

**MINUTES**  
**ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS**  
**July 15th, 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), O. Velez-Juarbe (NRCS), Erik Schellenberg (CCE), and A. Massa (Celery Avenue Resident.)

**2024-7-1 Ruskiewicz made the Motion, Constable seconded, to approve June’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.

**CORRESPONDENCE**

- Bank Statements
- Collateral Agreements
- Region 5 Monthly SWCC Report from Ben Luskin
- NYSCEA’s Request for Contribution to 2024 Annual NYS Fair Booth
  - Sumner discussed with the Board the request the District received from the NYS Conservation District Employees’ Association for a \$100 donation. Sumner mentioned that the District has not sent an employee to man a booth at the State Fair in awhile.

**2024-7-2 DeBlock made the Motion, Ruskiewicz seconded, to donate \$100 to the 2024 Annual NYS Fair Booth Assessment. All in favor.**

**\*\*B. Cheney arrived to the Board of Directors meeting.**

- Resolution from Orange County Legislature RE: Supplemental Appropriation to the 2024 County Budget
  - Sumner explained that this is the official resolution from the County approving the addition of \$150,000 for the Floodplain Bench Phase 4 Flood Project. Cheney stated that if the District has a spending plan for the \$150,000 that the County finance department should be able to help. Sumner believes that cash flow will not be a problem since project expenses will be distributed over the next several months
- Clear Waters Spring 2024 Edition

**DISCUSSION OF CELERY AVENUE LEDGE LOWERING PROJECT**

Sumner reminded the Board that the Celery Avenue Ledge Lowering Project was added to the agenda for the Agriculture & Farmland Protection Board’, AFPB, June meeting. Sumner reported that Rob Schreibeis and Kevin Shuback came to speak in support of it. The AFPB delayed the vote until July’s meeting on 7/17 since Kasha Bialas had a few questions regarding the issue. Sumner provided the complete copy of the project construction design to Bialas. Sumner and Massa spoke years ago when the project was initially proposed. Following the AFPB meeting,

## ORANGE COUNTY SWCD JULY 2024 BOARD MEETING MINUTES

Massa reached out to Sumner to discuss his concerns. Rob Schreiber, from the County Executive office, notified Sumner that the County received concerned calls about proposed blasting on the ledge. Sumner confirmed that no blasting will occur in the project. Schreiber assured those who called that it is not the case. Sumner noted that Massa's main concern is potential impacts to his foundation and other structures on his property. Sumner recalled that years ago when construction was initially proposed, there were plans to conduct preconstruction foundation surveys on all the nearby structures. Sumner distributed a publication he found with the Board that summarizes concerns regarding effects of vibration generating equipment on the land. The publication documents the vibration impacts of construction equipment and assigns numerical values to them. Sumner explained that the first page assigns annoyance criteria, i.e. how loud the activity is to nearby people. The right column under frequent intermittent sources documents the impacts that the project would incur. For example, the hammer on the excavator value is .089 at twenty-five feet from the source. Sumner noted that this is classified in the strongly perceptible category as far as the noise criteria goes. The second page details the guidelines for structures that are near the construction activity. The most sensitive would be fragile historic buildings and the allowable number goes up from there. The equipment that the District is proposing to use has a value of .089 which is almost down to what would be allowable near fragile buildings. According to this study, given the project's proposed equipment, the project would be on the lower end of vibration damage impacts. Sumner noted that these values are all at 25 feet from where you are doing the activity. Sumner noted that Massa's structures are the closest ones to the construction site. Per Sumner, the home site appears to be 170 feet from the work site. Massa indicated that there is a pole barn situated on a concrete pad 80 feet from the river.

Furthermore, the third page lists various vibration generating equipment. According to the publication, a hoe ram falls between a vibratory roller and a large bulldozer in terms of vibration created. Sumner interpreted that using a hoe ram would be equivalent to having a large bulldozer drive near the site. The equipment that has the greatest impact is the pile driver which requires a lot of force and causes a lot of damage/sound. Sumner noted that the pile driver creates a lot more damage than using the District's idea of using a hydraulic hammer that hangs off the excavator.

Sumner reported that the NYS DEC deemed the District's permit application complete which means that the application entered the public comment period. For this reason, King is working on having the legal notices printed in the local newspapers. Sumner explained that during the public comment period, the DEC will redirect the public's concerns to the District. We would confer with our consultants at B&L Engineering in addressing any concerns. DEC will decide whether our responses to the concerns are satisfactory. Sumner recalled that during the first application, the consultants drafted a response to the public's concerns and DEC accepted B&L's responses and approved the permits for Celery Avenue. These permits expired, but the Board is hopeful that the DEC will rule in the District's favor once more.

Massa voiced his concerns that the equipment could send vibrations under the rock and asked about what would happen 10 years from now if the rock splits and damages the foundation of his house. Ruszkiewicz stated that any project could cause ramifications 10-20 years later. Massa noted that the road is already in disrepair and continues to flood. Massa suggested that the District instead maintain the river by removing fallen trees and debris. He also stressed the responsibility of farmers to keep the ditches on their property clean. Sumner informed Massa that the District is looking to address channel maintenance from the ledge down. The District is trying to balance the engineer's guidance with that of the farmers. Sumner stated that there is division amongst well respected farmers over whether attention should be given to the Celery Rock Ledge or channel maintenance. Sumner reported that flooding conditions are thought to have improved since work was done by farmers on the Quaker Creek corridor in the winter of 2023-2024. However, Ruszkiewicz confirmed that those fields have flooded since the project.

