

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
March 16, 2020

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:44 AM. Directors J. Wright, P. DeBlock, G. Keeton and P. Ruskiewicz were present, along with K. Sumner and T. Ferry (OCSWCD).

2020-3-1 Keeton made the Motion, DeBlock seconded, to approve February's Board Meeting Minutes as written. All in favor.

All Directors in attendance were asked USDA's health screening questions and all indicated that they passed the screening questions.

Discussion took place of current office procedures given the Coronavirus outbreak. It was noted that one employee is currently out of the office over concerns about the virus, Sumner is unclear whether the employee is fully on leave or is doing some work from home. The IRS audit mentioned last month has been postponed.

ACTIONS TAKEN BETWEEN MEETINGS – none.

CORRESPONDENCE

- Bank account statements and Collateral Agreements from M&T Bank were available for review.
- Miscellaneous newsletters were available for review.

FINANCIAL REPORTS – were reviewed.

2020-3-2 Wright made the Motion, Keeton seconded, to file February's 2020 Financial Report for audit review. All in favor.

BILLS FOR BOARD APPROVAL – The list of bills was reviewed by the Board.

2020-3-3 DeBlock made the Motion, Wright seconded, to accept the Bills to be Paid. All in favor.

Ag Grant Update Report – There was not much activity to report. The AgNPS projects that closed at the end of 2019 have been removed from the Ag Grant Report. We have added the Round 16 AEM and Carbon Farming project farms to the report. We are continuing to list the Wallkill maintenance fund expenses on the report as well.

A brief discussion of the Carbon Farming project took place, Sumner mentioned that he requested approximately \$74,000 for projects in Orange County. A second meeting has taken place and so far, all the projects requested appear to be funded.

STAFF REPORTS

- **C. DeGroodt**
 - No report provided, out of office due to Coronavirus concerns.
- **T. Ferry**
 - Ferry attended the Water Quality Symposium last week. He took classes on topics including permits, pipeline installation, barnyards and stream/fish habitat. The symposium overall was a good training on a diverse group of topics.
 - Ferry has been spending time working on the Round 26 AgNPS grant proposal.
 - Ferry has also spent time working on AEM plans, this is mostly centered around the upcoming Round 26 proposal.
 - Both seeders are currently out on farms. Ferry has been working with Ron O'Dell to finish up planter maintenance. A reimbursement request has been submitted to the County Ag & Farmland Protection

Board. We reached the approved amount of \$4,200 with Ron's travel time to PA and back, the Pequea Invoice and the purchase of the setback kits. Some remaining maintenance with the planters is still being done. The fertilizer coulters bearings on the inside of the planter near the tongue are shot due to fertilizer leaking down onto them. Parts have been delivered and more needed to be ordered to fix this. The planters should be up and running within the next week or so.

- **K. Sumner**

- Sumner spent time putting together projects and attending meetings for the Carbon Farming project.
- There has been some activity on the project to map lands 'kept open' by dairy farming. The map Sumner prepared was provided to the County Ag Implementation Committee. He received no acknowledgement, feedback or questions about it. Sumner stated that he generally does not attend those meetings, but attempts to participate by providing email updates and other support such as the dairy mapping work.
- Sumner spent time working on the new part time position.
- Ferry and Sumner got the CRF Round 5 proposal submitted. No word on that yet. Metzger's office had offered to write a letter of support for it. Discussion ensued of whether or not this would be a good idea.
- Sumner spent some time working on the retirement plan updates.
- Sumner is also working on the Round 26 AgNPS proposal. Sumner and Ferry made some field visits the other week to look at potential projects.
- Sumner met with three faculty from SUNY Orange to look at some potential Monhagen Brook stream corridor improvements that could be done. No funding source has been identified and he doesn't expect much work to proceed on this any time soon given the current Coronavirus situation.

INTERAGENCY REPORTS

- No interagency staff were present at the meeting.

