

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
September 15, 2014

The Meeting was **CALLED TO ORDER** by the Chairman at 9:08 AM. Directors J. Wright, G. Keeton, S. Wong, P. Ruskiewicz and P. DeBlock were present, along with K. Sumner, C. DeGroodt and K. Brown (OCSWCD), J. Heller (NRCS), F. Barber (FSA) and R. Baglia (CCE).

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

CORRESPONDENCE

A Notice for the next Ag & Farmland Protection Board (AFPB) Meeting was passed around. It will be on Wednesday, September 17th. Wright asked Sumner if he will be attending. Sumner said that he might and that L. DeBuck asked Sumner for a flood project update, which Sumner gave him. Right after that Sumner received an email from Jen at Orange County Planning saying that DeBuck asked that Sumner attend the AFPB Board Meeting and give a report on the flood project. Jen told Sumner he could submit a written report if he doesn't plan on attending.

Wright sent a letter to George Prios, Chairman of the State Soil & Water Committee regarding the Troy Vellenga project (manure storage and roof) that is included in one of our new Ag NPS Round 20 grants. Sumner said that the State Committee back-pedaled on some of the eligible costs of this project. Because of this we do not know if we should proceed with this project or whether or not the participant can even afford it. The District sent letters to Senator Bonacic, Assemblywoman Gunther and Governor Cuomo requesting their assistance. A copy of the letter that was sent was passed out to Directors for review. As of right now, there is no resolution. To try to address the eligibility issues, Sumner submitted a revised project budget on the advice of State Committee Staff. The policy is pretty clear that you can't pay for stalls or stations for primary animal housing. The District's Proposal was accepted, funding was already approved for the project and the State Committee representative verbally said it would be eligible. This project has a poured concrete pit with slotted floors so waste falls through into a pit. The roof will reduce the size needed for storage and will keep water out of the storage area so the farmer doesn't have to haul the extra waste out to the field to spread. Sumner added that bedded pack barns can be paid for but said that you can't pay for stalls or stantions under these barns. If there is ineligible components, they want a separate contractor bid for each different piece based on what is or isn't eligible which makes things harder for everyone. As things stand with the Vellenga Project, depending on how much money we can get from the grant for him will decide whether or not he does this project. DeBlock asked if there is anyone else that we can ask for assistance from besides Senator Bonacic. Sumner said that the two state legislators that cover Vellenga's farm are Bonacic and Gunther. Vellenga already sent letters to Richard Ball and Assemblywoman Gunther.

Tom Zangrillo stopped in the District office the other day. He is a farmer/landowner that lives in the Chester muck area where there is a flood control facility that was installed in the 60s with USDA money. His family has historically been the caretakers of the pumping plant. There are issues with the three pumps that run the plant. One is out of commission right now and another one needs a lot of work. The County has looked into some significant updates to the plant like converting from diesel engine pumps to electric direct drive motor pumps which would be more efficient and up-to-date. The County estimates it would be approximately \$750,000.00 in costs and they asked Tom to search for potential sources of funding, so Tom asked the District if we could help. Sumner said that Rural Development has several grant programs that are tied more toward economic development than to environmental stuff that could possibly help. Barber said that none of their loans would work for anything but farming. Sumner said that NRCS paid for the original pumping plant through the PL566 Program and doesn't think they would go back and spend money on something they already did once. If anyone had any thoughts or suggestions Sumner asked that they let himself or Tom know. Sumner added that Zangrillo said 90-95% of the land in that area is still being farmed.

Sumner asked Ruskiewicz and Wong what they knew about the \$11.5 million grant that the County is managing. Ruskiewicz and Wong said it was for the Community Block Development Grant. Sumner thought this money was

specifically for flood control and said that the newspaper said Middletown already has a project to work on the Monhagen Brook for flood control. He asked if there was a process for this and was it opened up for all eligible entities to put in a proposal, because he never saw anything about this. Sumner emailed Schreibeis and asked if there is a process for this and can we get the procedure for making an application for this, specifically for the Wallkill Flood Control Project. Schreibeis told Sumner that he's working on it. Sumner said the article was either in the Record or Goshen Chronicle. Sumner said we have to find out what's going on with this money, what is eligible and if there is a process for applying. Ruskiewicz said that he will speak with Schreibeis and Wong said she will talk to Maloney and Berkman.

The Legislative Budget hearing is scheduled for October 27th.

The District has a B&L Invoice in the amount of \$8,168.00 that needs Board Approval to pay once we receive our grant reimbursement.