Massa reported that he found fallen trees on a recent kayaking trip on the Wallkill River. Sumner drove down Philomena Drive to verify Massa's claims, but Sumner did not see any trees in the river. Massa confirmed that the

trees were further down the river. Per Massa, there has been no maintenance done to maintain the river. Sumner explained that the District previously only had permission to clean the river from the Maple Avenue Bridge upstream from there. Sumner noted that the District is almost finished in acquiring the land easements down to the landfill to then maintain the river. When the maintenance expansion project was first considered, we were advised to avoid any work along the Landfill. Sumner stated that on the other side of the stream from the landfill there is one landowner that extends over a long distance down Route 17M. Sumner noted that this landowner did not want to cooperate on any sort of maintenance. Sumner noted that he can talk to Rob Schreibeis to see if the DPW can remove the fallen trees from the landfill property. Sumner stated that the District cannot guarantee that there will be no subsequent impacts to Massa's property decades from now. Sumner told Massa that he can express his concerns through the public comment period in the permit process. Massa noted that the river is low, but the water is still flowing. Wright stated that the engineer study supports the rock removal process. Sumner noted that there is the same amount of water coming down the river, but the project will let some of it pass ahead of the storm. Sumner noted that engineering and hydraulic models are not perfect, but that they modeled the work and concluded that there would be no downstream impact. Sumner stated that the initial project asked what the benefit would be from lowering the ledge. Sumner believes that controlled blasting allows you to localize the impact to where the job is being done, but was not seriously considered for this project. Sumner referenced the work done on the Pochuk Creek which used a hammering method. Sumner acknowledged that there were no structures near the site as close as Massa's, but ones that were adjacent did not sustain any damage. DeBlock asked whether there will still be a ledge underneath to support the base of the bedrock formation. Sumner confirmed that there will, but Massa said that the District does not know what kind of ledge is underneath.

Massa does not think the ledge lowering project will help flooding at his house. Since in the past the water was backed from the ditches and everything being compact down below. Sumner noted that the degree that it will lower the flood elevations, the models predict that, but he thinks you would have to agree that with all the combination of projects going on should result in lower flood elevations moving forward. The intent is to make it better than it is now. Wright is hopeful that the project will benefit the farmers and hopefully not affect Massa's property. Sumner reported that the District is seeking support from the AFPB, but that the Board of Directors will be the ones who decide whether the project happens or not. Wright informed Massa that Sumner advises the AFPB somewhat and that there are two Board of Director members on the AFPB. Sumner noted that he would prefer if one of the farmers along Quaker Creek sponsored the project. Sumner stated this method has been used for other projects. Sumner noted that the District is using County money, but adhering to the State's procurement policy. This means that a farmer can sponsor the project even if it's not his property, if it will benefit him. For example, Shuback farms could sponsor the project and would go out to bid for the contractor. Per the State procurement guidelines, Shuback would need to get three proposals from contractors of his choice. The District has a lot more control over it if it's done that way. Sumner explained how there are different funding scenarios such as solely state money, part local, or all local. These decisions will not be made until the permit is received then the funding needs to be secured before we can determine how the project will be contracted.

Sumner suggested that a legal document could be prepared that states if a problem were to arise with Massa's house, then the District would address it at that time. Sumner does not have experience with drafting a legal document such as this. Sumner does not know how soon it would take to get in touch with the County Law Department and asked the Board whether they want him to contact Richard Hoyt. Ruskiewicz noted that the County is self-insured and has more capacity to provide more assistance. Ruskiewicz feels that the District should wait until all the public comments are in until we speak with the county attorneys. Sumner suggested that if the request for consideration of helping us with that if it came from the county legislators it will be more effective. The District has one preliminary proposal to get an idea of the cost. Sumner feels that the Board and landowner will need to come to an agreement on the terms and cannot leave it open ended. Ruskiewicz proposed that if damage were to occur shortly after the project, then an investigation could be done to determine the cause of the destruction. Sumner asked Massa whether a 10-year monitoring agreement would help to address his concerns which he confirmed that it would help. Massa asked the Board when they think construction could take place. The Board stated that there is a

very little chance that construction would start this year and most likely next summer. Massa stressed that the protection of his property is of the utmost importance.

**\*\* Massa left the meeting at 9:45 AM**

Schellenberg asked why the landowner would be concerned about potential damages incurred from the project if he has homeowner's insurance. DeBlock stated that when a homeowner submits a claim through their insurance then it increases their overall payment and rates. Held noted that his insurance could drop him if he submits a claim that is too risky and will not reimburse him. Constable asked whether his building is at risk even if the Ledge Lowering project were to occur. Constable felt that the Ledge project should lower the threshold at the rate of which the river will flood. The Board argued that the traffic of semi-trailers and heavy machinery on the road near his house could also affect the building's structural integrity. Constable mentioned that continuous flooding would only make Massa's foundation worse. Schellenberg confirmed with the Board that the District will hire a professional to do an assessment of Massa's foundation prior to construction. Constable suggested that the engineer meet with Massa to explain the process and to assuage his fears. Ruskiewicz felt that it would be a good idea to measure the ground vibration when a truck goes by Massa's property to compare the vibrations measured from the hammering method.

