

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
March 21, 2022

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:04 AM. Directors J. Wright, P. DeBlock, G. Constable, B. Cheney and P. Ruszkiewicz, B. Diehl (NRCS) and O. Velez-Juarbe (NRCS), E. Schellenberg (CCE) along with K. Sumner, T. Ferry and C. DeGroodt (SWCD) were present.

2022-3-1 DeBlock made the Motion, Wright seconded, to approve February's Board Meeting Minutes as written. All in favor.

The District welcomed our new Director Barry Cheney and there were introductions.

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

Sumner wanted to note that the District sent a letter to NRCS requesting assistance.

CORRESPONDENCE

- The bank statements and collateral agreements were available for review.
- The District sent a letter to Blake Glover, NRCS State Conservationist, regarding a request for NRCS Watershed Program planning assistance for a potential Public Law (PL) 566 project in Orange County.
- The District inquired about financial assistance from NRCS on two projects. This funding is coming from the Infrastructure and Investment Jobs Act (IIJA). Sumner has been discussing two possible projects with the NRCS State Office. One is the Wallkill Benching work and the other is the Chester Pumping Plant. Sumner said it sounds like they would accept applications on either project.
- The District received a letter from Ben Luskin, Soil and Water Conservation Committee (SWCC), regarding our 2021 Performance Measure Evaluation Report. The letter advises us that the District has met all of our Performance Measure Part C requirements for funding in the amount of \$122,005.26.
- Ben Luskin, SWCC, sent us a written report of general updates on NYS Soil and Water Conservation Committee activities.

FINANCIAL REPORTS

There was a brief discussion on the some of our receivables. **2022-3-2 DeBlock made the Motion, Cheney seconded, to file February's Financial Reports for audit review. All in favor.**

BILLS FOR BOARD APPROVAL

2022-3-3 DeBlock made the Motion, Cheney seconded, to accept the Bills to be Paid. All in favor.

GRANT REPORT UPDATE – The Grant Report is updated monthly to reflect changes. Report was reviewed by the Directors.

STAFF REPORTS

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

C. DeGroodt (SWCD) – DeGroodt mentioned that she has been working with O'Connor Davies on the District's 2021 audit.

DeGroodt attended some of the virtual Water Quality Symposium classes.

There is one school interested in attending a regional Envirothon which will be discussed under New Business.

T. Ferry (SWCD) – Ferry has been working with O'Dell on field equipment. There are still issues with the old corn planter.

K. Sumner (SWCD)

AEM/AEM Round 16 Tier 4 Update – We are waiting for the final close-out payment.

Hudson Valley Carbon Farming Project – A time extension beyond 4/22 was approved and two construction projects are pending.

Floodplain Bench

Phase 4 (CRF 5) – We are waiting on Barton & Loguidice for a design/construction plan before the Joint Application Permit can be completed and submitted.

Phase 3, Area 2 – This site is located at the Pochuck/Wallkill confluence and is anticipated to start in June 2022. Sumner will present the contracts for this work under "New Business". Green Farmland was offered the opportunity to send their trucks to the location of the soil stockpile to receive soil. Sumner has not heard back from them. Details would still need to be worked out as the contractor would want a fee for loading their trucks. The District is waiting on a License Agreement from the new owners of a small portion of the project area.

Pellets Island Reach Maintenance Program – Sumner explained that we are trying to extend the maintenance that we do on the formal flood control project further downstream. No one seems to know why this federal flood project stopped at Maple Avenue because the stretch of the river below that is equally important to maintain. We have done maintenance work there two or three times under the authority of license agreements but we want to get that formalized so we do not have to go through that process every time we want to go down there and mow or pull a tree out of the river. Things have been moving forward after we hired a private sector attorney last year to assist us. Some of the latest items that we completed – most of the affected landowners agreed in writing or verbally to work with us so we wanted to update the title searches that were done in 2017. Unfortunately, we are paying for title searches a second time because when it was done the first time, there was no immediate follow-up. Fortunately, E. Ruscher at Orange County Dept. of Real Property was able to assist us and ordered the title searches that we need under his budget. Once we get the title searches back and review them, the next step is to start seeking notarized Drainage Easements and associated legal paperwork from landowners. We will also need deed plots to be created for each of the ~20 parcels. Sumner asked the County Surveyor, Tom Barry, for assistance on this.

Ag NPS RD 27 – The District is waiting on contract paperwork but we have started design and construction plans. There are a few projects in this round for bulk storage secondary containment. Sumner has been seeking quotes from vendors.

