

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
May 15, 2023

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:06 AM. Directors P. DeBlock, J. Wright, P. Ruskiewicz, B. Cheney and G. Constable were present along with K. Sumner and C. DeGroodt (SWCD) and E. Schellenberg (CCE).

2023-5-1 DeBlock made the Motion, Cheney seconded, to approve April's Board Meeting Minutes as written. All in favor.

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

CORRESPONDENCE

- The bank statements and collateral agreements were available for review.
- Ben Luskin, NYS Soil and Water Conservation Committee (SWCC), sent us a written report of general updates on NYS SWCC activities.
- The New York Association of Conservation Districts updates/news was available for review.
- A letter from the Open Space Institute Land Trust thanking the District for our \$15,000 donation to support the construction of the Schunnemunk Meadows Trail Bridge.
- A letter from the Orange County Land Trust thanking the District for our \$35,000 donation in support of the Sugar Loaf Mountain Project.

FINANCIAL REPORTS

2023-5-2 Cheney made the Motion, Ruskiewicz seconded, to file April's Financial Reports for audit review. All in favor.

BILLS FOR BOARD APPROVAL

Bill #7 on list in the amount of \$17,000 is for reimbursing Dean Ford for an AEM Round 17 project. Most of the money is coming from the AEM program but the District is contributing \$1,000.00. Sumner asked Board approval to increase the District's contribution to \$2,050.00 to keep the landowner's contribution what it was budgeted for.

2023-5-3 Ruskiewicz made the Motion, DeBlock seconded, to approve increasing the District's cost-share portion to \$2,050.00 for D. Ford's AEM project. All in favor.

A bill from the Computer Shop in the amount of \$95.00 was added to the list as it was received this morning.

2023-5-4 Wright made the Motion, Ruskiewicz seconded, to pay the bills as presented. All in favor.

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

Sumner mentioned that Mike Simpson paid for, and picked up, the District's old seeder.

INTERAGENCY REPORTS

E. Schellenberg (CCE) – The fair will be held on July 27-30, 2023. This year, CCE partnered with the Otisville County Fair. There will be rides, 4-H, etc. and each branch of CCE will have a tent.

CCE held a Shitake log mushroom workshop last week.

Schellenberg said he was approached by the City of Middletown requesting help with tree plantings. They also expressed interest in reviving a riparian planting on a horse farm that they purchased.

P. DeBlock – mentioned that the PARP program ends in June.

FSA has a new Loan Analyst.

STAFF REPORTS

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

C. DeGroodt (SWCD) – DeGroodt submitted her staff report via email to Directors prior to the Board Meeting.

K. Sumner (SWCD) – See "Old and New Business".

OLD & NEW BUSINESS

Floodplain Bench Phase 4 – Supported by the CRF Round 5 grant. This is the project going from County Route 1 going upstream to the old Majak bridge. Even though we have permits for the entire project, the intention is to do construction on the south side this year. The contractor will be hired by Pine Island Turf Nursery (PITN) because they are sponsoring the project. The District solicited proposals for contractors on behalf of PITN, we asked for them to be submitted by 5/12/23. The sponsoring farm has to request three proposals, which we received. 1) CEC Excavating - \$475,800.00, 2) Gurda Landscaping - \$687,652.50 and 3) Todd Lyons Paving - \$802,000.00. Sumner said that Gurda asked if the project could be split between the two lowest bidders (due to a time constraint, this had been done on a past project). Sumner told him it would be up to the low bidder. Discussion followed. **2023-5-5 Cheney made the Motion, Ruszkiewicz seconded, for the SWCD to recommend to Pine Island Turf Nursery to hire the low bidder, CEC Excavating, for the amount of \$475,800.00 for work on the Floodplain Bench Phase 4 project. All in favor.** Once the contracts are in place, work can begin in July.

Sumner passed around photos of the conditions at Phase 3 Area 2 of the Wallkill River Floodplain Bench Project, approximately ten days after initial flooding of the bench. There was significant damage and a lot of debris. A dozen large trees tipped over as well as a number of small ones. Some of the #3 pots were re-planted and several 2 caliper trees were straightened. Discussion followed on possibly hiring a small labor crew with a mini-excavator to do additional and more thorough repairs since a lot of these trees were planted just last fall. CEC Excavating, who did the planting last fall, said that he would do the repairs at the estimated cost of ~\$500 w/out a machine for one day, or ~\$2,000 with a machine for one day. **2023-5-6 Wright made the Motion, DeBlock seconded, to hire CEC Excavating for one day with a machine, for up to ~\$2,000, to do repairs to the Phase 3, Area 2 of the Wallkill River Floodplain Bench Project. All in favor.**

ORANGE COUNTY SWCD MAY 2023 BOARD MEETING MINUTES

Sumner interviewed someone for the District Technician vacant position who seemed qualified. Sumner said he would like a second interview with her and have her take a test that he had made up. He sent her application to the County and the County told Sumner that there is an official list of potential hires for that position, which we were unaware of. Sumner requested a copy of that list but has not yet received it. He was told the list expires on June 13, 2023.

