the Floodplain Bench Phase 4 project is in good shape. All the chosen trees were planted, but there is still work to be done with installing drainage culverts and repairing the road. Per Sumner, those projects will be delayed until conditions are favorable for work. Sumner noted that due to the rain and subsequent flooding, the trees are under stress. Sumner stated that only half of the containerized trees were planted. Sumner admitted that establishing trees on benches is a big challenge and he hopes that people are understanding of the obstacles faced. Sumner is currently drafting the construction plan addendum for Phase 4 North. Sumner noted that there will be a lot more soil excavation on the north side compared to the south side of the river. He hopes to divide the RFP for Phase 4 North into two sub-phases to allow for splitting the project over two years if necessary for financial concerns Sumner wants to discuss a five-year plan with the consulting engineers and other Black Dirt stakeholders. Ruszkiewicz and Cheney confirmed that the county legislature approved the special appropriation for Phase 4 North in our budget. Sumner reported that some interested parties feel that widening the Cheechunk Canal is the next weak link to address. Sumner expressed interest in hiring a drone operator to fly the river corridor during high flow conditions to see if that yield useful information for determining next best steps. He has been told the County Emergency Management Agency owns one, and might be able to assist. Sumner does not now if the County’s drone has the capability to collect water surface elevations.

**Quaker Creek**- Overall, the Quaker Creek project is currently placed on the backburner. Sumner noted that many landowners were concerned this summer following the flooding events that impacted the crops close to the Creek off Pumpkin Swamp Road. Sumner reported that certain farmers do not want to wait for a study or design to be completed and would rather act now to remedy the situation. Schreiber informed Sumner that there is a long reach excavator digging out the Creek and dump trucks moving the dirt around. Sumner is skeptical whether this approach will be effective. Per Sumner, a main principle of improving a drainage outlet is to start at the outlet. Otherwise, you run the risk of inadvertently digging a pond. Sumner believes that a floodplain bench would provide a larger cross section and greater capacity for the floodplain. Sumner noted that the Walkill River becomes the controlling outlet for how high or low the Quaker Creek rises.

**Pellets Island**- OCSWCD has been trying for years to acquire easements from the landowners who live along Maple Avenue going downstream towards the landfill. This interest exists since the area is outside the formal federal flood control project area. Per Sumner, farmers identified this section years ago as an area of concern. Sumner reported that the District finally acquired permanent easements from most of the landowners. Sumner allocated funding from the Part B project to the Pellets Island maintenance program. However, Sumner reported that when the work was about to begin, filling, which was identified years ago, is continuing along the river. Sumner noted that the filling is occurring next to Philomena Drive in the floodway where most of the river’s flow occurs. This is disconcerting since activity in the floodway is more impactful in comparison to activity on the fringe of the floodplain. It goes without saying that the filling has disrupted the maintenance project. Sumner stated that Schreiber was made aware of the problems brought on by the filling. Schreiber will contact the Town Supervisor of Goshen in effort to rectify the situation.

**Pulaski Culverts-** Cheney forwarded Sumner an update on the Pulaski culverts. Sumner reported that the County hired B&L, the engineering firm the District uses, to design plans to improve the culverts. Sumner remarked that DPW is waiting for permits from the DEC which surprised him since he never heard of that requirement before. Per B&L, the DEC would require 'at least' a Water Quality Certification for the project.

