

**MINUTES**  
**ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS**  
**May 20th, 2024**

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

Cheney pointed out three corrections in the draft of April's minutes on page 9. The one is regarding the health insurance buyout he receives from the County. The correction is as follows; "*Cheney noted that he is paid a total of \$5,000 annually and is paid in quarterly installments from the County for his health insurance buyout.*" Additionally, Cheney instructed King to correct 8 & ½ x 11 to be 8 ½ x 11. Cheney wanted to know why there was a blank space after the sentence "*the employee contribution rate for retirees shall be \_\_.*" King explained that she is waiting on instructions from the County and until then it will be left blank.

**2024-5-1 Ruskiewicz made the Motion, Cheney seconded, to approve April's Board Meeting Minutes as written. With the corrections noted above. All in favor.**

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

**CORRESPONDENCE**

- Bank statements, account analyses and collateral agreements were available for review.
- Professional Services Proposal from Barton & Loguidice
- Region 5 Monthly SWCC Report from Ben Luskin
- Informational Flier for CCE's Bountiful Harvest Celebration
- Nuggets & Nibbles Spring 2024 Issue
- Agri Drain Corporation Catalog
- STRATA Agreement/Contract – Hoyt AEM Rd 18 project
- Email from County Law Department – Walkill Maintenance Agreement Revisions

Sumner reminded the Board that the email from the County Law Department is from Joseph Mahoney at the County Law Department and was addressed to Sumner and Erik Denega. This email was regarding provisions that are under discussion for the Walkill Maintenance Agreement. The County Law Department is expecting either the District or the Department of Public Works, DPW to submit a legislative resolution. Sumner will discuss this issue further in his report to the Board.

**FINANCIAL REPORTS**

Sumner noted two slight corrections to the disbursement section of the financial reports. Sumner identified that \$28,250 should be listed under the Walkill Maintenance Agreement. Additionally, the \$850 charges from Richard Hoyt will be moved to the Professional Services. Sumner explained that the few negative accounts are grants that are

waiting for signed contracts and the opportunity to request advanced payments. These expenses are mainly staff time hours, so Sumner is not concerned about owing that money. Sumner reflected that Albany seems to be getting further behind on processing these payments. Sumner noted that the District has grants that have a start date in November 2023, but the District still does not have contracts or funding on some of them. Sumner is hopeful that the District will receive the remaining \$30,000 from the CRF5 grant review soon.

**2024-5-2 DeBlock made the Motion, Constable seconded, to file April's Financial Reports for audit review, with the corrections noted above. All in favor.**

#### **BILLS FOR BOARD APPROVAL**

Sumner noted the two CEC Excavating bills that are attributed to the Phase 4 South Project done in 2023. The District requested that CEC add dirt around the tree's root balls on the bench to help their survival rate after the scouring they suffered in the winter. Sumner noted that King and Held replanted and stabilized the younger trees on the bench as well.

**2024-5-3 DeBlock made the Motion, Ruskiewicz 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.

#### **INTERAGENCY REPORTS**

**CCE:** Schellenberg stated that CCE is offering a program for the public related to protecting yourself from ticks, how to remove them, and specifically dealing with them on a landscape level. The next session offered is on 5/22 at Walden Library. CCE finished the last of the 2024 stormwater management training series last week. Schellenberg reported that CCE's annual fair will take place during the last three days of July. Additionally, Schellenberg spoke with Emily Fusco regarding the Conservation Innovation Grant, who told him that a decision has not been made yet regarding CCE's application. Fusco confirmed that the application is being reviewed and will get back to CCE soon. In the interim, Schellenberg and a colleague applied for a grant sponsored by Orange & Rockland, O&R. The chosen recipient would be awarded \$600,000 to help implement community client adaptations over the course of three years. CCE is considering using the funds as stipends for community members to take the climate stewards training course. The leaders who emerge from these courses can help identify projects to develop in the future. Schellenberg clarified that the money is not intended for building flood mitigation structures, but rather for developing interface with communities.