Legoland – Nothing new to report.

Pulaski Culverts – During a meeting on 2/22, a “sign-off” from downstream landowners was discussed as a means to satisfy concerns about downstream impacts. A downstream conditions map and landowner list was provided to the Orange County Department of Public Works, who will discuss this with the Orange County Law Department. It was mentioned that Chapman was leaving the Law Department and the new County Attorney is R. Golden. Discussion followed.

Chester Ag Center/Pumping Plant – Sumner spoke with Lucinda (CAC Director) and was told that the Orange County Department of Public Works submitted a second proposal to FEMA with expected results in August. Sumner told the Board that he was not aware of a second proposal. Sumner and Lucinda jointly agreed to hold off on other attempts to secure funding for this project until the FEMA results are received.

Sumner continues to assist Pine Island Turf Farm with their water withdrawal issues. Sumner prepared a letter for the owner to send to the New York State Department of Environmental Conservation maintaining that no new sources or increased capacity occurred since 2012 registration. Sumner mentioned that there is another farm that contacted us that may have to submit a water withdrawal permit, an orchard with drip irrigation where they are considering a reservoir.

CRF Round 6 – The Soil Health Track proposal is almost complete. The due date has been extended to May.

AEM Round 17 – Sumner had previously presented the preliminary farms that we want to use the funding on to the Board. We will have to formalize this with Albany by May 1st and we will need a Board Resolution approving these projects, which we will present to the Board in April.

Ag NPS RD 28 – We are still evaluating whether or not we should submit a proposal. Discussion followed.

There was a discussion on Soil Group Worksheets. A review of employee time logs revealed that charges for SGW’s does not cover staff time costs. **2022-3-4 DeBlock made the Motion, Cheney seconded, to increase the cost per Soil Worksheet to \$80.00 each and increase the hourly rate the District charges on more than two soil worksheets, effective June 1, 2022. All in favor.**

INTERAGENCY REPORTS

E. Schellenberg (CCE) – “Weathering the Storm” that was held on March 3rd went well. There were approximately 12 speakers from various organizations. Schellenberg said he would like to do a hybrid in the future. He said that the stormwater programming is going well. After speaking with Sumner they are going to do an extra class for good housekeeping at the 4-H Park. Sumner mentioned he has been taking calls from municipalities that said they have staff, such as DPW, that they would like to send to the class. He asked Schellenberg if there is a reduced fee for multiple attendees from the same municipality. He asked if there is some way they can come to an alternate funding support that could reduce the cost to DPW staff and towns/villages. Cheney asked if they offered continuing education credits because if so, a higher fee can be requested. Discussion followed.

(E. Schellenburgh left the meeting at 10:08 AM)

O. Velez-Juarbe (NRCS) – Introduced himself as the District Conservationist for the Lower Hudson Valley and covers the Counties of Ulster, Westchester, Orange, Rockland, Dutchess and Putnam. Last Friday was the NRCS ranking

deadline. Orange County had 20 EQIP applications and they should know within a few weeks who was selected for funding.

They also received three applications for Agricultural Land Easement for Orange County.

Sumner is working with the NRCS State Office on an NRCS funding opportunity and he has been keeping Oscar updated. The NRCS program is similar in structure to the Army Corp. requests the County made years ago for assistance on the Wallkill. The Corp's stage one feasibility investigation was fully funded by the federal government and was completed and they saw the potential for a project. But then the full feasibility study required a local match. There wasn't enough stake holder commitment to providing that local match. There are similarities and differences with the NRCS program. It has a similar time frame of two years for the initial investigation that would be similar to the Corps stage one. However, that's fully federally funded. This would determine if there is a potential for a project. Phase two would be the design which is also fully federally funded and could take another two years. After the design would come the construction, which would be mostly fully funded as well. Sumner has had two conversations with NRCS State Office about the Wallkill Bench and about the Chester Muck pumping plant. It sounds like they would be willing to submit both or either. NRCS would "hire out" the study to one of five consulting firms in New York. After Sumner discussed this with our Chairman between meetings, the District submitted paperwork requesting assistance for the Wallkill/Black dirt flood mitigation. NRCS State Office rep indicates the State Conservationist has endorsed the Wallkill request, and they expect the 'PIFR' (initial study) to get approved for funding.

B. Diehl (NRCS) – The ranking deadline for the EQIP program was March 18th and they are waiting to find out which projects were approved for funding.