**'Sign Offs' on Soil Health Practices-** Sumner informed the Board that he was recently reminded by NYSSWCC that all soil health practices, including cover crops, need to be 'certified' by someone with the Certified Crop Advisor, CCA, certification if under a NYS funded program. Sumner confirmed that no one in our office is a CCA. Held intends on working towards getting her CCA, but that will take at least a year. Sumner explained that this policy, which is fairly new, will directly affect our CRF 6 Soil Health project. Per these guidelines, this leaves the District with a few choices. Sumner stated that the District can hire someone, ideally under a contractual agreement, with CCA certification to review/approve our Soil Health practices. Additionally, OCSWCD can lean on a neighboring SWCD to utilize their CCA certified employees. DeBlock expressed her frustration at this new rule and did not understand how Sumner's 43 years of experience does not make him qualified to oversee soil health practices. Cheney questioned whether Sumner can be 'grandfathered' in the CCA classification. Sumner is unsure whether the State will permit him to be 'grandfathered' in. DeBlock and Cheney both agreed that the Board should write a letter to the State to express their concerns and advocate for Sumner to receive permission to certify based on his experience. Sumner reported that he was previously issued Job Approval Authority, JAA, from NRCS based on his demonstrated experience and training. Per Sumner, once NYSSWCC began expanding NYS funding opportunities for farm conservation projects years ago, the issue of JAA for non-engineering practices funded through NYS programs arose, and it is still not clearly defined. This leaves the Board still with the question of where to charge payment for the late cover crops applications. Sumner reminded the Board that we allocated \$50,000 of our local money for the 2023 cover crop program. Sumner noted that farmers planted less than normally or did not plant cover crops at all this year. Sumner explained that the District has enough funding to pay for the late cover crop signups. The Board agreed on paying for the late cover crop signups with our local money due to the difficult weather/field conditions with the understanding that the applications in the State program may not be reimbursed. Furthermore, the Board will write a letter to the State on Sumner's behalf. The hope is that the State will grant Sumner approval authority allowing the State to reimburse the District for NYS-funded cover crop projects.

**2023-12-4 Ruskiewicz made the motion to pay all the 2023 cover crop because of the unfavorable field conditions, seconded by DeBlock. All in favor except Wright who abstained from the vote since he signed up with the cover crop program.**

**Next meeting date: January 22nd**

**ADJOURNMENT**

**2023-12-5 DeBlock made the motion to adjourn the meeting at 10:39AM, seconded by Ruskiewicz. All in favor.**

Minutes Prepared By:

Emily King, Secretary to the Board

December, 2023

**Walkkill Flood Projects –**

Floodplain Bench Phase 4 South – Some farm road repair has been completed since last month’s report, but culvert work and road repair nearer to the river continues to be delayed due to wet conditions.

The bench has been under water at least 5 times, with duration lasting typically 4-5 days. Although this is a highly unusual year, it appears that Phase 4 bench will flood considerably more frequently than downstream phases. This is expected to have a significant influence on tree survival and long-term vegetation composition.

Other remaining work on Phase 4 south includes final as-built survey of the bench (hopefully by County Surveyors), final billing, and Conservation Easement work.

Corn was harvested from Phase 4 North area, allowing us to complete soil test pits. Work on Phase 4 North Construction Plan and Tree Cutting RFP are in progress.

I am considering structuring the P5N RFP requesting a price for the whole project and for dividing the project in half, so we would still have options to progress the project if finances are questionable for completing the whole P5N reach.

As we consider Phase 5 and other flood mitigation measures, I would like to discuss with our engineers and others an updated evaluation of current conditions and proposed additional measures for the Black Dirt area in effort to maximize benefits.

**Carbon Farming Project** – Two projects, DeBuck Controlled Drainage and Southway Compost Facility, need to be completed before the end of the year. There has been activity on both in the last two weeks.

**AEM Round 17** – This 2-year contract ends at the end of 2023. We will be turning staff time funds back. Four farm projects were to be funded through the Implementation portion of this contract. Two were completed (Dean Ford Streambank Stabilization and O’Dell Manure Shed construction). Two have not been completed and it is unclear if they will be before the end of the year (P. Ewanciw barnyard improvements, M. Hoyt barnyard improvements). This is the same status reported last month.

We are starting to work on the close out for this AEM Round.

**AEM Round 18** – This 2-year contract starts 1/1/2024. In addition to staff time funding, we requested \$200,000 in the Implementation portion of the contract. We have until May , 2024 to specify the projects. I would like to plan for a ‘Request for Project Proposals’ sometime soon after the first of the year.

**CRF Round 7** – Work Plan webinar scheduled for 12/21. We will have two contract start date options – Nov. 14, 2023 or Feb. 1, 2024.

Other

It was reported to me that farmers are digging **Quaker Creek** ‘on their own’. We have been considering the feasibility of a project here, but the farmers who have been most vocal about the need for a project here are generally not supportive of waiting for or completing a project design. I observed equipment, including a long reach excavator, in this area on 12/13, but the equipment was not operating at that time.

