

**MINUTES**  
**ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS**  
**January 21, 2020**

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:02 AM. Directors J. Wright, P. DeBlock, G. Keeton and P. Ruszkiewicz were present, along with K. Sumner, T. Ferry and C. DeGrootd (OCSWCD) and A. Armlin-Sorgen (NRCS).

**2020-1-1 Keeton made the Motion, DeBlock seconded, to approve December's Board Meeting Minutes as written. All in favor.**

**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.
- The NYACD Invoice in the amount of \$1,500.00 for the 2020 Assessment was reviewed. **2020-1-2 DeBlock made the Motion, Keeton seconded to pay half of the Invoice in the amount of \$750.00. All in favor.**
- The New York State Conservation Districts Employees' Association Invoice for the Envirothon 2020 Team Registration was discussed. Two local schools are interested in participating: Warwick and Monroe-Woodbury. It was mentioned that last year Warwick had a team scheduled to go and then cancelled on the day of the event. It was also mentioned that in the past Director Gary Keeton assisted with training the local teams. **2020-1-3 Wright made the Motion, DeBlock seconded, to pay the \$500.00 Regional Envirothon invoice if two or more teams register. All in favor.**
- The New York State Conservation Districts Employees' Association Invoice for the 2020 Annual NYS Fair Assessment was discussed. **2020-1-4 DeBlock made the Motion, Keeton seconded, to pay the \$100.00 fee for the 2020 Annual NYS Fair Assessment. All in favor.**
- From the New York State Soil and Water Conservation Committee, announcing funding award to the District for the 2-year AEM Base Program Round 16 Action Plan.
- Miscellaneous newsletters were available for review.
- From the Ag & Farmland Protection Board - Draft Agenda and Meeting Minutes from November 2019. Sumner said that it is written in the minutes that a discussion took place at the November meeting regarding the Maplewood Warm Bloods and that Sumner said the property owners were breaking the law. Sumner said that is inaccurate and Sumner clarified that what he had actually said was that Maplewood Warm Bloods had some potential floodplain development issues. Sumner asked if Kristy Apostolides, Orange County Farm Market Coordinator, was at the meeting and Wright said that she was. Sumner asked him if she had brought anything up about Stewarts and Wright said she did. Sumner became aware recently that Stewart's Shops has their own milk processing plant, and that they source most of their milk from dairies in three NY counties. Sumner thought that this could provide a useful example as Orange County explores options for supporting its dairy industry. Sumner contacted Apostolides about it, and she was going to contact someone at Stewarts and see what she could find out. Sumner would like to know more about the processing plant. Wright asked if anyone knew where Quickcheck gets their milk. Discussion followed.
- Sumner sent a 2019 report to the County of Orange and the four Towns party to the Wallkill River Flood Control Project Maintenance Agreement. The report included a summary of what was spent last year and a copy of the original Maintenance Agreement. A spring inspection led by the NYS DEC Flood Protection Bureau staff was conducted in 2019 which identified twenty-two separate work items, most being trees down in the river. A contractor hired by the OCSWCD addressed the work items in the report. In the last few weeks of December '19 additional work involved clearing of woody debris and selective cutting of trees from a narrow floodplain bench and adjacent areas on the West side of the Wallkill between County Route 37 and the rock ledge outcropping in the River channel approximately 1 mile upstream from County Route 37. \$60,000 is established at the beginning of each calendar year for maintenance needs and less than half of that was spent in 2019. OCSWCD offered to organize a meeting of the Advisory Board if parties to this agreement desire.
- From the New York Association of Conservation Districts - an update was available for review.

## FINANCIAL REPORTS

The Pellet Project and the WQIP Monhagen Project can be removed from the 2020 financial reports.

It was mentioned that there are two unpaid no-till bills and one of those has unpaid interest charges on it from spring '19.

**2020-1-5 Wright made the Motion, Ruskiewicz seconded, to file December's 2019 Financial Report for audit review. All in favor.**

**BILLS FOR BOARD APPROVAL** –There were some bills pre-paid, they were on the list of Bills for Board Approval. Barton & Loguidice (B&L) was on the list. They are working on updating the Wallkill Floodplain Bench plans to reflect the specific Phase 3 requirements, like the stream crossing and work on the lower river bank. In December we made a submission to the Army Corp of Engineers to get a new permit for Celery Avenue, since the original permit lasted less than a year. We are also working on a new permit for the bench. These activities were largely responsible for the larger recent B&L billing.