OLD BUSINESS

Wallkill Flood Project Update – Green Farmland has signed the agreement with the District, in general it has the same terms that Sumner summarized to the Board last month. Trees are down but not processed, the contractor plans to start chipping this Friday. Sumner is happy with the work. Due to some soil disturbance being created, Sumner has started doing the weekly SWPP inspections again.

Sumner has been in contact with the County surveyor, Tom Barry, about surveying Phase 3 for the conservation easements. He also talked to Tom about doing an existing condition survey that way we can more accurately calculate soil quantities.

The conservation easement for the portion of the Bench Phase 2 South project owned by Pine Island Turf Nursery has been finalized by the County Attorney and it has been sent to Pine Island Turf Nursery for review. We are currently waiting on their approval and then we will owe them a payment for the easement.

There has been no word on the SAM grant. Waiting for a contract for the grant could delay the start of Phase 3 construction. Cash flow for Phase 3 was also discussed. It has been discussed before if the County could provide the money up front. The district's ability to fund the project on its own will depend on the frequency and speed of reimbursements through the grant program. It was also mentioned that the Coronavirus may slow or impact the speed of getting a contract and/or reimbursement. Sumner stated the District won't be starting the project until we at least have an executed contract.

The floodplain bench continuation is still being explored, and is the focus of the CRF 5 proposal.

There are no new updates on the Celery Avenue project. Sumner questioned if we should keep pushing for the County DPW to complete the project. Ruskiewicz mentioned that he talked with Travis Ewald from DPW, and said he needed to talk with Sumner again. Ruskiewicz will mention the project to the County Executive's office again and see if any momentum can be generated. The project will definitely have to be a dry weather project. The County DPW staff would likely see less pushback from the associated Town and landowners that are opposed to the project. There are still some questions concerning the liability insurance and associated structure surveys that the project plans call for. If the County DPW

performs the project, these items could delay it. It was mentioned that the project would likely only take 10 to 15 working days and that if done in low water turbidity control would be much more manageable to install and maintain.

Tire Project Update – Ochs Orchard is ready for tire pickup. Sumner told Casings that the landowner and the District wanted to know when the truck was coming in advance so that someone can ensure the truck is empty when it arrives and that it is full when leaving. The truck showed up at Ochs Orchard at 6:30AM, waited for the work crew to show up and then only loaded the truck for 30 to 45 minutes. The crew at Ochs Orchard states they couldn't have taken more than 100 tires, Casings denies this is the case. Both the district and landowner are not happy about the current situation but we have agreed to keep using Casings for now. Casings will be coming back today, Sumner asked that Ochs Orchard get at least a rough count of the tires going on the truck and track how long it takes them to fill the truck. Ochs Orchard is moving their tires to the edge of their parking lot area, making it easy for Casings to get to the tires. They have stated the tires are not dirty. It was mentioned that this is the last site to be picked up and the project will be done after that.

Wallkill HABs Funding – Senator Metzger's staff helped look into the status of the funding and unfortunately reported back that there was never any funding allocated for this. Sumner received a call from Jackie Lundrum, from NYSDEC Central Office staff about the funding. She stated that DEC doesn't write blank checks and said their department's outreach to Sumner about it last year was a 'what if' scenario. This does not align with what Sumner had been told previously.

NYS Retirement Update – The place that Maire Ulrich from CCE mentioned is a NYS office that the District has previously contacted and they have provided no help with enrollment. Senator Metzger's staff were able to find out that whether or not Ferry buys back his time, the District will still be required to pay the deficiency. Sumner asked Ferry if he was interested in buying back his time and he said he would like to. Sumner recommends that the District join state retirement for Ferry, but given the current office situation and deadline to join based on the current offer letter we may not make it. It was suggested that an extension on the letter given the current circumstances be requested, a new letter may have an increased deficiency payment/buyback cost but that it shouldn't be much higher than before.

2020-3-4 Keeton made the Motion, DeBlock seconded, to join NYS retirement for Ferry based on the current offer letter or extension of that offer letter. All in favor.

