

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
June 21, 2021

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:09 AM. Directors G. Constable and P. Ruszkiewicz joined remotely. Directors J. Wright and P. DeBlock along with K. Sumner, T. Ferry and C. DeGroodt (SWCD) were present at the office.

2021-6-1 DeBlock made the Motion, Wright seconded, to approve May's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – There were no actions between meetings.

CORRESPONDENCE

- The bank statements and collateral agreements were available for review.
- A New York Association of Conservation Districts update was received from Blanche Hurlbutt, NYACD Director.
- The National Association of Conservation Districts newsletter was available for review.
- The National Conservation Foundation Annual 2020 Report was available for review.
- A cover letter (part of a packet of budget paperwork) regarding preparations of our 2022 proposed budget to the County of Orange was received from Orange County Executive Steven Neuhaus. Sumner asked Ruszkiewicz if the District should request and justify our next appropriation check we are due to receive from the County in July. Ruszkiewicz did not think so.

(E. Schellenberg joined at 9:08 AM)

FINANCIAL REPORTS – There was nothing to report.

2021-6-2 DeBlock made the Motion, Wright seconded, to file May's Financial Reports for audit review. All in favor.

BILLS FOR BOARD APPROVAL – **2021-6-3 DeBlock made the Motion, Wright seconded, to accept the Bills to be Paid. All in favor.**

GRANT REPORT UPDATE – The Grant Update Report is updated monthly to reflect changes. Edgewick relinquished their funding, which then went to Soudant. Shortly after last month's meeting, Soudant relinquished it and it went to the next farm on the list which was VanAken, a dairy outside of Middletown. This project has been progressing and draft designs are currently out for engineer review.

STAFF REPORTS

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

C. DeGroodt (SWCD) – DeGroodt's staff report was attached to the Draft Minutes. She mentioned that draft updated Director Training Plans were emailed to Directors prior to the Board Meeting.

T. Ferry (SWCD) – Ferry’s staff report was attached to the Draft Minutes.

INTERAGENCY REPORTS

E. Schellenberg (CCE) – CCE staff have been taking samples for the gas flux trial. They have received some preliminary data from the Carey Institute.

Schellenberg attended a two-day culvert assessment training with the New York State Department of Environmental Conservation (DEC). He said the DEC does not have a list of culverts for him to access. Schellenberg said if there are any problem culverts/a list priority culverts that anyone would like him to access, to let him know. Sumner asked Schellenberg if he is approaching the culverts by water shed or is it county-wide based on where priority issues are identified or ‘as needed’. Schellenberg responded that the guidance he received from the NYS DEC was that he can access any culvert and he can work with other agencies.

Schellenberg mentioned the 4-H Fair will be open July 9-11, but will only be open to the public on the 11th.

The installation of the rain water harvester at the park is going well. The pavers have been installed between the barns. There will be a small, buried cistern where kids can pump their own water.

NRCS – No one attended from the Natural Resources Conservation Service.

DeBlock (FSA) – There have been fraudulent applications for CFAP2 coming in around the country.

OLD BUSINESS

Office Procedures - Procedures continue to relax. Social distancing and masks are not required if vaccinated. The office doors are still locked and visitors can be seen by appointment.

AEM Round 16 Tier 4 – There has been planning, design and construction progressing on all three projects. The first project has been completed and once we have all of his bills, a final payment will be calculated. The second project has construction in progress. The concrete floor/foundation is done and they are waiting for the metal building installers. The third project has had a draft plan set prepared and sent to the engineer for review. The District is in the process of seeking contractor proposals.

Hudson Valley Carbon Farming Project – This is a joint project with the State Committee and four other counties in the Hudson Valley. There are several projects slowly moving forward. We have a couple of projects where we are waiting on engineering assistance. We had a call about it last week for the first time in many months. The organizers are planning a PR event in late July or early August. They are planning to request a no-cost time extension to extend the Project beyond the current April 2022 end date. If this gets approved, it will give the District some flexibility to complete the projects. Discussion followed on Carbon Farming credits. Sumner’s understanding was that when Metzger was in office, her goal was to move beyond the Hudson Valley Carbon Farming Project to a program where carbon credits were made available to farmers on a wider basis, not just a small group of projects that are in the Hudson Valley. So when the soil health bill came through the New York State legislature, there was hope that there would be wording in it about Carbon Farming credits, but there wasn’t. If the District can put together some kind of organizational meeting, we could submit a Resolution to the State Association of Conservation Districts asking the State Legislature to give that consideration. We could see if there is any other state initiative that we could look at for guidance. We could try to get that in place for this upcoming annual meeting of the State Association.