**Pellets Island Maintenance Area** – With most of the needed easements having been established, we arranged for our river maintenance contractor to do some work here earlier this month. Upon arrival, our contractor had difficulty accessing the area along the river due to a filling that has been taking place. This fill, much of which is construction debris with concrete, covered several ramps from Filomena Drive to the river edge that has been in place the last time the contractor worked here (2014). He was forced to construct a new ramp, but was still unable to access the entire reach due to ditches that enter the river. A considerable amount of brush hogging and tree thinning was completed on both the Goshen and Wawayanda side. We used our 2023 “Part B” project funding (\$6,000) to support both office and contractual work. I would like to gain Maintenance Agreement partner concurrence to include this reach going forward in the annual maintenance work supported by the \$60,000 annual maintenance fund maintained by the County and four town partners.

Regarding the fill issue, which constitutes illegal filling in a floodplain (floodway, in this case) in my opinion, Rob Schreibeis from the County Executive’s office is aware of the matter and indicated to me that he intends to make the Goshen Town Supervisor aware of it. The town is the regulatory authority for floodplain matters.

It is noted that filling here was brought to our attention several years ago by a farmer who then owned several of the parcels off Filomena Drive. We contacted NYSDEC at that time, who claimed no jurisdiction over the filling. The town was also aware of this filling at the time.

It is discouraging that we went to so much work to create easements to allow for maintenance of this critical section of the river and it is being compromised by this illegal filling with none of the potential regulatory entities appearing to be willing to address it.

**Pulaski Culverts** – Barry forwarded an update on this project to me from OCDPW. Apparently DPW retained B&L to prepare a design for this project. I was not aware up until this point that they were using B&L. I contacted our B&L contact/engineer, Wendell, who confirmed they were working on this project and that he was involved. I questioned why permits would be a concern on this job to lower several County culverts, and Wendell indicated that ‘at least’ a Water Quality Certification would be required from DEC.

**‘Sign Offs’ on Soil Health Practices** – I was recently reminded by NYSSWCC that all soil health practices, including cover crops, need to be ‘certified’ by someone with the “Certified Crop Advisor” certification if under a NYS funded program. No one in our office has that certification. This policy change is fairly recent, and will directly affect our CRF 6 Soil Health project.

The whole issue of ‘job approval authority’ is complicated and somewhat contentious. For example, NRCS (formerly SCS) used to issue JAA to SWCD employees, based on their demonstrated experience and training. I was issued JAA for many practices. When NYSSWCC began expanding NYS funding opportunities for farm conservation projects years ago, the issue of JAA for non-engineering practices funded through NYS programs arose, and it is still not clearly defined, in my view.

While I take issue with not being able to 'sign off' on the fairly simple and straight-forward Cover Crop practice after 43 years of experience, we are compelled to address the CCA/JAA issue lest we forfeit NYS funding on our CRF 6 project.

One option is to hire someone with the CCA certification who is willing and able to review/approve our Soil Health practices. I feel this would be best done under a contractual arrangement rather than hiring someone as a regular employee. I have drafted an Independent Contractor employment contract using a template, and I have had it reviewed/added to by both our insurance agent and private legal counsel. It remains to be seen if we will be able to find someone to fit this bill. Addressing this need with someone from another SWCD with CCA is another option, but one not without its own challenges and concerns.

Old Business – Last month's Board meeting included a discussion about a Land Protection project at the Chester Black Dirt. Oscar from NRCS indicated that NRCS was involved in the funding of this project, and agreed to seek information about it. I have followed up with Oscar to ask that he provide whatever information he can to the Board for this month's meeting.

Emily King

December 18, 2023

To the Board of Directors,

I am very excited to share that preparing this month's financial report was a breeze compared to last month. I largely attribute this to the new recording system I created for myself. As you all know, I made an Excel version of both the checkbook and paper ledger. I believe that entering activity into the Excel version and physical ledger improved my bookkeeping skills and reduced arithmetic error.

Additionally, I filed the NYS Income Taxes, FICA, and paid the NYS Retirement statement. I spoke with a representative from the retirement system who helped me manage Kevin's security access, so we can easily make payments. Additionally, I was able to request access and receive approval to be an administrator on the NYS Retirement website. This allows me to make internal changes/submissions from my own account instead of Kevin's.