**NRCS:** Velez-Juarbe reported that the state related preapprovals are arriving late. NRCS has received eight reapprovals so far. Additionally, a new soil conservationist will start working at NRCS's Middletown branch on 6/30. This new employee is a student of the NRCS sponsored Pathways Program. Velez-Juarbe reported that he is waiting hear whether a candidate for the resource conservationist position accepts the offer. Velez-Juarbe updated the Board that a few projects were preapproved from the town and village of Cornwall to address flood damage from July 2023 storms. These projects will entail buying out properties, demolishing the houses, and turning the land into a floodplain. NRCS is meeting with the town of Cornwall at the end of May to determine the next steps. Following this meeting, the town will meet with the landowners. Per Velez-Juarbe, the price of the buyout is determined by the value of the property the day before the storm.

**FSA:** There were no updates to report from FSA.

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.

**M. Held (SWCD)**- Held informed the Board that farmers have begun renting the District's two corn planters.

**E. King (SWCD)**- King had no updates to add to her monthly report. Cheney asked King whether the District has a formal retention policy regarding maintaining the meeting minutes. Sumner stated that the District does not have a formal retention policy, but adheres to the New York State Archive Administration's guidelines for retention of board meeting minutes. King confirmed that she keeps the board meeting minutes up to date on the District's website.

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

**OLD & NEW BUSINESS**

**Floodplain Bench Phase 4 South**– Sumner explained that there was a delay in paying one of the final bills from CEC for the Phase 4 South project because we were waiting for B&L to perform quantity calculations to compare to the initial estimates and the contractor's truck counts. Sumner reported that B&L had trouble calculating it this year. Based on the contractor's number compared to our estimates, which Sumner felt was reasonable, we decided not to make any final adjustments to quantity calculations. Sumner reminded the Board that the contractor did some final repair on the tree plantings. Sumner recommended that the District directly pay the two final CEC bills rather than have Pine Island Turf Nursery pay CEC and then we reimburse them. Sumner stated that the District used the previous approach for most of the project's bills. Sumner believes that the District's payment will not receive protest since the total is less than \$35,000. Sumner reported that the District is still working on updating the conservation easements associated with the previous and current phases of the project. The District will periodically have their lawyer, Richard Hoyt, review our work on this effort. The District never received a comparable sales report from Real Property. Sumner met with the landowner and farmer on 5/15 to discuss the conservation easement costs. Sumner suggested that the Board discuss the purchase prices for the conservation easements in Executive Session.

Sumner reported that B&L reported that the joint application for the Celery Ledge permit is close to being ready. Sumner reviewed the first draft B&L sent him and returned it with his edits. Sumner stated that there is no permit application fee and that the money has already been spent on development of application already, so he recommends proceeding with submittal of the application as we await developments on identifying funding for construction. Once B&L addresses Sumner's comments, he will sign it and move it forward.

**Hudson Valley Carbon Farming Project**- Sumner reminded the Board that this grant has been ongoing for the past 5 years. Sumner reported that the District is waiting on one final payment of about \$4,000 for the Southway project. Per Sumner, once that is received, then the District can close out this project.

**AEM Round 17**- Sumner, Held, and King have been actively supplying copious amounts of information to Ben Luskin for the AEM Round 17 grant closeout. Per Sumner, the submitted closeout materials were deemed sufficient and the District was instructed to submit a claim for payment of ~\$5,000.

**AEM Round 18**- Sumner noted that District is waiting to receive funding for the AEM Round 18 and in the meantime is building up a substantial amount in staff time expenses. Per Sumner, out of the six projects in Round 18, only one of them did not receive approval from the State Historic Preservation Office, SHPO. The required archaeology study was approved by the Board via email. The study in total will cost \$7,890. Sumner told the Board that a decision needs to be made as to how it should be paid. Sumner explained that the expense is eligible for payment with AEM funds, but it was not accounted for in the Round 18's budget. Sumner offered three payment options to the Board: 1.) Sumner stated that he can revise the project budgets to collect the \$8,000 2.) The District could fund it ourselves 3.)

Or the District could opt to split the payment halfway between AEM and the District. Sumner stated that the budgets developed are estimates so taking a little from each project should not negatively affect them. However, once all the budgets are revised, they need to be resigned by the landowner. Sumner recommended choosing the revised budget approach to the Board rather than the District funding it.

**Soil Health Sign Off-** Sumner does not have any updates to report regarding the State Soil & Water Committee's decision to grant him authority to sign off on soil health practices. Luskin did not have any information for him when he visited. Sumner suspects that the Committee does not think this crucial decision since cover crops will not be planted until the fall. However, there are residue management no till practices that require a CAC to sign off on. Additionally, there are cover crop payments from two years ago that were made, but were not officially approved according to state committee procedures. Sumner intends on contacting someone who can hopefully give the District an answer.

