

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
March 24, 2014

The Meeting was **CALLED TO ORDER** by the Chairman at 9:10 AM. Directors J. Wright, G. Keeton, and P. DeBlock were present, along with K. Sumner, C. DeGrootd and K. Brown (OCSWCD), R. Baglia (CCE) and F. Barber (FSA). Also in attendance was County Legislator Paul Ruskiewicz.

DeBlock made the Motion, seconded by Keeton, to approve February's Board **MINUTES** as amended. All in favor.

CORRESPONDENCE

The two new Directors have been officially appointed by the County Executive and Directors DeBlock and Wright have been reappointed, but the appointments and reappointments are subject to confirmation by the Orange County Legislature.

B&L Contract Amendment – It was the District's preference to amend the current contract/agreement with B&L to specify that the work described in the most recent proposed Scope of Services will become the scope that guides B&L for the remainder of the contract. B&L signed an authorization stating they jointly agree that they will focus their professional services on advancing the work tasks identified in the referenced Scope of Services with the currently available funding of \$25,000. When the current funding is exhausted, work will stop until a new agreement is in place that will fund advancing the remaining tasks outlined in the Scope of Services.

Green Infrastructure Demonstration Practices in the Wallkill Watershed Project – The District requested and received an Amendment to extend the duration of the contract to September 30, 2014 in order to install signage at the two rain garden locations this spring.

The District received a copy of the letter that Sharon Worthy Spiegl, Chief Assistant County Attorney, sent to the District's Auditors O'Connor Davies, LLP regarding any District material, pending or threatened litigation and unasserted claims and assessment. The County Attorney stated they are unaware of any pending or threatened material claims or litigation against the District.

Sumner received an email from Sharon Worthy Spiegl, Chief Assistant County Attorney, regarding a questionnaire sent to one of the District Staff from a farmer. The farmer is appealing the amount of funding that the USDA-Natural Resources Conservation Service is offering him for a conservation project for which he was under contract to complete. He sent K. Brown a questionnaire to complete and indicated that if she didn't, she would be subpoenaed. Ms. Worthy responded that Brown should not complete the questionnaire. The farmer, a member of the public, is entitled to documents pursuant to a FOIL request but not to information via a questionnaire. If Brown gets subpoenaed, it would need to be a subpoena for testimony before a Hearing Officer/Judge and/or a "so ordered" subpoena signed by the Judge having jurisdiction over the matter and seeking documents only.

February Financial Reports were approved by Keeton, seconded by DeBlock. All in favor.

A bill that had come in over the weekend for the service contract on the District's copier was added to the Bills to be Paid list.

There was a brief discussion regarding the equipment rental space at the O'Dell Farm. Sumner offered the \$25/month increase to Mr. O'Dell making it \$175/month. O'Dell requested to hold the payment at \$150/month since he is transitioning the farm to his son and asked that the District work with his son on the no-till bills. We will bill him on the acreage he uses the equipment on and then keep track of how many hours he works on District equipment and make adjustments on his no-till bill.

A Motion was made by DeBlock, seconded by Keeton to pay the bills. All in favor.

Ag NPS RD 15 - \$13,000 will be paid to P. Johnson towards his project and \$2,000 to T. Vellenga for his. This grant is still not closed out. Albany staff will probably come here in April to do the close-out and look at the projects.

Sumner mentioned that the 2013 Audit books were delivered and that they can be discussed at next month's meeting.

STAFF REPORTS

C. DeGrootd (SWCD) - District's Annual Tree & Shrub Seedling Sale – Additional media releases went out in the mail. So far the District has received seventeen orders. People have until April 21st to send them in. The pickup date is Saturday, May 3, 2014 at the District office.

DeGrootd finished working with the auditors O'Connor Davies, LLP. The auditor was here for only two days this year as most of the work was sent to them ahead of time via email.

DeGrootd completed a three day Quickbooks course that was offered by Cornell Cooperative Extension in Kingston, NY.

The District's sales tax report was completed and sent in as well as well as the quarterly income tax reports for both FIT/FICA and NYS.

DeGrootd delivered a box of fertilizer tablets, Envirothon supplies and an AEM disc to the Manager of the Ulster County SWCD over the weekend.

DeGrootd finished topo and SWAP maps for the Ag NPS Grant Round 20 applications.