(E. Schellenberg left the Meeting at 9:18 AM)

Wallkill River Floodplain Bench Phase Four – (A proposed project to move upstream from County Route 1 – \$300,000 in state money to support the advancement of the bench project). The CRF 5 grant contract was received, signed and returned to Albany. Sumner anticipates that all the state money will be used for construction. Our match will be all the design and permitting work.

Wallkill River Floodplain Bench Phase 3, Area 1 - This was the excavation work that was completed last fall. There was nothing new to report since the last meeting except that field checks showed continued good tree survival. At the most recent field check, three trees that had tipped over were straightened and staked.

Wallkill River Floodplain Bench Phase 3, Area 2 – This is the larger of the phase three areas at the confluence of the Pochuck and the Wallkill. The District is waiting on the SAM grant or some other large amount of money in order to proceed with this project. Sumner received a call from Senator Skoufis' office the week of June 7th to inform him that Senate Finance Committee had approved our SAM grant contract and advanced it to the Division of Budget.

Green Farmland submitted a request to receive all of the soil generated from Phase 3, Area 2 along with a map showing where they want it placed, stock-piled in one of their fields. Sumner told Green Farmland that he would discuss this with the current farmer who is supposed to receive this soil. No action has been taken since this project may not happen over the next few years.

Celery Avenue Ledge Project – This project will be discussed under New Business/2022 Budget. The District's ACoE permit/authorization letter for the project expires in March 2022. We have been unsuccessful at securing grant funds for this project. If we decided to keep this project as a priority, the District would need to request a 3rd permit.

Ag NPS Grant Round 27 – The Round 27 proposal, which is due next Monday, includes seven farms. Sumner received feedback from Albany that our low farmer match that we had on our Round 26 proposal worked against us in terms of ranking. Sumner proposes we increase farmer match for Round 27 to 20%.

2021-6-4 Ruszkiewicz made the Motion, DeBlock seconded, to act on Resolution AGNPS-2021-1 to authorize submittal of our Ag NPS Round 27 Proposal. All in favor.

Town of Cornwall/Mill Street Slope Failure – There is currently serious slope failure, water quality impacts, property damage and some small out-buildings had to be relocated to prevent them from sliding off the slope. The District has been looking at ways to obtain a modest amount of money to get a study and some design solutions for this site. The Orange County Department of Public Works had put out a RFP and accepted one of the proposals and is moving forward with hiring a consultant to look at the slope. Their guidance to the consultant is that they want to protect the road. Those that are still working on this would like to try to look at more holistic solutions but will keep in concert with the DPW so that there is not a duplication or competition. This was one of the projects the District included in a list presented to Lego Land for the Environmental Benefit Project. Otherwise there was no specific funding identified for this project.

Lego Land Update – (From April's Board Meeting Minutes - The NYS DEC negotiated a consent order with Lego Land, and they were going to have to pay \$346,000.00 for violations. Only three days before the consent order was finally finalized, they were presented with additional violations at the site. Back in July of 2020, the District was invited by the DEC to submit projects that would be funded by the consent order with Lego Land and the amount was suggested to us of \$200,000.00. So we spent a fair amount of time developing a list of projects and submitting those to the DEC. We read in the papers that that there was an environmental benefit project included in the consent order, but it was in the amount of \$50,000.00, not \$200,000.00. And we don't even know if we're the recipient of that EBP or if so whether they're going to tell us what we can use it for. Sumner opined to the Board that he believed this situation reinforces the contention that enforcement of erosion and sediment control regulations is generally weak.)

NYS DEC has since, settled the consent order with Lego Land, however the aspects of the EBP were unsettled in the consent order. Lego Land has to contribute \$50,000.00 in cash and they were given the option to select which projects

from our list they wanted to support. Sumner received a call from Lego Land's attorney who said he was having trouble connecting with the Orange County Land Trust to advance the project that they want to work on, and the attorney also told this to the NYS DEC attorney. After Sumner spoke to the OCLT he found this to be incorrect. OCLT told the attorney to speak with SWCD because they led the development of the project list. After discussion, the attorney indicated that he was going to go back to Lego Land and try to get them to agree to have the EBP award sent directly to SWCD. We would like to have the EBP Plan allow for use of the funding for any of the projects on the list we submitted to NYSDEC.

