

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
May 17, 2021

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:05 AM. Director K. Stegenga, E. Schellenberg (CCE) and B. Luskin (NYS Dept. of Ag & Markets) joined remotely. Directors J. Wright, P. DeBlock and G. Constable along with K. Sumner, T. Ferry and C. DeGrootd (SWCD) were present at the office.

2021-5-1 DeBlock made the Motion, Constable seconded, to approve April's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – There were no actions between meetings other than paying some bills which are listed on the bills to be paid.

CORRESPONDENCE

- The bank statements and collateral agreements were available for review.
- The District received a statement from Kristt Kelly Office Systems for the maintenance contract on our copier in the amount of \$259.00. After discussion it was decided to decline the contract. No action taken.
- The District sent a letter to Green Farmland, LLC regarding the status of the floodplain benching flood control projects on their property and as an attempt to clarify existing and proposed easements and access licenses related to their property and the flood control projects.
- The NYS Department of Environmental Conservation sent a letter to the District regarding the Walkkill River Floodplain Bench Phase 4 project. It states the DEC has no objection to the Orange County SWCD assuming lead agency status for this project and they reminded SWCD of the different permit and regulatory issues that we need to be aware of.
- One of the AEM Round 16 participants requested to withdraw from the program so the District sent them a letter for them to sign to formally record they were withdrawing. We did receive that back.
- The New York Association of Conservation Districts sent out a correspondence regarding open Division positions and an update. The Soil Health & Climate Resiliency bill that was introduced on February 10, 2021 is discussed in the correspondence. Discussion followed.
- There was an invoice from Aaron Weiss Engineering in the amount of \$3,000.00 for a generic compost shed design. Sumner requested this design from him last November. Since the District did not hear back from him after making several attempts to contact him, the District moved in a different direction and began working with a different engineer. Then last week the District received a draft design from Weiss Engineering. Sumner requested an invoice from Weiss for expenses incurred to-date, which he presented to the Board. Board discussion followed. **2021-5-2 DeBlock made the Motion, Wright seconded, to make a counter-offer of \$2,500.00 to Weiss Engineering on his \$3,000.00 invoice for work on a generic compost shed design. All in favor.**
- The District was copied on a letter sent to the Orange County Department of Public Works from a group of black dirt landowners regarding drainage issues with culverts under Pulaski Highway.

FINANCIAL REPORTS – There was nothing to report.

2021-5-3 Ruskiewicz made the Motion, DeBlock seconded, to file April's Financial Report for audit review. All in favor.

BILLS FOR BOARD APPROVAL – The bill for Weiss Engineering in the amount of \$2,500.00 was added to the list of Bills for Board Approval.

2021-5-4 Ruskiewicz 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.

STAFF REPORTS

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

C. DeGroot (SWCD) – DeGroot's staff report was attached to the Draft Minutes.

The District's reward credit card is up to \$377.00 in rewards.

The Annual Report for 2020 was completed and emailed out to Directors. Copies were made available at the Board Meeting.

The retirement section on the Provisions of Employment was updated to reflect the changes and emailed to Directors for review prior to the Board Meeting.

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

Ferry has been working on some no-till equipment repairs and moving the equipment. He mentioned that the seeder usage seems to be down from last year.

Ferry has been visiting farms to update/write AEM plans. He said that there seems to be a lot of interest lately from producers who are getting involved in the Grown and Certified program.

Ferry sent out an email regarding the soil health incentive program that we want to include with the upcoming Round 17 AEM, which will start next year.

Soil Group Worksheet requests are still coming in.

Ferry started working on the AG NPS Round 27 grant.

Time was spent last week straightening up tree tubes at one of the District's tree planting sites located by the Monhagen Middle School in Middletown.

Wright asked if Ron O'Dell is moving any of the no-till equipment. Ferry said that he is not, but he is doing some of the equipment maintenance. Last year a producer left sunflower seeds in the pick-up meters in one of the District's planters. Someone also switched the hydraulic hose ends out to the old John Deere style and never switched them back. Discussion followed.