OLD & NEW BUSINESS

Wallkill Maintenance – On March 10th our contractor planned to access the river via a formal Project Right-of-Way (ROW) on Onion Avenue. The landowner uses this as their driveway but is aware this is a formal right-of-way that we are allowed to use. But, the homeowner was uncooperative and demanded we tell her who would pay for road repair after we used it. To avoid further confrontation, we abandoned use of that R-O-W. We were able to access the work site from another route, but it required asking for verbal permission to cross private property. Discussion followed.

Other

Sumner was contacted by Brian Richards from Cornell University, who asked the District to assist with a pesticide/groundwater study, to seek out participating landowners. Sumner is seeking the Board of Directors' input before agreeing to assist. Ruszkiewicz asked if Cornell Cooperative Extension is able to assist. Discussion followed and the Board stated that Sumner can do whatever he is comfortable with.

A farmer from the Town of Crawford inquired about financial assistance in removing approximately 300 tires from his farm. He participated in the 2019 collection but had kept some of the tires. Sumner asked Ruszkiewicz and Cheney if the County of Orange DPW would be willing to charge a reduced rate. The District will look into this reduced rate and re-visit this request at the next Board meeting.

There was a brief discussion regarding a school that asked to participate in a regional Envirothon. Since there is no Hudson Valley Envirothon this year, the closest location for them to attend is the Capital District Envirothon (CDE). This is the same school that did not attend the Envirothon a few years ago after the District paid the fees for them. Back then, the District had sent a letter to the school district and told them if they wanted to participate again, that we would have to have a discussion about how we were going to handle the fees. So, although there is no fee for the

ORANGE COUNTY SWCD MARCH 2022 BOARD MEETING MINUTES

CDE this year, if the school advances to the NYS Envirothon there will be a fee involved. After discussion, the Board stated that if the school advances to the State Envirothon, the school will be required to pay the District to attend and the District will send the money to the Envirothon Committee.

Benching Project – Our attorney has reviewed the two contracts that the District has been working on for the next phase of the benching project. We have it structured so that the farmer hires the contractor and we reimburse the farmer, which is the model used for A&M farm grants. The District needs a Board Motion to approve the two contracts. 1) a contract between Pine Island Turf Nursery and the District and 2) a contract between Pine Island Turf Nursery and the Contractor. This phase of the project will be funded almost entirely by our existing SAM grant (\$400,000). **2022-3-5 Wright made the Motion, DeBlock seconded, to approve the two contracts with minor adjustments as determined by Sumner and the Attorney. All in favor.**

NEXT MEETING DATE - The next **MEETING** is scheduled for **Monday, April 18, 2022 at 9:00 AM.**

ADJOURNMENT

2022-3-6 The Meeting was Adjourned at 10:56 AM on a Motion by DeBlock, seconded by Cheney. All in favor.

Minutes Prepared By:

Christine DeGroodt, Secretary to the Board

Report to Board KMS

March, 2022

AEM/AEM Round 16 Tier 4 (Implementation Projects)

Contract end date was 12/31/2021. Waiting for final payment

All close out documents submitted and approved. Final voucher submitted for \$35,443.

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

Time extension beyond 4/22 approved. Two construction projects are pending, as well as 'after' Comprehensive Assessments of Soil Health (CASH) for all six participants.

Floodplain Bench

Phase 4 (CRF 5)

Still waiting on B&L for design/construction plan before JAP can be completed and submitted.

Phase 3, Area 2

Anticipated start date – June

Green Farmland offered opportunity to send trucks to Iris Road to receive soil. No answer from them yet.

Still waiting for License Agreement from Gurda, new owners of small portion of Project area.

Review/approval of contracts under New Business

Other Flood Mitigation

Pellets Island Reach Maintenance Program – Eric Ruscher at OCRP ordered the title searches we need. Next steps - start seeking notarized Drainage Easements and associated legal paperwork from landowners pending searches. We will need deed (easement) plots for each of the ~20 parcels. I have asked County Surveyor Tom Barry if he can do them for us.

Quaker Creek – I have not progressed this idea. Need to discuss with some of the landowners in the proposed project area.

Round 27 ANPSACP

Progressing draft project designs/construction plans. Many projects on hold due to materials costs, and also due to wait for engineering review/assistance.

Other

Legoland EBP – Nothing new to report.

Pulaski Culverts – during meeting on 2/22, discussed ‘sign-off’ from downstream landowners as means to satisfy concerns about downstream impacts. Downstream conditions map and landowners provided to DPW, who will discuss with Law Dept.