DeBlock asked what the Shelterpoint bill was for. Sumner told her it is our insurance premium for Disability and the Paid Family Leave, both of which are required by NYS Law.

**2020-1-6 DeBlock made the Motion, Ruskiewicz seconded, to accept the Bills to be Paid. All in favor.**

**Ag Grant Update Report** – Since it was the final quarter for 2019 the Ag Grant Update Reports, they were mailed and emailed to Directors. Sumner mentioned that the projects at Winslow Therapeutic were successfully completed before the end date of the supporting grant. All required technical certifications and expense documentation are in place, so we have Winslow's payment listed on the Bills To Be Paid for the full amount scheduled in the grant work plan. Sumner mentioned he is in the process of closing this grant out.

As discussed previously at December's Board Meeting, another project in a grant that ended 12/31/2019 had everything completed except for a level spreader practice, and it became too wet to complete minor repairs that were needed. Since it could not be fixed over the winter, Sumner had 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.

## STAFF REPORTS

- **C. DeGrootd**
  - The District's new rewards business card has to-date accumulated \$320 in cash awards.
  - The date and location of the Regional Envirothon was chosen. It will be at the Taconic Retreat Center in Milan on Thursday, April 30, 2020. Both Monroe Woodbury and Warwick schools expressed interest in attending.
  - DeGrootd has been assisting with the upcoming 4-Hour Erosion & Sediment Control Training paperwork.
  - Final Reports for the NYS and FIT/FICA taxes were sent in.
  - DeGrootd has been working on the end of year reporting. Employee W-2s, 1099s, etc. Payroll for 2020 is complete and the new Family Leave Deductions are included. The Workers Comp/Family Leave report was completed.
  - Paperwork requested by the Orange County Human Resources Department was completed and submitted.
  - Draft 2020 Policies were emailed out to Directors for review. One policy had an update.
  - The SWCD Directors' information (as addresses, emails and phone numbers) was sent to the Orange County Ethics Department per their request.
  - DeGrootd has been working on the 2019 Performance Measures reports which are due back to the State Committee by February 15, 2020.
  - The District's 2019 audit has been scheduled for the week of March 2<sup>nd</sup>.

DeBlock questioned where DeGrootd was with Quickbooks and was it helping with the end of the year reporting. DeGrootd said she did not use it for the 2019 reporting because she used the District's monthly financial reports that are completed in Excel. DeGrootd mentioned that in previous discussions it had been decided that the District would continue to use both

Quickbooks and the excel sheets for a while until she is more familiar with Quickbooks. It was also mentioned that other District Staff do not know how to access the Quickbooks and it is easier for them to access the excel sheets on the District's share drive. DeGroot mentioned that in order to do payroll and taxes the District would have to pay a monthly fee. DeBlock asked if Quickbooks is able to be used for the grant close-outs. DeGroot told her she did receive some instruction from someone in another District on how to enter the Ag NPS grant information but she is still learning, and although all receipts and disbursements are entered to-date in the program, the Ag NPS Grant information is not yet up-to-date. Sumner mentioned that at a prior Board Meeting the Board gave permission to have the Quickbooks trainer from KKB&N come back for additional training if needed. DeGroot said that although that was the case, it was decided to hold off and try to get free help through another District. DeBlock asked what time frame is needed to be switched over completely to Quickbooks. Discussion followed and DeGroot suggested at least a full year.