INTERAGENCY REPORTS

E. Schellenberg (CCE) - CCE is doing a second year of the DOT funded pollinator study with Cornell Risk Management. The idea is to determine floristic diversity on different soil types on highway margins.

The stormwater program is going forward online.

Schellenberg is attending a two day culvert assessment training with the New York State DEC.

CCE has had some set-backs with the 4-H park programming. Family Fun Day will be held over three days this year, but open to the public only one of those days. He said they have a total cap of 200 people on-site, which is very limiting.

He is working on the gas exchange projects. They have three sampling locations this year and are working with the Cary Institute of Ecosystem Services.

B. Luskin (NYS Dept. of Ag & Markets) - Ag NPS Round 27 was released. A webinar on the RFPs will be held next Monday at 10:00 AM.

They are working on finalizing some changes to the AEM Round 17 program. The State Committee meeting is tomorrow and they will discuss the changes.

Luskin did not have a lot of extra information on the soil health bill that was discussed earlier in the meeting. He said there are not a lot of added items that would benefit farmers as it's more program related. Discussion followed.

Sumner asked Luskin if he'd heard anything about the Restore Nature that is supposed to be on the Bond Act. Luskin said things were put on pause when COVID hit. He thinks it will be voted on in the 2022 election.

(E. Schellenberg left the Meeting at 9:54 AM)

NRCS – No one attended from the Natural Resources Conservation Service. A. Armlin-Sorgen, who normally attends, accepted a position in Schoharie County.

DeBlock (FSA) – The acreage reporting deadline is June 15th.

CFAP 2 is still open.

FSA is being trained on the American Rescue Plan Act about historically under served, and socially disadvantaged farmers.

OLD BUSINESS

It was mentioned that Soil & Water staff will continue to send their written staff reports to Directors prior to Board Meetings.

Office Procedures - The latest update from USDA is that per CDC guidance, fully vaccinated people do not need to wear masks or social distance at the USDA facilities. The District will follow their guidance.

AEM Round 16 – The three original farms in this program withdrew and we now have three replacement farms. Two of the farm projects are on their way to completion. Sumner sent around photos of the projects. The first photo is of a completed foundation where they are doing a covered barnyard. They are waiting for a metal building to get installed. The second farm's project is also a covered barnyard. The third farm project was chosen off of the Ag NPS Round 26 grant that the District was unsuccessful in securing. This project was based off of a ranked list and provides the highest

water quality benefit with the money that's available. Resolution AEM-2021-3 was presented to the Board for approval to re-allocate the AEM money to this farm.

2021-5-5 Ruskiewicz made the Motion, DeBlock seconded, to approve AEM Resolution AEM-2021-3. All in favor.

Hudson Valley Carbon Farming Project – There are several projects where the participants are ready to go and we're just waiting on the engineering services.

Wallkill River Floodplain Bench Phase Four – (A proposed project to move upstream from County Route 1). The Climate Resilient Farming Grant work plan materials were received by State Committee and forwarded to the Department Council. Sumner assembled as much of the Joint Application for Permit as possible while he waits for the engineer to prepare the engineering and construction drawings. It was previously mentioned under Correspondence that the District needs Board approval for Resolution 2021-2 which formalizes that the District will take lead agency role on this project, and that there are no significant environmental impacts.

2021-5-6 Wright made the Motion, Stegenga seconded, to approve Resolution 2021-2 which establishes the Orange County Soil & Water Conservation District's lead agency status and our finding that that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement. All in favor.

Wallkill River Floodplain Bench Phase 3, Area 1 - This was the excavation work that was completed last fall. The tree planting component still needs to be completed. The low bid contractor that had the excavation and the tree planting went in there from April 28-30th and completed the planting of 85 larger 2" caliper trees. We are tentatively planning to do the planting of a larger number of #2 containerized trees per the Planting Plan in the fall.

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. We are still awaiting the SAM grant for this, which this project is dependent on. Sumner had requested the assistance of State Committee in trying to determine the status of this grant and they were quite helpful. It was determined that our SAM grant is at Senate Finance. Sumner contacted both Senator Martucci's and Senator Skoufis's offices and they agreed to do a more specific follow-up on the status of this grant.