Sumner passed out a 2023 Project Application spreadsheet and Project Ranking documents for review. Ten projects are listed and there are several possible funding sources. The Climate Resilient Farming (CRF) grant Round 7 proposal is out and due back in August. Sumner suggested that we seek funding for the irrigation projects on the spreadsheet through CRF Round 7. The AEM Tier 4 grant renews every two years. The new contract starts in 2024 but he does not yet have any projects identified for this grant. The local District cost-share program can be used to fund Sam Zylstra's Grazing System project. Discussion followed. **2023-5-7 DeBlock made the Motion, Constable seconded, to allocate \$42,691 from 2022 Part C fund to bring the District's "Local Cost-Share Program (LCSP)" up to \$50,000.00. All in favor.**

2023-5-8 DeBlock made the Motion, Constable seconded, to allocate \$24,000.00 from the LCSP for Sam Zylstra's Grazing System Project. All in favor.

AG NPS Round 29 – The Board reviewed the Draft Ag NPS Round 29 SW-3 project list with planned practices and estimated costs. Discussion followed.

The O'Dell Farm is included in Round 29 Ag NPS Round 29 for a Covered Barnyard Project. Because Ron O'Dell is a part-time SWCD employee, the District has to document that there is no Conflict of Interest. Back when the O'Dell Farm was approved for funding through the AEM Tier 4 Implementation Program, language was developed to document there was no conflict of interest. It reads: *This dairy farm is operated by Michael O'Dell, and owned by his father Roland O'Dell. Roland is a part time employee of Orange County Soil and Water Conservation District (OCSWCD). Roland's duties with OCSWCD are almost exclusively related to maintenance and repair of OCSWCD's equipment rental program. He occasionally assists with other fieldwork chores such as soil sample collection. He has no role whatsoever in selecting, planning or ranking projects for which OCSWCD may provide technical or financial assistance. Therefore, a determination has been made with concurrence of the OCSWCD Board of Directors that no potential or real conflict of interest exists in considering the O'Dell Farm LHUARMs project or an AEM Base Program Tier 4 Cost-Share Implementation Track Project. The O'Dell LHUARM project will be ranked and prioritized along with other project applications based on water quality and related natural resource concerns using criteria developed by OCSWCD.* **2023-5-9 Ruszkiewicz made the Motion, Wright seconded, that the Board determined there was no conflict of interest with including the O'Dell Farm in the Ag NPS Round 29 application for a Covered Barnyard Project. All in favor.**

Farm Tires – A new request for funding assistance for farm tire removal was received. Discussion followed on developing a more formal policy on how we want to handle this and future requests. DeBlock suggested asking the County how much a trailer would cost from their vendor and possibly do a collection once a year if the need and funding exist. Sumner will follow-up on this idea and report back to the Board next month.

Quaker Creek – Sumner met with Rob Schreibeis and Frank Dagele. Sumner explained to them that we can not hire an excavator to trespass through everyone's property to dredge the Quaker Creek. The biggest challenge is the number of landowners, approximately 20 landowners (40 parcels). It is a non-regulated stream so we probably do not need any permits. Sumner drafted landowner letters to see how many would support this project. We would want a buffer bench on each side of channel, not trees but maybe grass. Sumner sent a draft of the letter to Frank because he said he would help us get the landowner permissions, but Sumner hasn't heard back.

(E. Schellenberg left the Meeting at 10:30 AM)

ORANGE COUNTY SWCD MAY 2023 BOARD MEETING MINUTES

NEXT MEETING DATE - The next **MEETING** is scheduled for **Monday, June 19, 2023 at 9:00 AM.**

ADJOURNMENT

2023-5-10 The Meeting was Adjourned at 10:20 AM on a Motion by DeBlock, seconded by Cheney. All in favor.

Minutes Prepared By:

Christine DeGroodt, Secretary to the Board

May, 2023

AEM/AEM Round 17 Tier 4 (Implementation Projects) Deadline for Completion – 12/31/2023

O'Dell project is complete except for final grading/seeding in spring

Dean Ford – completed week of 2/13. **I am requesting the Board to increase the sponsor (SWCD) contribution for this project from the currently approved amount of \$1,000 to \$2,050.**

Hoyt- design complete. Participant seeking contractor proposals

Ewanciw – Design complete. Participant indicates he has started.

Hudson Valley Carbon Farming Project [contract extended to 4/2023]

Southway Compost Facility – Construction mostly complete. Engineer certification received.

Minkus controlled drainage project – no schedule for construction. Talking to DeBuck Sod Farm about possible controlled drainage project on recently purchased Glenwood Road property. I have been told that the contract actually is in effect until end of this year.