Black Dirt Drainage/Pulaski Highway Drainage – Sumner had a call with Eric and Travis from the Orange County Department of Public Works on 6/17. They are concerned about liability and want a study to make sure it will not increase flooding downstream to lower culverts. As far as cost and funding, they understand that the District has a limited budget, but they have concerns about using their own funding or resources for work that would be improvements on private property. As far as the DPW is concerned, the culverts are doing their job projecting the roads. Sumner thought there was some productive discussion on the call, DPW seems interested in helping address farmer concerns within their limitations. Sumner stressed that he wants to participate but isn't prepared for Soil and Water to take on a time-consuming role. A meeting with the County Legislature Physical Services Committee seems to be the best next step. Ruskiewicz said that he will follow-up with Barry Cheney.

There was a brief discussion on the payment the District sent to Weiss Engineering.

Sumner prepared a semi-formal request for proposals for engineering services in conjunction with our Round 27 grant. He provided it to B&L and Dave Getz and received one back from B&L. One of the projects described in the RFP was a compost facility design template, which Sumner hopes can be used on multiple projects to distribute the engineering costs.

NEW BUSINESS

The District's proposed 2022 budget packet was available for review. A copy of our one-page budget projection along with budget notes were emailed to Directors prior to the meeting. Discussion followed.

There was discussion on the Performance Measures Part C. This year's Part C money has not yet been assigned to a project.

Sumner had sent the Flood Committee a general update on 6/2/21 which requested their feedback on the Celery Avenue Ledge project and received only one response from a town supervisor. The report asked if we should keep Celery Avenue Project as a priority or not. Sumner mentioned it could take years to accumulate enough money to do this project. Sumner's recommendation to the Board is that we either begin allocating funding from our budget for the project, or remove it from our list of 'priority' Black Dirt Flood Mitigation projects. He requested that the Board establish a direction on this matter in conjunction with finalizing our proposed 2022 budget which is due by June 23rd. Discussion followed.

If the District is going to look for something to benefit the northern half of the valley, then maybe we should prioritize the extension of the Maintenance Agreement and make this a priority and move it forward. Sumner said if the District were to decide to put the ledge project on hold and focus on the Pellets Island reach, he would suggest that we consider hiring a private attorney to advance this for us instead of using the Orange County Law Department. Ruskiewicz asked if the District could get some estimates. Sumner offered to make calls to see if this is even something a private attorney would be interested in.

DeBlock said she is in favor of removing the Celery Avenue Project off of our priority list.

As far as the proposed 2021 Part C, it was decided to assign it to the Flood Control Projects, including the Wallkill Maintenance Project.

There was additional discussion on allocating some of the Part C money towards the Cover Crop/Soil Health Incentive Program approved by the directors earlier this year. \$25,000.00 was discussed as the amount to be assigned to the Soil Health Program out of 2021's Part C funding. If we did this, we could start this program in the fall instead of waiting until next year's AEM Round 17 contract to start. We expect that applications for this year would have to be pro-rated since there are some producers with a lot of acres. Discussion followed.

The Directors suggested that we request the same amount of appropriation from the County as we did last year in the amount of \$242,991.00.

2021-6-5 DeBlock made the Motion, Constable seconded, to approve the 2022 Proposed Budget for submittal to the County. All in favor.

NEXT MEETING DATE - The next **MEETING** is scheduled for **Monday, July 19 at 9:00 AM.**

2021-6-6 Wright made the Motion, seconded by DeBlock, to go into Executive Session at 10:37 AM to discuss employment history of one or more employees. All in favor.

2021-6-7 On a Motion by DeBlock, seconded by Wright, the Board came out of Executive Session at 10:45 AM. All in favor.

2021-6-8 On a Motion by DeBlock, seconded by Constable, the Board approved a grade increase for Ferry pending successful completion of his CCA certification. All in favor.

ADJOURNMENT

2021-6-9 The meeting was Adjourned at 10:50 AM on a Motion by DeBlock, seconded by Constable. All in favor.

Minutes Prepared By:

Christine DeGroodt, Secretary to the Board

C. DeGroodt

Board Meeting Activities May 14, 2021 – June 17, 2021

- We currently have \$388 cash awards on the rewards credit cards.
- Typed last month's Board Meeting transcript/minutes.
- Updated Director Training Plans. Emailed draft out to Directors for review.
- Updated the District's Office Instructions manual and created a manual for NYS Retirement.
- Took a training on how to use the new NYS Health Insurance online website.
- Worked on the draft 2022 budget.