- **T. Ferry**

- Ferry has been working on the 2019 Performance Measures Part B, Part C and the Annual Statistical Reports.
- He has also been working on the AEM Year 15 report which is due the end of February.
- Ferry worked with Vellenga Lawn Care on the Celery Avenue tree clearing.
- Ron O'Dell dropped the District's no-till equipment row units off at Peque Planters in Pennsylvania last Friday.
- Ferry has been working on Soil Group Worksheets as they come in.
- Ferry requested to attend the Water Quality Symposium for a full week at the cost of \$620.00. **2020-1-7 Wright made the Motion, Keeton seconded, to approve Ferry attending the full week of the Symposium at the cost of \$620.00. All in favor.**

- **K. Sumner**

- Sumner mentioned that a lot of the Soil Group Worksheets that have been coming in are from landowners who do not have strong English language skills so it can be difficult to communicate with them. He told Ferry to keep accurate records of all communications with requestors of Soil Group Worksheets because if someone gets denied an exemption because they did not get their worksheet in to the Assessor on time, he wants a clear record of why that happened (Example: they did not provide the information we asked for or they did not pay in advance as per our policy).
- The Memorandum of Agreement between the NRCS and the SWCD was signed at last month's Board Meeting and returned to NRCS.
- Sumner said he has been spending most of his time since the beginning of the year on the three Ag NPS Close-Outs.
- There is a meeting next week in Ulster County regarding the Carbon Farming Project that Senator Metzger was instrumental in arranging. The contract is supposed to start this May. Sumner said he has made some initial inquiries and expects to be able to line up appropriate projects. Discussion followed.

## **INTERAGENCY REPORTS**

- **A. Armlin-Sorgen (NRCS)**

- J. Heller, NRCS, extended his detail in Washington until July 2020.
- Armlin-Sorgen mentioned she has been taking a variety of training classes and webinars.
- NRCS should know by the end of next month who is getting 2020 funding.

## **OLD BUSINESS**

Selective Tree Cutting along the Wallkill within the federal flood control project area – this was previously discussed in the meeting. Some of the maintenance money was used on it. We are attempting to address farmer concerns about the tree growth in this area but must balance this with concerns from regulatory agencies. Sumner and Ferry painted the trees that they suggested for selective cutting, and got the mark-out approved by NYSDEC. Sumner said the goal is to improve river high-flow characteristics.

There is nothing new to report on Celery Avenue. Sumner has not heard from Orange County DPW about the possibility of them doing the project since he showed it to them 10/25/19. If the SAM grant comes through, this will fund a good portion of Phase 3 of the bench, but not all of it. We have the \$50,000 from the County this year and \$80,000 left over from Part C from 2019 and also \$90,000-\$100,000 for Part C 2020. It will require combining funding from multiple sources to complete Phase 3 this year, based on current cost estimates.

Phase 3 Update– The Board had previously approved entering into a contract with Gurda Landscaping to do the clearing and Gurda wanted to start this week. But we do not have all of the details worked out with Green Farmland. There is a lot of the discussion taking place between attorneys. Green Farmland had signed the easement for Phase 2 and an access license for phase 3. However, the County Attorney’s office and the District agree they need more detail than what the agreement contains. It was already agreed that they can have all of the wood and chips they want as long as they come and get it. Green Farmland now wants all of the soil to stay on their property. Sumner is in the process of setting up another meeting with them.

A letter was received from Army Corp. of Engineers last week in response to our new permit application. Among other information, they want additional information about assessing the bat habitat requirements compared to what is there already and a complete inventory of every tree that will be cut. So Sumner and Ferry went out and inventoried trees on Thursday (300 trees) and sent that to B&L along with other requested information for use in preparation of response letter. The Army Corp. has a 45 day review period. We are facing a March 31 deadline for cutting trees.

Ag and Markets/NYSSWCC has four grant opportunities that are open right now: Climate Resilient Farming (CRF) which is due March 2<sup>nd</sup>, AG NPS RD 26 – due April 13<sup>th</sup>, Irrigation grant is due April 6<sup>th</sup> and Grown and Certified (we have 10 certifications we did per Ferry). We have to decide which grants are the best fit for the District for what our priority projects are.

Senator Metzger is meeting with the NYS DEC Region 3 Director within the next few days and she promised Sumner she would inquire about the HABS funding in the amount of \$200,000.00 that has been under discussion for several months.

Sumner said that we had to come up with contractor estimates for Phase 3 for the SAM Grant. The estimates are high – reflecting largely the difficulty in accessing the work areas. Senator Metzger asked Kevin to attend a flood hearing next week. He does not know the location yet.