Furthermore, the New York State and Local Retirement System, NYSLRS, is phasing out their current reporting system at the end of 2023 and will instate Enhanced Reporting in 2024. NYSLRS states that the Enhanced Reporting will offer a new way to collect data in a more efficient manner and eliminate corrections to contributions and service credit payments. I contacted their Enhanced Reporting Gold Certification team and confirmed that we are already using Enhanced Reporting.

I thoroughly enjoyed being able to work outside with Mary and Kevin building the makeshift cages for the Atlantic White Cedars a few weeks ago. I am hopeful that our work will help the trees' survival rate. Overall, I look forward to being able to take on more technician responsibilities in the future.

I was contacted by Meg Oakes who works for the Orange County Department of Health to find out if we could provide her with reading materials regarding water conservation. Ms. Oakes intends on hosting community health outreach programs throughout the county. I conferred with Kevin who recommended that Ms. Oakes contact the Orange County Water Authority and gave me a myriad of informative pamphlets to share with her. Ms. Oakes was very appreciative of our help and will contact us if she chooses to pick up the materials.

For the past two weeks, I have worked with Kevin on various tasks pertaining to submitting close out materials for various grants. Last week, I spoke extensively with a representative from M&T Bank and requested copies of cancelled checks from 2021 to present day to corroborate with our engineering invoices for the CRF 5 grant. I had to order the cancelled checks since M&T Bank online banking archives cancelled checks after a few months. Kevin approved the order, which cost less than \$50, and it will arrive within 3-5 business days. In the meantime, I have been scanning and saving to the Shared Drive copies of documents and invoices. I also updated Excel sheets and documents per Kevin's edits. I have been working on similar tasks to compile the close out materials for a grant that the O'Dells received from AEM Round 17. I updated the O'Dell's project expenditure summary spreadsheet and recorded the invoices associated with the project. I contacted Barbara O'Dell and requested that she obtain proof of cancelled checks for specific invoices, and provided her with the check number, etc. Babara dropped off the requested documents on 12/14/23.

As always, please do not hesitate to contact me with any questions you may have. Thank you for your time.



## OCSWCD Technician Update

12/14/2023

Since the last board meeting, a great deal of work on the river project has been performed. We received trees and prepped for the tender care of 30 Atlantic White Cedars, which are native to the area, by purchasing wooden stakes and chicken wire to make cages to better protect our small stand of special trees. We've planted and caged in the trees so that the deer would be less inclined to eat them – but unless the deer have suddenly grown fins and gills, the effort seems to have been futile, as the bench is currently underwater.

Cover crops are still coming in. The last of the cover croppers that must be paid from the local funds are Mikey O'Dell and Hoeffner Farms, represented by Brad Meres. The last time I saw the O'Dell farm, the growth was minimal, but after some conversation with the farmer and from what I've seen of newer photos this past week, it seems to be coming in much better.

As far as our Climate Resilient Funding Round 6 individuals, I am still waiting to hear back from Jason Touw both about how his cover crop is doing and when I can get soil tests accomplished. The other CRF6 individuals have implemented their cover crops and have had their soil testing accomplished for the year.

The seeders have been put away for the season.

I have performed a few more Tier 2 assessments or updates depending on what people need. Dagele Bros produce renewed their grown & certified status. The Vellenga farm applied for PDR and thus needed a Tier 2 update, so that was accomplished as well. Andrew Querner, who has been requesting assistance in implementing a pond, has had his Tier 2 assessment completed. Jessy Rapp, who will require a comprehensive nutrient management plan that I plan to create to achieve my eventual AEM Planner Certification, has his Tier 2 worksheets in progress. I've been enjoying getting out to the farms and communicating with farm staff about these projects and am looking forward to more intense, future endeavors down the line.

I have also been working with Kevin on soil group worksheets and learning how certain soils are assessed. Typically, he will create the maps, and I will fill in the blanks on the worksheets based on the information he's provided. While I enjoy the collaboration, I'm looking forward to learning more about GIS and being able to create these maps myself.

Much of the work being accomplished lately is focused on the grant close-out materials. Currently, I'm working on the materials associated with closing out our AEM Round 17. There's been some back and forth about what is required for submission, but we are progressing and due to turn our close-out materials around the beginning of February.