Floodplain Bench

Phase 4 (CRF 5)

Review South Side proposals at May Board meeting (they were due 5/12).

Phase 3, Area 2

Flooded ~3 feet deep after 4/30 rain event. Still assessing impacts.

Other Flood Mitigation

Pellets Island Reach Maintenance Program – No further progress on easements. Hope to do mowing/maintenance work this year using 2023 'Part B' funding.

Round 27 ANPSACP

Keziah Lain compost shed – same status as Southway.

Other

New Hire – Evaluating a candidate. Discovered there is a current list at the County which expires in June.

Meat Processing Facility –

I suggested that the AFPB send a thank you letter to survey participants that included survey results. CCE responded to this suggestion and prepared a draft letter and updated survey results summary along with list of respondents for AFPB to review at March meeting. I am not aware that a letter has gone out yet.

Planters and seeder are out.

Working on ANPSACP Round 29 application.

Board Actions Requested

Review, discuss and approve current version of 2023 Project Applications and associated Project Ranking documents.

Allocate additional funds to 'Local Cost-Share Program' (LCSP). Current balance from last year - \$7,309. Recommend adding \$42,691 from 2022 Part C fund to bring total to \$50,000.

Recommend approving \$24,000 from LCSP for Sam Zylstra Grazing System Project. Recommend waiting until later this summer to review/act on fall cover crop applications, including Owens who is already signed up.

O'Dell Farm is included in Round 29 ANPSACP application for Covered Barnyard Project. Because Ron O'Dell is a p/t SWCD employee, we need to discuss Conflict of Interest concerns. See following guidance from NYSSWCC:

The Project Sponsor must submit a copy of the official Board Meeting minutes that reflect the process for the selection of the farm(s), disclosure of potential conflicts of interest, and necessary recusals from the authorizing resolution. The names of the persons who were present for discussions and votes relating to the Round 29 AGNPS project shall be noted in the meeting minutes. When a recusal is made to avoid a conflict of interest, this shall be noted in the minutes with the name(s), reason(s) for recusal, and times when the person left and returned to the meeting.

The following language was developed to document that there was no conflict of interest when the Board approved the O'Dell Farm for funding from the AEM Tier 4 Implementation Program:

This dairy farm is operated by Michael O'Dell, and owned by his father Roland O'Dell. Roland is a part time employee of Orange County Soil and Water Conservation District (OCSWCD). Roland's duties with OCSWCD are almost exclusively related to maintenance and repair of OCSWCD's equipment rental program. He occasionally assists with other fieldwork chores such as soil sample collection. He has no role whatsoever in selecting, planning or ranking projects for which OCSWCD may provide technical or financial assistance. Therefore, a determination has been made with concurrence of the OCSWCD Board of Directors that no potential or real conflict of interest exists in considering the O'Dell Farm LHUARDS project for an AEM Base Program Tier 4 Cost-Share Implementation Track project. The O'Dell LHUARDS project will be ranked and prioritized along with other project applications based on water quality and related natural resource concerns using criteria developed by OCSWCD.

I recommend that the Board make a determination that they find no conflict of interest concerns with including the O'Dell Covered Barnyard project in our Round 29 ANPSACP application.

Resolution to submit Rd 29 application was passed last month. The current SW-3 (Project list with planned practices and estimated costs) will be presented to the Board at May meeting for review/discussion.

It is noted that we currently anticipate requesting funding for all Project Applications on the list submitted to the Board at the May meeting from one of the following sources: LCSP, ANPSACP Round 29, CRF 7. Funding for one of the projects on the list (Hoyt) was previously approved by the Board from AEM Round 17 Tier 4 Implementation Program.

Farm Tires

A new request for funding assistance for farm tire removal has been received. I would like to discuss this request with the Board, including consideration of a more formal policy on how we want to handle this and future requests. Note that several other NY SWCD's sponsor free tire disposal programs with various details. Some are not limited to farm tires. These other counties likely do not have the population we do, opening this up to non-farmers would likely be unfeasible. But continuing some level of assistance to farmers seems worthy of consideration.

C. DeGroodt

Board Meeting Activities April 14, 2023 – May 11, 2023

- We have \$588 cash awards on the rewards credit cards.
 - I am still working on Soil Group Worksheets.
 - Listened in on the Climate Resilient Farming webinar on 4/25/23. Started proposal paperwork.
 - Keeping up with entering staff time into AEM spreadsheet.
 - Sent out commitment letters for signatures to Ag NPS RD 29 participants. So far we have received three back signed. Still working on other paperwork.
 - Worked on the Quaker Creek parcel info. (landowners, correct addresses, mailing labels, etc.)
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- **MISC/MONTHLY:** Payroll, taxes, mail, phones, walk-ins, office supplies ordered, type minutes/board meeting documents/financials, pay bills, computer backup, bank deposits, etc.