Sumner explained the process of the ledge lowering project to the Board. Sumner noted that the uneven levels of the rock ledge suggest that erosive forces of the river have washed away the weaker components of the rock and left domes. Sumner explained that the District will be removing these domes rather than a solid section of three-foot-deep bedrock. Furthermore, the construction will be lowering down the erosion resistant portions of the Ledge.

Cheney felt that the District should rely on what the engineer recommends and react accordingly. Additionally, Cheney thinks it would be beneficial for the Board to discuss this matter further in Executive Session. DeBlock feels that it would be valuable to work with the County to draft a contract. Cheney stated that he will speak to the County Attorney's office since their attorneys will be relying on technical experts. Sumner asked B&L if they have a vibration monitoring plan from some other project but they stated that they leave that up to the contractor. Sumner reported that the cost of the project will rise if the contractor has to provide the vibration control plan and assume liability.

**FINANCIAL REPORTS**

Sumner commented that on the June 2024 Receipts, the District has been splitting the county appropriation between two lines for the last few years. \$600,000 of this year's appropriation is dedicated to the flood control project which is listed under line .3959Z1. Sumner continued that the first quarter appropriation was split with \$150k assigned to this line. The second quarter appropriation was not split and listed on line 2765. Sumner informed the Board that July's Receipts will be adjusted so that the \$150,000 listed on the year to date on line 3959Z1 will increase to \$300,000. In other words, half of the \$600,000 that the County has given the District for the flood work has been received. Once the District receives the third quarter county appropriation it will increase to \$450,000. All of this will be reflected in July's receipts report.

**2024-7-3 DeBlock made the Motion, Cheney seconded, to file June's Financial Reports for audit review, with the corrections noted above. All in favor.**

**BILLS FOR BOARD APPROVAL**

DeBlock highlighted that according to the M&T Bank credit card statement, the District went to Quick Chek five times and spent ~\$333. DeBlock mentioned this in relation to the proposal of the District purchasing gasoline through the town. Sumner stated that if the District were to speak with the town that they would prepare a total tally of the gasoline expenses. Sumner wanted to discuss items #4-6 on the Bills to be Paid since they are advanced payments on grants that we have not received money from that State yet. Sumner explained the first BMP payment is for Crist

Brothers Orchard which is funded through Climate Resilient Farming Round 7. Sumner reported that the District has not received fully signed and executed contracts on that, nor have we received any funding. The District committed \$8,000 in soil and water funds for that project. The total project cost is 60% state, 10% district, and 30% from the landowner. Essentially the District would be making an upfront payment of our full 10% for that project. Crist Brothers Orchard have completed one of the wells and submitted invoices that are well in excess of \$8,000. Sumner reiterated that he is asking the Board to make our full \$8,000 funding reimbursement to the farm. Sumner noted that number five is the first payment on the Floodplain Bench Phase 4. North. Sumner assured the Board that the District has the funding to do so and it will be paid out of County funds. The District started construction on one of the components, a new road, which is fully complete and there is a complete practice that we are paying out on. Sumner reminded the Board that they approved increasing the LCSP to \$10,000. Lastly, for number six, Sumner reported that Hoyt farms have a large amount of crop residue management that Held checked and is ready for payment. Sumner wanted to confirm with the Board that they felt comfortable making the payment to Hoyt since the District has not heard from Phil Johnson yet. Per Sumner, if Phil Johnson has a lot of crop residue management that qualifies, it will exceed the \$10,000 funds. Sumner noted that the Board could cap the limit until Phil Johnson provides his values. This would require the Board making two partial payments. Sumner believes that the District has enough funds to cover the cost. Held noted that Johnson was not paid last year. Held estimated that if Johnson did 200 acres of crop residue management that his payment would be \$4,400. Sumner informed the Board that Johnson is in CRF Round 6 project which in theory is funded through state money, but this is complicated by the sign off authorization issue. Per Sumner, he does not think we are too far over the \$10,000 limit.

**2024-7-4 DeBlock made the Motion, Cheney seconded, to pay the bills as presented. All in favor.**

#### **GRANT REPORT UPDATE**

Sumner presented the Board with a grant report update and noted that any new entries are written in red ink on the grant report. Sumner noted that there has not been as much activity as last month. Sumner did not have any updates to share with Board.