The County IT and Dan Munoz, GIS Manager, assisted the District with some computer issues. Sumner mentioned there is someone above Dan and that Dan is trying to get approval to add us to a list of agencies able to get County IT support.

K. Brown (SWCD) - Brown mentioned she brought back the items for Ulster SWCD from the Water Quality Symposium.

Additional discussion regarding the email from the Chief Assistant County Attorney to Sumner. Brown has since emailed the farmer that she would not answer the questionnaire based on the Attorney's recommendation.

Brown stated that D. Ford is negotiating a consent order with the NYS DEC for violation of their CAFO. The DEC has an issue because pollutants are not contained. She said that eventually Ford is going to downsize. They need a plan-set to get through this but Sumner does not want to spend a lot of time on plan-sets on something that will not be built. They are supposed to have the stamped plans submitted to the DEC by June. Right now, the farm has two plan sets. One is for the silage vta and the other a satellite heifer facility. Sumner said that we just received a copy of the NYS Ag NPS RD 20 Frequently Asked Questions and it states that if you're under a Notice of Violation, you're not eligible to receive grant payments. We have grant money for them but they will have to have a completed Order of Consent before we can pay them.

Brown assisted C. Hughes, CCE, with sign-ups at the 4-Hour Erosion and Sediment Control course taught by Sumner and P. Ferracane, NYS DEC, at the Cornell Cooperative Extension on March 4th.

Brown attended the Water Quality Symposium March 11-14 and some classes she took included a Green Infrastructure course, AEM Electronic Tier 2 Review and Ag SWPP.

Brown attended the Wallkill Flood Control Project Steering Committee on March 17th at the Pine Island Firehouse.

Ag NPS Round 20 – due at the end of this month. There are two grant proposals going in for this grant round. One has 8 farms included and has the usual practices such as Cover Crop, Critical Area Protection and Nutrient Management, etc. (approx. \$145,000 requested in state money). The second one has 4 farms with large expensive projects (approx. \$520,000 requested).

Corn Planter Rebuild – Brown said she was concerned that Hudson River Tractor might not have the old corn planter rebuilt by corn planting season. She sent emails to them requesting the work be completed by April 15th and was told that it would be.

K. Sumner (SWCD) – Sumner has been working on the Ag NPS RD 20 proposals.

He taught a 4-Hour Erosion and Sediment Control Course on March 4th with P. Ferracane at Cornell Cooperative Extension. Approx. \$4,000 was billed to CCE.

Hudson Valley Grass Energy – Held a pellet group meeting last month in Ulster County. They have some good near-term work goals put down. If they don't get a new grant or some other source of significant revenue then this project will run out of money in June of this year. They are on their last grant. Although they have made tremendous progress they are not able to operate at a profit or even at a break-even. The price of diesel fuel has doubled since they did their original business model and that is probably the biggest single operating cost. They need to increase the production rate or decrease the diesel fuel usage. Sumner said they were getting a lot of calls when the wood pellets ran out this past year. People wanted grass pellets for regular stoves but they are unable to use grass pellets in them. A brief discussion followed. Sumner mentioned they are on their third proposal that did not get funded. If you have enough residential customers it could work. Sumner said the idea of selling the rig was raised at the meeting. DeBlock asked what you could get for the unit if it was sold. Sumner said a few hundred thousand. He added that the price of wood pellets has not gone up.

Sumner, Brown and DeBlock have been working on the County's Ag Plan update. The meetings are going to go back to the evening hours after this month. Tonight is the farmer meeting at the E911 Center. Sumner said he will probably attend because we are on the Committee and to show support. They want to have a short presentation and then go to break-out groups. We want clear language in there about doing something for the dairy industry. Sumner, Brown and DeBlock jointly suggested two additional goals: Dairy Local Label or some kind of Value Added Initiative and to get the County to agree to support whatever flood initiatives are developed for the black dirt. There was a discussion regarding the milk issue at the last meeting which made it hard to get through the Agenda. K. Dobbins, OC Planner, would like to have a separate dairy sub-committee.

There was a brief discussion regarding the pros and cons of using Quickbooks. Since the District currently owns a 2003 version which can still be used, the biggest issue would be the cost of a new laptop to run it. There would not be a monthly fee with this desktop version, but there is an annual fee to update it if required. The Chairman asked for a cost proposal to allow for starting with Quickbooks. This will be discussed at the next Board Meeting.