Tire Project Update – Casings received the letter we sent them regarding their overcharging us for loads of 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. Casing’s dispatcher told the District to pay what we thought was fair. So we did not pay for two of the loads. There are still a few producers that need tire pick-up.

A local producer called and asked Sumner about the District assisting farmers financially with hazardous waste disposal. He has material to dispose of, and indicates he believes other farmers could benefit from such an assistance program as well. There was discussion about whether farmers could bring materials for disposal as individuals so there would be no cost. Sumner contacted the County recycling coordinator and was told if 20-30 farmers wanted to participate, the vendor might be able to offer a better deal on costs. Sumner guesses that our expense would not be anything near as much as the tire project but he wouldn’t want to spend a lot of time on this and then have no one participate. Ruskiewicz suggested we could send out a survey to farmers to see if any are interested. Discussion followed. It was determined by the Board that this is not a work priority and we will revisit it in the future.

Wright reminded the District that there is \$4,200.00 available from the Ag & Farmland Protection Board (AFPB) for no-till equipment maintenance and upgrades. Sumner said we have a bill for them but we will wait and gather bills from Peque Planters in Pennsylvania and O’Dell and then around April/May we will put together everything and earn the \$4,200 from AFBP.

## **NEW BUSINESS**

**2020-1-8 DeBlock made the Motion, Ruskiewicz seconded, to retain the current slate of Officers. All in favor.**

**2020-1-9 DeBlock made the Motion, Ruskiewicz seconded, to renew the current District policies except for the Provisions of Employment which needs to be updated and will be reviewed at a later date, and to accept the update to the Financial Policy. All in favor.**

2019 Leave Summaries for DeGrootd and Ferry were approved by Sumner and reviewed by Directors. Sumner's 2019 Leave Summary was presented for Board review and Board signature.

DeGrootd asked for more guidance from the Board and if they could clarify what they are looking for in the financial reports. Should she discontinue the monthly financial reports in excel format. But if she does this, no one else in the office is familiar with using quickbooks and would not be able to get information should they require it. Sumner recommends that we continue doing the old way and also continue on with quickbooks. Sumner suggested that DeGrootd look further into what other Districts are doing with quickbooks and to find out what reports they present to their Boards and find out how the reports are used in end of year reporting.

(A. Armlin-Sorgen left the Meeting at 11:25 AM)

**2020-1-10 DeBlock made the Motion, seconded by Keeton, to go into Executive Session at 11:26 AM to discuss employment history of one or more employees. All in favor.**

**2020-1-11 The Board came out of Executive Session at 12:05 PM on a Motion by DeBlock, seconded by Keeton. All in favor.**

Regarding the District joining the NYS Retirement System, Legislator Ruskiewicz will contact Steve Gross, at the County Human Resources department, to see if he can offer suggestions for dealing with the onerous deficiency payment requirement that a NYS Retirement System representative told us would be required for us to join. To 'buy back' two years of employment for employee Travis Ferry would cost the District \$4,100 for 25 years. This is unacceptable to the Board. There were also other unanswered questions, such as what would happen if we did join and then Ferry moved to a different job with NYS Retirement? What would happen with the deficiency payment obligation?

**2020-1-12 On a Motion by DeBlock, seconded by Keeton, the Board moved to rescind motion 2019-10-11. All in favor.**

**2020-1-13 On a Motion by DeBlock, seconded by Keeton, the Board moved to adopt option 'B' from the 'Transition Retirement Plan' document presented to the Board at the December, 2019 Board meeting to determine retirement benefits for Sumner and DeGrootd for 2020. All in favor.**

**2020-1-14 On a Motion by Keeton, seconded by DeBlock, the Board moved to undertake additional investigations with regard to the deficiency payment costs presented to us by NYS Retirement System representative, and to make a decision at the February, 2020 Board meeting, in advance of the March, 2020 deadline to accept the current terms presented to us by NYS Retirement System, as to whether or not the District will join the NYS Retirement System. All in favor.**

The next **MEETING** is scheduled for **Monday, February 24, 2020 at 9:00 AM.**

**2020-1-15 The Meeting adjourns at 12:20 PM on a Motion by DeBlock, seconded by Ruskiewicz. All in favor.**

Minutes Prepared By:

Christine DeGrootd, Secretary to the Board