#### **INTERAGENCY REPORTS**

**CCE:** Schellenberg reported that CCE received an email from NRCS that they are being awarded the Conservation Innovation Grant. Schellenberg noted that \$87,000 will be used towards a roller crimper and No-Till Seeder which will be owned by the District. The grant program, which lasts for three years, is focused on No-Till soil health demonstrations and involves working with ten farmers. Schellenberg noted he and Sumner selected five of these farmers prior to the start of the project. Schellenberg explained that the project entails the farmer using the No-Till Seeder on half of a field and will use the Cornell Soil Health test on both plots to compare the findings. Schellenberg noted that the approach is flexible for the farmer and can accommodate those growing corn, soybeans, pumpkins, or squash. Schellenberg continued that the participating farmer must plant a fall cover crop that survive winters and will resume growth in the spring. During the growing season, the farmer will plant a cover crop and terminate it with either with the roller crimper or chemicals. Schellenberg noted that no tillage is allowed as well as continuing the season with no cultivation. Essentially there would be a full no till season at least. Schellenberg noted that most of the participating farms will use conventional farming practices. Schellenberg stated that a farmer can plant soybeans into standing rye, spray the rye, and then crimp the soybeans. DeBlock asked Schellenberg whether CCE would consider allowing a farmer to farm a field normally and use the roller crimper on another field. Schellenberg stated that he wrote the grant to involve a cover crop so there is soil protection and the cover crop needs to be with the crop. DeBlock asked whether Schellenberg would consider offering Cornell Soil Health testing and use of the roller crimper to farmers not involved in the grant. Schellenberg noted that he would, but that his schedule will not allow for that. After the grant is over, the roller crimper will be more at the District's disposal. The grant includes a contract with CCE's Eastern Horticulture program who will assist Schellenberg with the field layouts. CCE and the farmers must form a rotation plan for the next three years. The grant will not measure erosion, but will evaluate the financial impact on the farmer. For every year of the grant there will be an in-season twilight meeting where a specific farmer

will be highlighted and each winter farmers will speak on their experience. Based on findings by NRCS, the Northeast has 7% agland in No-Till and some states in the Midwest have 30%. CCE is hopeful that the soil health demonstrations will increase the percentage of agland in the Northeast. Sumner confirmed with Schellenberg that CCE will buy the equipment and then will turn it over to the District. Schellenberg stated that CCE is looking for models that he and Sumner discussed in the quote. Schellenberg stated that the District can help work with the vendors, but CCE will cover it financially. Sumner noted that the District will need more roof coverage to store the roller crimper. Sumner stated that the District's funding for the roller crimper is available through the CRF Round 6.

**\*\*Nora Mason joined the meeting temporarily**

**NRCS:** Mason introduced herself to the Board as the new soil conservationist. Velez-Juarbe reported that a new resource conservationist will start working in the Middletown office on 8/12.

**\*\*Mason left the meeting to resume her employee training at 9:20AM**

Velez-Juarbe reported that there is a local working group meeting on 8/2 from 10:00AM-2:00PM to discuss resource concerns in the lower Hudson Valley. The agency reintroduced those trainings in 2023. These concerns are taken into consideration during the rankings to benefit the applications. Velez-Juarbe noted that he received a phone call a few weeks ago from a producer with the Chester Ag Center who suffered damage to his high tunnels following a storm in June. Velez-Juarbe will visit the farm today to survey the damage to the high tunnels, which were funded through NRCS. Since the contract has not expired and the high tunnels were destroyed due to uncontrollable circumstances, NRCS will be able to provide financial assistance to them. Velez-Juarbe admitted that he does not know if a producer's insurance can cover high tunnels. Velez-Juarbe explained that the duration of the contracts varies depending on the practices and how many high tunnels are constructed. The maximum lifespan of a contract is 10 years. Velez-Juarbe stated that the Emergency Watershed Protection, EWP, is moving forward with a few approved projects. Additionally, there are approved buyouts with the Town of Cornwall. He believes there are six properties eligible for buyouts and they are waiting on paperwork from the town and the village. Velez-Juarbe reminded the Board that these buyouts are voluntary.

**FSA:** DeBlock reported that Hans Persoon, the County Executive Director, retired. There is currently no County Executive Director, CED, but FSA has hired someone for the training program to potentially oversee Orange County. Amanda Vitarius will be acting CED for the time being. DeBlock noted that today is the last day of acreage reporting.

There were no representatives from NYSS 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 informed the Board that she will be taking the lead on a project associated with AEM Round 18. The farm in question, Callisto Vineyards, which is in Greenville has requested funding for an ag camp mixing facility. to take the lead on AEM Round 18. Need to have an AEM plan before the funding can be requested. Callisto had questions about who he can talk to in regards to water safety for public visits

**M. Held (SWCD)-** Held reported that the District is considering revising the rental agreement due to the conditions of the equipment when it is returned. Held will provide the Board with an updated rental agreement. Additionally, Held mentioned that Rueben Kline inquired about renting the District's boom mower. Held spoke with Ron O'Dell, who maintains the equipment, and he said that it needs some work done. For this reason, the District wants to discuss the topic of repairing the boom mower or selling it. Held reported that the last farmer to rent the corn planter had to spend hours deep cleaning the fertilizer hoppers and related tubing due to the state the last farmer left it in. Since

the farmer had to devote this time to cleaning and he only planted five acres, which is the minimum requirement, the District is considering waiving his rental fee. Sumner stated that the District has been flexible in the past, but he believes it should be required that the farmer needs to empty and clean out the hopper at the end of its use. If the equipment is not properly cleaned, then there should be a substantial cleaning fee applied. Held is confident that the hoppers would be dry by the next time the corn planter is delivered. Wright agrees that the contract should be revised. Wright is not concerned that washing out the hoppers will result in corrosion when in fact damp fertilizer is more destructive. The Board agrees that the rental fee should be waived for the farmer since he spent so much time cleaning it. Held and Sumner are proposing a minimum \$200 penalty fee. The District will revise the rental agreement and present it to the Board in the future. Cheney suggested that the farmers use an air compressor after washing out the hoppers to dry them. Held told Schellenberg that she knows a farmer who is interested in working with CCE and will speak with him further on the matter. Held provided the Board with additional updates which can be found in her written staff report. In regard to CRF Round 7, the District has prepared contracts between the landowner and the District for the three farms involved. The CRF Round 8 application was submitted for Devon Simpson. Per Held, quotes are expected for Winslow. Jason Soudant and Rich Weiboldt have breakdowns for the budget available for review. Held confirmed that they have provided construction plans to the farmers. Held noted that Greystone Stables has begun construction of projects.