**Email from County Law Department-** Sumner admitted that he does not know the procedure for drafting a resolution for the committee, but will figure it out. Cheney believes that it would move more expeditiously if DPW handled it as opposed to the District. Sumner stated that the money is intended for the benefit of the District. Cheney told the Board that he will speak with Erik Denega from DPW and ask him to collaborate with the District to hopefully have the resolution ready by next month. Ruskiewicz asked about minutes from the meeting of the Maintenance Agreement partners showing their support for the proposed MA revision. Sumner will provide said minutes to Mahoney and Denega. Sumner told the Board that he will send Mahoney and Denega an email telling them that the legislators on the Board recommend the resolution come from DPW.

**Local Contractor Removing Fieldstone from Job Site-** Sumner informed the Board of a local contractor who is removing some fieldstone from a local job site. The contractor believes that he has five to seven loads of fieldstone available. This contractor is offering to deliver it to the Pine Island area for the District to use for future projects. Per Sumner, the contractor will not charge for the material, but wants to be reimbursed for the transportation. Sumner is estimating that it will cost \$200 a load which is half or less the cost of purchasing similar material from an aggregate supplier. Sumner has no doubt that the District will be able to use the material for future projects. For example, the District can use the fieldstone Wallkill streambank stabilization. The Board approved the District's decision to pay for the transportation of the fieldstone which Sumner estimates will cost between \$1,000-\$1,200.

**Reviewal of Policies-** Sumner admitted that updating the various policies is proving to be challenging largely because of the difficulty in getting other agencies to respond with the information that we need in order to make sure that our policy changes are legitimate. Sumner stated that most of the needed policy updates that are tricky are in the provisions of employment. However, the remaining policies' revisions were very straight forward. Sumner asked the Board to vote on approving all the policies except for the provisions of employment to allow King and him more time to revise it. Sumner acknowledged that policy revisions and approvals are normally conducted at the organizational meeting in January which is reason more to accomplish approval of the policies.

**Vehicle Policy-** Cheney recommended that King remove the following sentence from the Vehicle Policy, "*i.e. whatever yours doesn't pay ours will pick up.*" The Board agreed with Cheney's suggestion to the Vehicle Policy.

**2024-5-4 Cheney made the motion, seconded by Ruskiewicz, to adopt the Cover Crop, Financial, ANPSACP Removal, Procurement, Discrimination, Director Attendance, Vehicle, Investment, FOIL, Harassment Complaint Form, and Project Request and Ranking Procedures Policies. All in favor.**

Sumner is hopeful that he and King will have received the requested information for the Provisions of Employment by June's meeting. In that case, King will share the updated version with the Board prior to the meeting.

**2024-5-5 DeBlock made the motion, seconded by Ruszkiewicz, to enter into Executive Session to discuss the proposed acquisition of Real Property. All in favor.**

**2024-5-6 On a motion by DeBlock, seconded by Cheney, the Board came out of Executive Session at 10:17AM. All in favor.**

**2024-5-7 DeBlock made the motion, seconded by Ruszkiewicz, to pay Walter Bastek \$4,687.50 per acre for the purchase of the conservation easements for the Walkill Floodplain Bench Phase 4 North Project. All in favor.**

Wright asked Sumner whether the District is at risk of being held liable while in possession of these conservation easements. Ruszkiewicz and Cheney concurred that the liability risk is lower so long as the District works within the confines of the easement. Sumner explained that the District is at less of a liability compared to the landowner who is still the responsible party. Sumner admitted that the conservation easement asks a lot of the landowner in regard to maintaining the property. Sumner is thankful that most farmers are more agreeable to the purchase of the conservation easements than having the District purchase their property.