Ag NPS Grant Round 27 – This is a primary source of funding for farm projects. Proposals for this grant are due at the end of June 2021. Letters were mailed to the Round 26 participants to see if they would like to renew their request for funding. The District put in a substantial amount of funding from our budget for Round 26 in order to try and make our proposal rank higher. Sumner wanted to know if the Board was agreeable to follow that same approach with the RD 27 proposal. Discussion followed, and the Board agreed in concept to this approach with the understanding that more specifics on financial commitments from the District budget will be brought to the Board for review at the June meeting.

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.)

Sumner was told that Lego Land has to submit their EBP plan to the NYS DEC by April 26th and their attorney told Sumner that she would immediately forward that to us. So far he has not received anything. The District found out that Lego land selected one of our projects to fund, which is the land protection project at the Dominican Sisters property, close to the Lego Land site. But instead of providing \$200,000.00 cash, Lego Land wants to give \$50,000.00 and provide

\$150,000.00 of value in professional services from their team of consultants. This was never discussed with the District or the Orange County Land Trust to see if this was workable. Discussion followed.

Brown's Pond Dam Update –There was a DEC grant to the Hudson Valley Regional Council to study this issue so that a case could be made that there was community support for removing this dam. As the project was moving forward, the landowner sold the property that includes the dam to someone else who claims they want to keep the pond.

Chester Ag Center – The District completed a lot of soil group worksheets for the Chester Ag Center. There was a question about whether or not they were eligible because they don't actually farm the property. Many of the individuals who farm there do not independently qualify for the ag assessment. But the attorney for the Chester Ag Center emailed Sumner last week and told him all of their applications were approved by the town and the village. A brief discussion followed regarding the broken pumping plant.

Routine IT Maintenance – DeGroodt has been working with The Computer Shop, who updated/installed our computers and server. Discussion followed on whether or not to pay them for a maintenance plan. **2021-5-7 DeBlock made the Motion, Constable seconded, to approve entering into a Maintenance Agreement with The Computer Shop who will update the District's server once a month for one hour at the rate of \$95/hour, a total of \$1,140/year, and to use them on an as-needed basis for computer related issues. All in favor.**

NEW BUSINESS

There was discussion on the proposed changes to the District's Provisions of Employment. Typically the District approves all revisions at the annual meeting in January but at that time retirement was still in flux. Discussion followed on updating additional sections of the Provisions of Employment in the near future.

2021-5-8 Ruskiewicz made the Motion, Stegenga seconded, to accept the revision to the Retirement section of the Provisions of Employment. All in favor.

Pulaski Highway Drainage Issue Trip Report – There are areas there where the local growers have expressed concerns about the drainage under the highway. One culvert is high enough that you can see the water building up in the drainage ditch. It is clearly inadequate for what would be ideal drainage for black dirt. Sumner said that a few years ago, there was concern about drainage under County Route 1, east of Pine Island. There was a meeting of some county officials, including staff from their Emergency Management Division. Their idea was instead of lowering the culvert under the highway, use grant money to buy pumps and then turn those pumps over to the SWCD. The SWCD would lend the pumps to the growers that needed them. So instead of lowering the culvert, they would have the farmers pumping the water out of the ditch to the other side of the road. Sumner recounted this conversation as an example of how the importance of drainage in the Black Dirt is often poorly understood. The trip report Sumner prepared attempts to objectively describe the existing conditions around the culverts of concern, and to suggest some possible approaches to improvement. Discussion followed on who is responsible for maintaining the culverts and what agencies could write letters of support to lower the culverts.

NEXT MEETING DATE - The next **MEETING** is scheduled for **Monday, June, 21 at 9:00 AM.**

ADJOURNMENT

2021-5-9 The meeting was Adjourned at 11:00 AM on a Motion by DeBlock, seconded by Wright. All in favor.

Minutes Prepared By:

Christine DeGroodt, Secretary to the Board