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

### **OLD & NEW BUSINESS**

**Conservation Easements**- Sumner noted that Richard Hoyt has ordered the title work for some of the conservation easements, specifically for Pine Island Turf Nursery and Walter Bastek's property. These easements are related to the Wallkill Floodplain Bench Phase 4 North Project. Sumner reported that the District is still working on securing easements in place for Green Farmland which is a Phase 3 project. The title work has not been ordered yet because the District has yet to discuss the per acre price yet with them. Sumner stated that the construction contracts are signed so that the Phase 4 North project can start. The contractor completed 2700 feet of road last week and \$134,200 will be paid by Sunflower Valley. Once payment is received then the District will reimburse Sunflower Valley Farm. Sumner noted that it would be ideal that the AFPB vote in favor on Wednesday of the Celery Avenue Ledge Lowering Project from the Ag Board.

**Soil Health Policy Sign Off**- Sumner updated the Board that the District was notified by the Executive Director that they will be recommending to the State Committee voting members to not make any exemptions to the current sign off requirements. Wright noted that he left a message with Dale Stein, the chairman for the SWCC, but he never heard back from him. The NYS Soil and Water Conservation Committee Meeting is on 7/16 at 10:00AM. DeBlock will call in tomorrow to the meeting. DeBlock already spoke to the New York State Grange representative who was receptive to the talking points that Sumner proposed. DeBlock noted that the Grange rep wanted to know if the Employee Association was made aware of Sumner's situation which could help garner support for Sumner. Sumner stated that he contacted the president of the employee association who shared the notes from January's managers meeting which indicated that the association felt that it was bureaucracy gone wild and there should be some sort of provision. Sumner shared the meeting notes with Matthew Brower who predicts that there will be an extended discussion on the matter.

**Revision of the Maintenance Agreement**- Sumner spoke about the revision of the maintenance agreement which would allow the money at the end of the year to roll over into the District's account for flood mitigation work. Sumner mentioned that he spoke with Ryan McGuire at the meeting pertaining to the \$150,000, who told Sumner that the agreement was being reviewed by the law department. Per McGuire, the law department should have finished reviewing it by the end of the week. However, two weeks have passed with no word from the law department. Once the District hears from the law department, Sumner wants to present the revised agreements to the towns for their approval. Cheney contacted Erik Denega (OCDPW Commissioner) earlier this morning and will

keep Sumner updated on their conversation. Sumner informed the Board that he received an email from Joe Mahoney, with the county law department, who asked for a copy of the District's procurement policy. Sumner doubts that the request is for the discussion of the maintenance agreement, but rather pertaining to the District's bid policy. The District adhered to the procurement requirements that are standard for state grants which is different from general municipal law.

**Rental Program-** Sumner expressed interest in the Board discussing the future of the District's equipment rental program. Specifically, does the Board envision the program expanding, decreasing, or staying the same size. Sumner noted that the District is going to need more storage space with the new equipment which will cost the District more money. The Board also needs to consider the fees associated with maintaining and transporting the equipment. Sumner spoke with O'Dell about increasing the District's monthly rental fee in exchange for adding another storage building. Schellenberg stated that he could speak with his executive director about potentially storing the roller crimper and No-Till seeder at CCE's park in Otisville. Sumner noted that it could be beneficial to the District to store them during the off season at the park. Sumner acknowledged that there are two mowers taking up space in the building that if sold would offer more space. Sumner reminded the Board that the mowers were put up for bid before, but the offers the District received were insubstantial. Sumner feels that the rental program provides a valuable service to the survival of Orange County agriculture as it shifts from dairy and field crop farms to more niche, smaller operations. Sumner mentioned how beneficial it would be to these small farmers to have access to the District's equipment that they cannot afford otherwise. Sumner reminded the Board has discussed purchasing post pounders and post hole diggers. Sumner noted that the District received requests from farmers in the past about bailers and wrappers. Sumner believes that such an undertaking would require significant changes to the District's staffing structure. Sumner stated that the AFPB could potentially be involved with the program, coupled with CCE's willingness to help store the equipment. Sumner is waiting on an assessment from O'Dell as to the extent of the repair needed for the mowers. Per the phone conversation Sumner had with O'Dell the other day, he did not think it would be a huge undertaking. Sumner asked the Board whether they want O'Dell to repair the mower or if they want the District to put the mower up for bid. Sumner suggested that it would be best to repair the mower regardless so that it is in working condition when it is put up for bid. The original intent was to mow grass ditch banks, but the program never took off. Sumner noted that loading the mowers onto a trailer and hooking up to a tractor is more time consuming and complicated than the no-till planting equipment. Sumner noted that there would need to be a serious discussion amongst County agencies as to where the support for an expanded equipment rental program would come from. Wright noted that the AFPB has been very supportive and has allocated leftover funds at the end of the year to the District. Ruskiewicz noted that the AFPB's budget is \$27,000. Schellenberg noted that Chester Ag Center has a much smaller ditch bank mower that is easier to manage if the District is interested in using it. Sumner noted that O'Dell is very responsive when it comes to repairing equipment, but is not interested in moving the equipment.