**Contracts for Walkill Floodplain Bench Phase 4 North Project** - - Sumner explained that he had prepared two contracts, one between us and the sponsoring farm – Sunflower Valley Farms, and another between Sunflower Valley and the low bidder for the Project – CEC Excavating. The contract between the District and Sunflower Valley Farm amounts to \$600,000, which corresponds with the special appropriation we are receiving this year from the County. The full amount of the contractor’s bid was over \$700,000, but we are going to contract initially for only a portion of the full Project. If all goes well and we want to complete more of the Project, the contracts can be amended . Cheney confirmed that the District will be managing the activity between the contractor, CEC, and the farm, therefore, it is appropriate that we are providing a farm-contractor contract for their consideration. The District will present a contract for \$293,700 to Sunflower Valley Farm and CEC Excavating, this amount representing selected items from the contractor’s bid sheet.

**2024-5-8 Wright made the motion, seconded by DeBlock, to sign the contract with Sunflower Valley Farm for \$600,000 and present the contract for \$293,700 to Sunflower Valley Farm and CEC Excavating for their consideration. All in favor.**

**Due to an error in one of the formulas used on our Payroll Sheets, deductions for the employee’s portion of NYS Retirement payments were not being made for several months. Sumner and King determined the amounts due and made necessary adjustments to the formula to correct this matter.**

**2024-5-9 DeBlock made the motion, seconded by Cheney, that the affected employees will have \$50 deducted from their paycheck every pay period until the \$998.76 obligation is met to repay the past NYS Retirement deductions that were not accounted for.**

**Next meeting date: June 24<sup>th</sup>**

## **ADJOURNMENT**

**2024-5-10 DeBlock made the motion, seconded by Cheney, to adjourn the meeting at 10:25 AM. All in favor.**

Minutes Prepared By:

Emily King, Secretary to the Board

May, 2024

**Wallkill Flood Projects –**

**Floodplain Bench Phase 4 South** –B&L had difficulty performing the quantity calculations so in consultation with the Project Engineer we agreed that the contractor’s truck count quantities were reasonable based on our pre-project estimates. Therefore, the final billing will not be adjusted.

An additional bill from CEC for some final field grading and for repairing trees on the bench was presented and is on this month’s bills. Note that these two bills are paid by the District, not the sponsoring farm. Since the bills total less than \$35,000, we are in compliance with procurement procedures by paying these directly rather than reimbursing the sponsoring farm.

We are still working on the Conservation Easement documents.

**Floodplain Bench Phase 4 North**

A ‘comparable sales’ report from OCRP was not received. I met with the owner and farmer on 5/15. I recommend we discuss this matter further in Executive Session.

**Other Flood Control Items**

I am told by B&L that the Joint Application for Permit (JAP) for Celery Ledge project is close to being ready for submission.

**Carbon Farming Project** – All complete, except waiting on final payment of \$4,268.32 on Southway project.

**AEM Round 17** – We have been actively working on this close out with NYSSWCC. Expected to be completed very soon.

**AEM Round 18** – Still waiting for NYS processing of initial Claim for Payment. Work on this contract is active – approximately \$34,000 in staff time has been expended since 1/1/24. Hoyt project will require a 1A/1B archeological study.

**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.)

**‘Sign Offs’ on Soil Health Practices** –The status of this matter at NYSSWCC is unknown.

**Revision of Wallkill Maintenance Agreement** – See email from County Law Department. A Legislative Resolution is needed.

**Purchase of Materials Proposal** – A local contractor has to remove 5 to 7 loads of field stone from a work site, and has offered to deliver the stone to a location of our choice in the Pine Island area for \$200/load. This essentially covers the contractor’s transportation expenses only, so is estimated to be one-half the cost of the same material plus delivery from an aggregate vendor. I suggest we make this purchase. I expect we will have slope/stream stabilization projects in the area where this material can be used, especially as part of our

Walkill Federal Flood Control Project maintenance responsibilities. We would stockpile the stone at the Walkill Bench Phase 1 land we own.

Emily King

5/20/24

To the Board of Directors,

I have continued to work on policy revisions and consulted the Orange County Government Department of Human Resources to gain clarity on the classification of exempt vs non-exempt District employees. Barbara Alestalo from the Dpt of HR informed me that there are four types of positions that fall under the classified service of civil service; exempt, labor, non-competitive, and competitive positions. Non-competitive and competitive positions fall under the classified service. Competitive positions specifically require a civil service exam while exempt, labor, and non-competitive positions do not. Alestalo confirmed that Kevin's position is non-competitive, Mary's position is competitive, and my position is exempt. Per Alestalo, Ronnie O'Dell's position is competitive and currently provisional pending examination.