DeGroot and Sumner's retirement still has some unanswered questions. The main question of if the District can still contribute money to a separate IRA for Sumner in addition to a SEP appears to be ok, as long as the IRA is a Roth IRA. It is also still unclear if the SEP plans can be through different financial providers. Sumner's investment counselor says that they need to be from the same place while DeGroot's planner says that they can be from different providers.

Carbon Farming Project Update and MoA – As part of the Carbon Farming project, each farmer involved will be getting the Cornell Soil Health test done on some fields. This provides more information than a general soil test, some of this information may be useful to the landowners. Staff time may be covered by the Carbon Farming project if there is money available. If there is not, staff time for the project may be charged to the AEM contract.

New Hire Update – Sumner has decided that regular employment would be the better route over a contract position. Sumner did some research on the position with County personnel. They stated that the position cannot have two different rates of pay and one person cannot fill two different positions. Sumner suggested that we pick a rate somewhere between the two different proposed rates. There hasn't been any response from the County on approval to hire. There was discussion on how will the District cap hours for the position, when will the majority of the hours be and what other things can that position work on if there are not enough no-till hours. Sumner mentioned that there is the possibility to add other rental equipment and that the majority of the hours will be spring/fall, but seeder rental can be almost the entire summer in some years. Wright mentioned that there is the potential for that position to do some truck maintenance if needed. Sumner also added that we could use the position to implement some projects as well.

2020-3-5 Wright made the Motion, Keeton seconded, to fill a provisional part time field technician position once approval is gained from the County. All in favor.

NEW BUSINESS

Round 26 AgNPS Proposal – Sumner stated that we currently have 10 to 11 livestock farm projects in the proposal. Sumner wanted Board feedback on how to allocate money for the proposal. The past few years we’ve been unsuccessful in securing these grants for farmers. A larger local match may help increase our ranking. Historically we have not put District funding into the implementation portion of the budget, but we have put money into staff time. Last round we reduced the farmer portion to 12.5%, the lowest allowable for the grant, but we still need an overall 25% local match. This was made up primarily with the addition of staff time money from the District. Sumner proposed that we allocate \$25,000 per year for three years from the District’s local funding to the Round 26 grant. This would give us a local match of \$75,000. Sumner then proposed 2 scenarios for farmer match, 12.5% like the previous application, or bumping that up to 25%. The board was in favor of going with the 12.5% as they feel 25% from the farmers in cash or in-kind services might be a stretch, in which case we wouldn’t end up with a lot of the projects getting done or the District would be responsible to make up the match percentage. Wright asked if the farmers in the proposed grant will have any out of pocket expenses, Sumner replied that at the 12.5% most should have the ability to satisfy their match with in-kind labor and equipment. But some will have a harder time doing that, given the nature of their projects. It was also mentioned that the State Committee continues to ask for more and more documentation during the closeout of these grants. The board was in favor of using the presented 12.5% farmer match option, with the District providing \$75,000 towards project implementation costs.

2020-3-6 Ruskiewicz made the Motion, Wright seconded, to pass the AgNPS Round 26 resolution No. 2020-03-16. All in favor.

Discussion ensued as to whether Sumner could sign the resolution, as it is generally signed by the Secretary to the Board (DeGroot) who is currently out of the office.

2020-3-7 DeBlock made the Motion, Keeton seconded, to make Sumner the temporary Acting Secretary to the Board. All in favor.

The next **MEETING** is scheduled for **Monday, April 20, 2020 at 9:00 AM.**

2020-3-8 Ruskiewicz made the Motion, DeBlock seconded, to go into executive session at 10:45 AM to discuss employment history of one or more employees. All in favor.

2020-3-9 DeBlock made the Motion, Wright seconded, to come out of executive session at 11:02 AM. All in favor

2020-3-10 The Meeting adjourns at 11:07 AM on a Motion by DeBlock, seconded by Ruskiewicz. All in favor.

Minutes Prepared By:

Travis Ferry, District Technician