#### **Ag NPS Round 29- Greystone Stables**

Sumner noted that the District has the contract signed, but has not received an advance payment yet. Sumner wants to give Greystone a portion of the payment if the District does not receive payment soon. Per Sumner, the District is contributing \$20,000 in funds to the project. {correction, Sumner mis-spoke, the scheduled SWCD contribution to the Greystone project is \$6,300.} Sumner stated that this payment to Greystone will be listed on the Bills to Be Paid for August, otherwise Sumner will reach out to the Board via email for approval.

#### **New Business – Sign District-Participant Contract for Wallkill Bench Phase 4 North**

The Board already approved entering the contract with Sunflower Valley Farm, the owner finally signed it, and so all that is needed is for both Sumner and Wright to sign the contract. The fully signed and approved contract needs to be in place before the District makes the reimbursement to Sunflower Valley Farms.

**Step Positions & Retirement Fund Payment**

Sumner noted that his remaining issues relate to Sumner's scheduled Step position increase and concerns related to his retirement fund payment. Sumner would prefer to discuss this further with the Board in Executive Session.

Schellenberg informed Sumner that he is meeting with CCE's finance department to figure out his remaining budget questions and he will update Sumner on that status.

**2024-7-5 DeBlock made the Motion, Cheney seconded, to enter Executive Session to address potential issues of promotion/demotion of an employee. All in favor.**

**2024-7-6 On a Motion made by Cheney, seconded by Ruskiewicz, the Board came out of Executive Session at 11:27AM. All in favor.**

**2024-7-7 Cheney made the Motion, Ruskiewicz seconded, to adjust Sumner's salary to Grade 13/ Step 7 retroactive to January 1<sup>st</sup>, 2024 as called for by our Provisions of Employment, and to provide Sumner a Step increase annually for 2025-2027. All in favor.**

Sumner instructed King to note that the Board discussed the missed retirement payment for Sumner for 2023 and it will be corrected in 2024.

**Next meeting date: August 19<sup>th</sup>**

**ADJOURNMENT**

**2024-7-8 Cheney made the Motion, seconded by Ruskiewicz, to adjourn the meeting at 11:29 AM. All in favor.**

Minutes Prepared By:

Emily King, Secretary to the Board

July, 2024

### **Wallkill Flood Projects –**

Title work for Phase 4 Wallkill Floodplain Bench area Conservation Easements (Pine Island Turf Nursery, Bastek) has been ordered. We have delayed ordering the title work for Phase 3 (Green Farmland) until discussions with the landowner progress.

### **Floodplain Bench Phase 4 North**

After meetings with the landowners, construction contracts were signed and construction began on 7/1. The new road has been completed. Trees cut in March are being moved to accessible locations for expected export. All going well so far. I will be asking the Board to approve a payment to reimburse Sunflower Valley Farms for expenses invoiced by the contractor, in the amount of \$134,200. Funds to be drawn from special appropriation from County.

Request to County for additional \$150,00 towards Phase 4 North construction costs was approved by the full Legislature.

### **Other Flood Control Items**

**The Celery Avenue ledge lowering project** was discussed at some length at the June AFPB meeting. The Board decided to delay voting on support of the project until the July meeting.

Subsequent to the meeting, I received a call from a landowner next to the project expressing concern about the potential impact of the project on his home. I also was notified by assistant to CE Rob Schreibeis that the CE office received calls concerning proposed 'blasting' of the ledge. He clarified that there was no blasting planned for our project. I did some research on construction site vibration impacts and controls which I will discuss at the meeting. An excerpt from one of the sources I found is included with this month's meeting materials.

I received an inquiry from the DEC staff person reviewing the ledge permit application concerning SEQR. Since we are using the same design as the previous permit, we do not need to revisit SEQR procedures. The application has been deemed complete and is in the public comment period.

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

**AEM Round 17** – Final payment received, this contract is now totally closed out.

**AEM Round 18** – 25% advance on staff time funding has been received. We have already exceeded the 25% advance. Waiting on NYSSWCC review of submitted materials to get go ahead to request advance funding for projects with construction funding through this grant.

**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.)

Crist Brothers project is moving forward, drilling of first well completed, a second well is being considered in effort to achieve the desired increase in irrigation capacity. I will be asking the Board to approve a reimbursement to Crist Brothers on this project.

**‘Sign Offs’ on Soil Health Practices** –email received from NYSSWCC Executive Director Bethany Bzduch. Staff will recommend to voting members at their July meeting to not allow any exceptions to the CCE requirement. Directors were asked to make personal calls to NYSSWCC voting members.

**Revision of Walkkill Maintenance Agreement** – At DPW/Law Department, status unknown.

**Climate Resilient Farming Round 8 Proposal** – Submitted, with confirmation from NYSSWCC that it was received before deadline. According to Ben Luskin, there was a large response.

### **Roller Crimper Project Update**

CCE’s Soil Health/No-till CIG grant was approved. We are in the process of attempting to coordinate our involvement on that grant with the R/C demonstration that is a component of our CRF Round 6 Soil Health grant.