I accompanied Mary to some of Mikey O'Dell's property to collect soil samples for agronomic testing. Mary has also been teaching me how to safely tow the seeders. Lastly, Mary shared study materials with me for the Certified Crop Advisor, CCA, with me. I started studying, but since this is all new to me I imagine it will be sometime before I'm more comfortable with the subjects.

Additionally, I assisted Mary and Kevin with the closeout of AEM Round 17. I contacted Ronnie regarding the needed proof of cancelled checks. In cases where the proof of cancelled check could not be located, I contacted vendors that O'Dell enlisted services from for written confirmation that their invoice was paid in full. I also reviewed previous AEM Round 17 time and grant ledgers to rule out any arithmetic error on the user's part or a mistake with one of the formulas.

Mary and I went to the Pine Island Turf Nursery to replant and check on the trees on the bench project. During our visits we used bamboo stakes to stabilize the trees and replaced survey flags.

I spoke with Kevin regarding a letter I received from the Orange County Department of Human Resources requesting record of Travis Ferry's Paid Family Leave. I contacted Taylor with the Dpt of HR who instructed me to fill out an MSD 426-B form and provide the requested information. I combed through old personnel and paid family leave files for the needed information. I made digital and physical copies of Travis' paid family leave notices from ShelterPoint, the District's life insurance provider.

I reached out to the IRS regarding the unclaimed credit from our Form 941 for December 2023. I mistakenly made an overpayment back in December and requested a refund. The IRS agent told me that I will receive the overpayment within a few weeks to our checking account.

Additionally, I organized older Board of Director meeting files and put them in a new binder. I reviewed the District website and updated Board motions, as well as the Board of Director meeting minutes. I reviewed the District website and noted my own suggestions to discuss later with Kevin and/or the Board. I updated certain aspects of the website that I could do without prior approval.

Furthermore, I updated the various grant ledgers, as well as the receipts, disbursements, and payroll Excel spreadsheet. I confirmed with Kevin that this was done correctly and then updated the dedicated fund summary. I made the appropriate internal transfers on the online banking so that the accounts accurately reflect the current totals.



## **OCSWCD Technician Update**

**Mary C. Held**

5/14/2024

Since the last board meeting, I have learned how to create soil group worksheets, and have successfully created a few for customers with the help of Dan at the county. I also played around with basic wetland identification on GIS.

With the growing season coming into full swing once again, the seeders have been moving as requests for rentals come in. We are processing requests for corn planters. Thankfully, it has so far been smooth sailing.

CCA studying has picked up a bit. I am planning to take the exam between October-November of 2024. There is an annual training for it in December

### **CRF Update:**

Round 6: Soil testing at Jason Touw's has been completed.

Round 7: No updates on the technician's end.

Round 8: Submissions due June 24<sup>th</sup>.

- The projected plan for CRF 8 is the implementation of Devon Simpson's bedded pack barn. We still have to determine whether or not the farmer wants a composted bedded pack or regular bedded pack. In terms of planning this endeavor, I've been reaching out to other districts and CCE about budget examples and construction plans. A few districts have offered up their materials for us, but we are still fuzzy on a budget.

### **AGNPS Update:**

Round 27: Contract End Date: March 2025

- 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. Not due for quite some time so it's a low priority.

Round 29:

- Kevin and I met with Jody Moraski to determine her commitment to completing the drainage/fencing project. Jody and her daughter, Dani, have assured us of an enthusiastic commitment in carrying out and completing the project. We have decided on contractors (Kuperis and Randy Vellenga). They would like to begin work in the summer, provided that the weather conditions are favorable.

Round 30:

- Tom Owens of Hillcrest Farms reached out to inquire about government assistance with a fuel tank replacement project. I put him on the list for government assistance and will reach out when AGNPS 30 becomes available.

### **AEM Update:**

*Round 18:* Ben Luskin has approved all of our Tier 4 submission materials with the exception of Mark Hoyt's. We will be needing a study done on the Mark Hoyt project land to accommodate specific SHPO land disturbance requirements. We will need this completed before we can get CRIS/SHPO clearance.

Mikey O'Dell soil testing (7) has been accomplished, sent back, with results received.

Jason Touw soil samples (2) have been collected, sent out, and results received. Manure samples were collected and sent out.