INTERAGENCY REPORTS

R. Baglia (CCE) –Copies of CCE's Agricultural Program Board Report were passed around.

Baglia mentioned that there will be an Introduction to Artisan Cheesemaking class on April 2-4. There are discounted slots for farmers.

This spring the stormwater training series began with two programs during the last week of February. There will be another class on April 24 called Floodplains and Watershed Hydraulics. The Soils Class will be this Wednesday.

Moving forward on spring programs.

F. Barber (FSA) – A USDA FSA Disaster Assistance 2014 Farm Bill Fact Sheet was passed out. It describes Livestock Indemnity Payments (LIP). The 2014 Farm Bill makes the LIPs a permanent program and provides

retroactive authority to cover eligible livestock losses back to October 1, 2011. It provides compensation to eligible livestock producers who have suffered livestock death losses in excess of normal mortality due to adverse weather and attacks by animals reintroduced into the wild by the federal government or protected by federal law. Payments are equal to 75% of the market value of the applicable livestock on the day before the date of death of the livestock.

Direct and Counter-Cyclical Program and the Average Crop Revenue Election program are repealed and replaced by two new programs: Price Loss Coverage (PLC) and Agricultural Risk Coverage (ARC).

NAP has been expanded to include buy-up provisions offered under the federal crop insurance program. Grazing land is not eligible.

The Milk Income Loss Contract Program was eliminated. It is being replaced by the Dairy Margin Protection Program.

Some disaster programs changed such as the Emergency Livestock Program. One program applies to honey bees. There are also tree assistance programs (vineyards/orchards).

The Livestock Forage Disaster Program, the Livestock Indemnity Program, the Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish, and the Tree Assistance Program are continued.

Farm Storage Loan Program – provides low-interest financing for producers to build or upgrade farm storage and handling facilities. Controlled atmosphere is not eligible.

OLD BUSINESS

National Fish and Wildlife Foundation's Hurricane Sandy Coastal Resilience Grants Program – The District submitted a project proposal that focused on the Wallkill River Black Dirt Flood Control Project. They are supposed to announce who was funded in April.

Wallkill Flood Control Project Steering Committee on March 17th – We did start sending the grant update reports to the Town Supervisors. Discussion followed regarding the SEQR issue and who would be the lead agency on it. Sumner said there was a discussion at the Ag & Farmland Protection Board Meeting about having the County lead this. Sumner asked if we want to hand this off to the County. Sumner had a discussion with D. Church about them at least assisting us so maybe the District will be the lead agency on paper and get help from the County if needed. Ruskiewicz stated that if it is a District project then we should have the lead on it. Brown stated that is true but the County has more staff. Sumner said the stump control project is lingering. Money was budgeted last year but we ran into landowner issues. He added that even if we got landowner approval there are only three of us on staff. Wright brought up hiring another staff person. Discussion followed. Sumner said it will be a slim chance that we can hire a technician with experience for the salary we are offering.

Wallkill River Flood Project – The District is meeting with the surveyors this week to show them the project sites.

NEW BUSINESS

B&L Contract – Sumner thinks we should use the contract from last year and substitute the most recent Scope of Work and send it to the Orange County Law Department for review.

DeBlock made a Motion that the Minutes reflect that the current Office Policies were reviewed and no changes were recommended, seconded by Keeton. All in favor.

Ag NPS Grant Round 20 Proposals - There are two proposals being submitted. One includes eight farms and requests ~\$145,000 in state funds. The other includes four farms and requests approx. \$520,000 in state funds. The larger one has expensive Livestock Waste projects. We typically cost-share 75% but with the large proposal we cost-shared 50%. Kevin mentioned that each farm in the large proposal will need to hire a Private Engineer. DeBlock made the Motion to accept the Resolutions, seconded by Keeton. All in favor. The two Resolutions for the Ag NPS Grant Round 20 were

signed by the Chairman. Sumner stated that we should know the outcome of these proposals within a few months. If approved, we will not receive the funds by this summer. As long as we have a contract start date and projects are started after this date, farmers can do their projects and get reimbursed.

The **NEXT MEETING** is scheduled for Monday, April 21, 2014.

The **MEETING** was adjourned at 10:52 AM on a Motion by Keeton, seconded by DeBlock. All in favor.

Respectfully submitted,

Christine DeGroot
Secretary to the Board