I would like to have a discussion with the Board when time permits about the future of the equipment rental program. The expected new equipment that is part of the CRF 6 grant and the CIG grant makes this discussion more important.

**The AgNPS Round 29** project at Greystone Stables has commenced. Since we do not know when the NYS funds supporting this project will be received, I will be asking the Board to consider fronting some of the State funding so long delays in reimbursement to the farm are not necessary. I will not have the figures at this meeting, but will be asking for conceptual approval.

### **Other Items for Discussion**

#### **Sumner Step Increase**

Sumner’s position was upgraded to G13, Step 5 starting January 1, 2020. At Step 5, subsequent step increases occur every 2 years. At the June 2024 meeting, the Board decided that employees entering the Salary Table at a step higher than 1 would get step increases annually for the first three years as if they were starting at Step 1. It was unclear if this just applied to new employees or to established employees who were granted an upgrade to a Step higher than step 1.

Sumner’s first step increase after the 2020 upgrade was in 2022, to Step 6. Following a two-year interval schedule, he was due to receive a step increase to Step 7 beginning in 2024, but that was not put in place.

Although the award of step increases is not normally reviewed/approved by the Board since it is established in policy, this matter should be discussed by the Board because of the policy changes that have occurred and because of the oversight of not starting the scheduled step increase in January, 2024.

#### **Sumner Missed 2023 Quarterly Retirement Contribution**

**Emily King**

**Secretary to the Board Update**

**7/15/24**

Following the Board of Directors meeting, I submitted the various Excel spreadsheets for our 2025 budget submission to the County. These were reviewed with Kevin prior to submission. I received confirmation via email that Dina with the Orange County Budget Department received them.

I submitted the second quarterly federal tax return as well as the NYS quarterly combined withholding, wage reporting, and unemployment insurance return. The second quarter taxes were filed ahead of the deadline which is at the end of July.

I spoke with Kevin regarding the policy of the maximum amount of cash allowed in the cash purse in the office. Kevin and I both reviewed the District's Financial Policy and similar policies, but could not find how much is allowable. Kevin instructed me to leave \$300 in the cash purse and to deposit the rest into our checking account at M&T Bank. Kevin stated that we will discuss this issue with the Board at our meeting on Monday.

Additionally, I organized the District's list of policies that were approved by the Board for easy access on the Share Drive. Kevin and I reviewed the District's website and I recorded our edits. I began updating the website with our edits and will continue to do so.

Kevin shared the email from the NYS DEC with me which detailed that the District's application for a DEC permit is complete, and a technical review has commenced. The NYS DEC instructed the District to contact the official newspaper of the municipalities where the project will commence to publish the Notice of Complete application for public comment. I contacted the Goshen Independent and the Times Herald Record, Gannett News Paper, to schedule the Notice publication during the week of 7/15/24. The Notice is scheduled to be published in the Times Herald Record on 7/15 and is tentatively scheduled to be published in the 7/17's issue of the Goshen Independent pending approval by our office. The papers will forward an official invoice to the District.

I proofread BMP payments that Kevin prepared for Board approval to Crist Brothers Orchard and Sunflower Valley Farms. Sunflower Valley Farms is a current participant in the Walkill River Floodplain Bench Phase 4 North. Crist Brothers Orchard has an ongoing Irrigation Water Management project with the District through the Climate Resilient Farming Round 7 grant.

Per usual, I updated the various grant ledgers, as well as the receipts, disbursements, and payroll Excel spreadsheet. Thankfully, I succeeded in balancing June's disbursements and receipts for the financial report on my own. Lastly, I have continued to accompany Mary when she is delivering equipment and continue to gain more experience. I have provided farmers with the necessary information needed for renting the equipment and confer with Mary prior to scheduling a delivery.

**OCSWCD Technician Update**  
**Mary C. Held**

7/12/2024

**Equipment:**

No-Till Corn planters: As corn planter use is winding down, the more we are considering implementing an updated rental agreement.

Because numerous farmers have been leaving copious amounts of fertilizer in the hoppers, the hoppers are getting plugged up. This makes more time and work for the users after those who leave the equipment less than ideal. We are working on an amendment to the rental agreement that would hopefully persuade renters to take better care of the equipment.

Mower: Reuben Klein, nephew of Dave Mercer, reached out to inquire about renting the boom mower. Ron O'Dell said it needed a deal of TLC as the top link arms are bent since the last person used it. Since it hasn't been rented or run since I've been here, which is almost a year now, we would like to bring up the discussion of keeping it or selling it. The individual said he'd be interested if it went up for bid.

**Local Cost Share Program:**

In addition to CRF6 farmers, Mark Hoyt was also considered for reimbursement for his crop residue practice. These fields have since been verified and the reimbursement would be coming out of our Local Cost Share Fund.

Acres: 278.98

Expected payout @ \$22/ac: **\$6,137.56**

Charles Rowe of Rowe & Sons Farm reached out about cover crop in the fall. I have put him on the list of farmers to reach out to come fall.

We still have to meet with Erik to discuss the fully fleshed-out ideas for the Roller Crimper Demonstration project before I have a proper update or a more complete participation agreement. I would like to get his insight on what the program entails before presenting something more official to the board.