TF June Board Meeting Activity Summary

- Working on Round 27 application for AGNPS.
- Continuing to move planters and seeders.
 - Working with Ron to address maintenance issues as they pop up.
 - Fertilizer coulters sticking/dragging has been an issue this year.
 - Scheduling has been difficult with the rain.
- Surveyed at the river phase 4 area with Kevin.
- Received some interest in Round 17 AEM Soil health option. Will begin working on updating AEM plans as needed so farms are eligible for soil health funding.
- Worked on updating the AEM Tier 4 implementation documents to change landowners.
- Working on preliminary designs for some round 27 projects.

Report to Board KMS

June, 2021

Office Procedures – Procedures continue to relax. Social distancing and masks not required if vaccinated, but doors still locked and visitors by appointment.

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

Planning, design and construction progressing on all three projects.

Browne has completed his covered barnyard project. A partial payment of \$20,000 was made with director approval. Once we have all his bills, a final payment minus 10% hold-back will be calculated.

Vreeland construction in progress. Concrete floor/foundation done, waiting for metal building installers.

Van Aken was substituted for Edgwick, and a draft plan set has been prepared. It has been sent to Engineer for review. We are in the process of seeking contractor proposals.

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

Keith Stewart - on waiting list for engineer assistance

Matthew Southway – on waiting list for engineer assistance.

Minkus Controlled Drainage – Waiting on landowner .

A PR event is being planned for late July/early August. Project managers plan to request a no-cost time extension to extend the Project beyond current April, 2022 end date.

Floodplain Bench Phase 4

CRF 5 Contract received, signed and returned to Albany.

Still waiting on engineer for design and construction information to be added to Joint Application for Permit. Engineer requested channel bottom elevations for Phase 4 area. We collected the information 6/15 and supplied it to him.

Phase 3, Area 1

Nothing new to report since last meeting except field check showed continued good tree survival so far.

Phase 3, Area 2

I received a call from Senator Skoufis' office week of 6/7 to inform me that Senate Finance approved our SAM contract, advancing it to Division of Budget. They did not have any additional time parameters for receipt of the contract.

Green Farmland has submitted a request to receive all the soil generated from Phase 3 Area 2, along with a map showing where they want it placed. This approach has potential benefits including eliminating the need to construct a temporary crossing across the Pochuck Creek and more economical and simple soil handling procedures. I told GF I would need to speak with the farmer who under the

current plan would receive all the 'suitable' soil from the Project. I have not pursued this conversation since at this time there is no expectation that the Project will begin anytime soon. If something changes in this regard, I will initiate the needed discussions.

Celery Avenue Ledge Project – Our ACoE permit/authorization letter for this project expires in March of 2022. We have been unsuccessful at securing grant funds for the project. My recommendation to the Board is that we either begin allocating funding from our budget for the project, or remove it from our list of 'priority' Black Dirt flood mitigation projects. I brought this matter up to the Flood Committee we formed in 2013 in an update report sent on 6/2. Only one response was received. I am requesting that the Board establish a direction on this matter in conjunction with finalizing our proposed 2022 Budget which is due at the County this month.

Round 27 ANPSACP

We currently have 7 farms in the proposal. We received some feedback that the 'low' farmer match on our Round 26 proposal was a factor in lower scores, so I am proposing to increase the farmer match for Round 27 from 12.5% to 20%, with SWCD contribution remaining at 15%, NYS at 65% (BMP costs). Overall Project Budget - NYS requested: \$182,673, SWCD: \$65,425 (cash and staff time), participating farms: \$48,300. Potential participating farms have been notified about this proposed increased participant match. We have a resolution on the Agenda to authorize submittal of this proposal.

Other

T. of Cornwall/Mill Street slope failure – OCDPW is hiring a consultant to study County road protection options, which may or may not include full slope stabilization.

Legoland EBP – LLNY has been given several time extensions by DEC to submit an EBP plan. I received an email from LLNY attorney 6/9 asking me to call him which I did the next day. Left message, he never called back.

Black Dirt Drainage – Pulaski Highway – Spoke to Rob at CE office, supplied him with my trip report. I had a call with Eric and Travis from OCDPW on 6/17. I will summarize the call at the Board meeting.

2022 Budget

A copy of our '1-page' Proposed Budget/E-O-Y Projection is being supplied to the Directors with this report. This information is supplied to the County, along with additional information, as part of the County's Budgeting process. Copies of the actual forms we submit to the County will be available for review at the Board meeting.

There are two main items I would like to cover in the budget discussion: 1) What should we request for County Appropriation (reduce, stay the same, increase)? Note that our Appropriation was cut significantly the last two years. 2) How should Part C funding be incorporated into 2021 and 2022 budgeting? See the Notes attached to the Proposed Budget/E-O-Y Projection for additional details on this aspect of the budget.