Chester Ag Center/Pump Plant – Spoke to Lucinda (CAC Director). She told me that OCDPW submitted another proposal to FEMA with expected results in August. I was not aware that this second proposal had been submitted. I suggested we hold off on a CRF application, and she concurred.

Continuing to assist Pine Island turf farm with NYSDEC water withdrawal issues. Prepared letter for owner to send to DEC maintaining that no new sources or increased capacity occurred since 2012 registration. Waiting for reply.

Grant Proposals

Climate Resilient Farming (CRF) – Soil Health Track proposal complete. Submission deadline was 3/28, has been pushed to 5/16.

AEM Round 17 – Planning on DeStafeno project in progress. Landowner wants coverall style building. Quote received for \$58,000 which is over Project budget. Continuing to consider building style options and watch materials costs.

AgNPS Round 28 – Still evaluating whether we should attempt to submit a proposal. Due by May 2nd.

Soil Group Worksheets – Income/expense analysis

Review of employee time logs revealed that charges for SGW’s does not cover staff time costs.

Income 2021 - \$3,083

Staff Time Expense - \$12,723

May not be necessary to cover all expenses, but wanted to review current imbalance with directors.

IJA – Infrastructure Investment and Jobs Act

\$918 Million for Watershed Programs

I have had two conversations with NRCS State Office about the Wallkill Bench and about Chester Muck pumping plant. It sounds like they will be willing to submit both or either.

Not unlike the ACoE opportunities explored for the Wallkill 10 plus years ago, there is a long process.

- 1) ‘PIFR’ – Preliminary Investigative Report - ~2 years
- 2) Design – ~2 years
- 3) Construction

Unlike Corps, the NRCS op would be fully federally funded (except for certain expenses – see submission checklist). NRCS would ‘hire out’ the work to one of five consulting firms. They would do their own study and not necessarily endorse/embrace our ‘Benching’ concept.

After discussion with Chairman Wright, I submitted paperwork requesting assistance for Wallkill/Black Dirt flood mitigation. NRCS rep indicates State Conservationist has endorsed the Wallkill request, and they expect the 'PIFR' to get approved for funding.

Wallkill Maintenance

Our contractor has been working on Wallkill maintenance items on and off since Dec/2021 – to present. On 3/10, we planned to access the river via a formal Project R-O-W on Onion Avenue. Landowner was uncooperative and demanded we tell her who would pay for road repair after we used it. To avoid further confrontation, we abandoned use of that R-O-W that day. We were able to access the work site from another route, but it required asked for verbal permission to cross private property – which is not ideal, especially when there is a formal Project R-O-W available.

Stormwater Training

I mentioned last month that I helped plan a training for local DPW staff intended to improve compliance with MS4 regulations. The session will be added to CCE's Stormwater Training Series. I had hoped the attendance fee would be low or even waived to encourage better attendance. The fee has been set at \$125.

Cornell Pesticide Study

I was contacted by Brian Richards from Cornell, asking us to assist with a pesticide/groundwater study – particularly with arrangements to secure participation of several farms. We have worked with his group in the past, they seem to be very sensitive to farmer concerns and confidentiality. Ultimately, it will be up to the approached farmers. Seeking BOD input before agreeing to assist.

Farm Tires

Farmer from Town of Crawford inquired about financial assistance with removal of approx. 300 tires. This farmer participated in the 2019 collection, but kept some tires. He is going out of growing corn, so now does not need any of the tires he kept.

C. DeGroodt

Board Meeting Activities February 22, 2022 – March 18, 2022

- We have \$475 cash awards on the rewards credit cards
- Attended the virtual Water Quality Symposium.
- I have been working with the auditor.
- Completed soil group worksheets.
- Submitted our 2021 Sales Tax Report.
- We have a school interested in attending the Envirothon. I have been working with the teacher and Envirothon coordinator. Waiting to hear back from the teacher as to whether or not they are still going to attend. There is no fee this year for the regional event.
- Submitted our Performance Measures Part C Invoice. We received notice that all of our measures were met.

TF March Board Meeting Activity Summary

- Working through soil group worksheet requests as they come in.
- Ron has our seeders ready to go, just need 1 small seeds tube.
 - He will be starting work on remaining corn planter maintenance from last year.
- Water quality symposium courses last week and this week via zoom.
- Listened to a series of RUSLE2 trainings, information was useful in preparing/answering CRF 6 proposal questions.
- Worked on CRF grant proposal.
- Working on T4 implementation submission and subsequent AEM planning with various farmers.