Since the cover crop request from Rowe & Sons, I have asked Charles Rowe if we would be interested in the roller crimper project. He stopped in the office 7/12 to indicate that he is very interested in the roller crimper project.

## CRF Update:

### Round 6:

Recap from the last meeting:

Some of the farmers in CRF6 have crop residue management listed under practices that can be reimbursed. The farmers listed below have the practice in their contract, however, not all of them took advantage of the practice enough to justify payout – such as plowing under or mowing before planting. As exemplified below, the cost of all the crop residue management payments would be covered by CRF6, with the exception being the addition of Hoyt Farms.

| Name           | Farm                | CRF6 Acres            | CRF6 Payout                        | Acres Planted  | Expected Payout   | Notes  |
|----------------|---------------------|-----------------------|------------------------------------|--|---|--|
| Alex Kocot     | Harvest Queen Acres | 150ac/3yrs = 50/yr    | \$3300/3yrs = \$1100/yr OR \$22/ac | 50+ (118 was verified as cover crop in fall of 2023) | \$0 for plowing under with less than 30% residue left at planting | Plowed majority of it under  |
| Jason Touw     | Wagon Wheel Farm    | 60ac/ 3yrs = 20ac/yr  | \$1320/3yrs = \$1100/yr OR \$22/ac | 20   | \$0 for mowing/tilling with no residue left at planting           | mowed / plowed under   |
| Phil Johnson   | Fort Hill Farm      | 450ac/3yrs = 150ac/yr | \$9900/3yrs = \$3300/yr OR \$22/ac | 145  | \$3,190   | Was not able to get in touch with him but cover crop of 145 ac was verified in fall 2023 |
| Robert Stap    | Mist E Hill Diary   | 45ac/3yrs = 15ac/yr   | \$990/3yrs = \$330/yr OR \$22/ac   | 0  | \$0   | Did not plant  |
| Russell Smiley | Smiley Farm         | 105ac/3yrs = 35ac/yr  | \$2310/3yrs = \$770/yr OR \$22/ac  | 35   | \$770   | Still have to verify fields.   |

On paying these out of LCSP: As it is possible we will have to pay these CRF6 payments out of our local cost share fund, it is important to note that on top of a payment for Mark Hoyt, the CRF6 payments may put us over the \$10k budget.

The potential payment to Phil Johnson, who I have not been able to get in contact with, should be \$3,190.00 for 145 ac of crop residue management. Because he was not paid in 2023 for crop residue, however, the payment could be more if he has more than 145 acres of crop residue down this year. I would suspect the maximum payment for Phil Johnson, and this is only suspicion, could potentially be **\$4,400 for 200 acres.**

Round 7: Landowner / SWCD contracts are currently being developed for the three farms in Round 7.

Round 8: Application (1) was submitted by Kevin for Devon Simpson.

### **AGNPS Update:**

Round 27: Contract End Date: March 2025

- Winslow Therapeutic: Waiting on a call from Dempsey pipe for a quote on a flared culvert end.
- Marty Lain: Has not been billed for a final expense, waiting to see if the provider bills him so we can add it to his closeout. I am going to give it some time before worrying about it.
- Jason Soudant: We have reached out to him numerous times, spoken once, provided construction materials, but have not heard if he actually wants to continue the projects. When we spoke last, he indicated a minimal amount of interest as contribution money was his main concern, but I have not been able to get ahold of him since then.
  - o Livestock Heavy Use Area Protection
    - State: \$25.5k + \$4,000 Eng. Services
    - LO: \$4,785
    - Total: \$38,285
- Rich Weiboldt: We have reached out numerous times, provided materials, but have not heard back if he actually wants to complete this project. When we last spoke, he indicated he would be interested in completely the fuel storage project but not compost shed. Since then, Kevin emailed him the construction plan, but we have not heard back.
  - o Manure and Ag Waste Treatment System (compost shed):
    - State: \$19.5k
    - SWCD: \$4500
    - LO: \$6k
    - Total: \$30k
  - o Petroleum and Oil Products Storage System (Fuel Tank):
    - State: \$6.5k
    - SWCD: \$1.5k
    - LO: \$2k
    - Total: \$10k
- Troy Vellenga: Will let us know by September if he plans to carry out projects.

- Access Control System:
  - State: \$15,166
  - SWCD: \$3500
  - LO: \$4,667
  - Total: \$23,333
- Silage Leachate Control and Treatment System:
  - State: \$26,541
  - SWCD: \$6,125
  - LO: \$8,167
  - Total: \$40,833

Round 29:

- Greystone Stables has begun work on their project. Kevin helped me get better acquainted with taking grade shots as Randy Vellenga started putting the pipe down.

Round 30:

- Potential Projects (waiting for AGNPS 30 to come out):
  - Tom Owens of Hillcrest Farms: Requested assistance for a fuel tank
  - Moraczewski: Requested assistance with a tree line windbreak to prevent wind erosion on hay fields. I have an email out to Ben regarding a few technical questions about this such as required tree number, tree size, etc.

**AEM Update:**

*Round 18:* All the updated budget signatures have been collected. We are now collecting LO/SWCD contract signatures so we can request 90% advance payments for Ewanciw and Simpson.

The study on Mark Hoyt's project area has been completed, but I don't have all the details surrounding that.