The no-till expenses listed on the accounts payable report were for the corn planter rebuild.

Sumner suggested shifting some of the unobligated funds over to the equipment replacement fund at end of the year.

The District purchased lids for the corn planter fertilizer hoppers and a new seed box for the seeder that still needs to be installed. The old box was damaged at Slezinski's Farm during Hurricane Sandy, so insurance paid for a new one, which is currently at P. Johnson's farm.

FINANCIAL REPORTS

Keeton made the Motion to approve the August Financial Report, seconded by Wright. All in favor.

DeBlock made the Motion to approve paying September's bills, seconded by Keeton. Wright and Ruskiewicz approved, Wong abstained.

A discussion ensued about the procedures used to implement cost-shared farm projects, especially those with multiple components. Sumner used the Mike O'Dell project, for which a payment was approved by the Board this month, as an example. He described the projects included for this farm in the District's Round 19 grant. While it would be possible to hold farmer payments until all components of a given project, or system as the NYS grant program tends to refer to them, are completed, this can create a financial hardship for the farmer/participant. The District attempts to strike a balance in this regard between reimbursing applicants for completed components and ensuring that project/systems are fully completed. In O'Dell's case, Sumner met with the farmer and the landowner to go over the remaining components in the Silage Leachate Control and Treatment System before certifying the completed component that was approved by the Board for payment this month. They are aware of the remaining funding and the plan specifications for the remaining components and are fully committed to completing the System. Based on successful completion of numerous projects on this farm in the past, Sumner was comfortable recommending to the Board that payment be approved for the completed component.

STAFF REPORTS

C. DeGroodt (SWCD) – DeGroodt worked on a plant order for the Warwick High School and Seward Avenue rain gardens. These projects were grant-funded and we are nearing the end of the grant contract. The Warwick rain garden plants came to approximately \$500 and Seward Avenue's plants came to approx. \$300. The District needs Board approval to pay the bill when the plants are picked up as it will fall before the next scheduled Board Meeting. DeBlock made the Motion to pay the bill up to approximately \$800.00, seconded by Keeton. All in favor.

DeGroodt opened an EZpass account for the District.

Four Purchase of Development Rights (PDRs) soils evaluations were completed for the Town of Warwick and Soil Group Worksheets were completed on property in the Town of Blooming Grove.

The District's M&T credit cards were destroyed and new cards ordered due to the Home Depot credit card breach.

K. Brown (SWCD) - On August 20th Brown went on the Wallkill Maintenance Inspection with John Harrington. She added that Vellenga's Lawn Care is halfway finished with the Wallkill Maintenance Project work. She has been working with Harrington on the mowing. The District has been getting calls from L. DeBuck regarding the mowing situation and under Sumner's advisement, Brown has been talking to Harrington and she was told that they have two mowers and that the over-the-rail one is out at the site now.

In the first week of September Brown worked on a concrete feeding/manure management pad with Gary Gibbs and Ron King, the mason. The floor is poured and rods are in for the upright walls. They're going to go back to finish the pushwalls and the curbs.

Brown helped Sumner on September 8-9th with the Mike O'Dell silage leachate project.

Brown is working on her second Certified Nutrient Management Plan on Troy Vellenga's Farm.

K. Sumner (SWCD) - Sumner gave an update on the Newburgh Green Infrastructure Project. He met with Vellenga's Lawn care and got a proposal from him to build them. The Town is fine with this being hired out. They are hoping to build these within the next couple of weeks as this grant runs out at the end of this year.

Pelletizer Project Update – There has been some activity. There was some production at the Brown Farm last week. Sumner said that Pellet Project staff are not getting along. This project is grant funded and it can not be self-sustaining yet so once grant money runs out we have to decide what to do. Every time you make a ton of pellets you lose money. There is one more grant payment due for ~\$10,000.00 from NYSERDA. This can carry the project for another couple of months. Sumner is not happy about having to step in and be the Project Manager again. There was some production on Friday and they tried something new. They took some round bales and put them in the tub grinder and ground them directly into a self unloading wagon so they could run the tractor full tilt. You can grind a round bale in under ten minutes, unfortunately the belt on the grinder broke. They have two paying jobs lined up, one at Persoons and the other at VanDerwerths. One option for daylighting this project would be to look at having the Farm Hub in Ulster County as a permanent home for the machine. It could at least serve an educational function there. It would also be a resting place for the machine when it's not being used on the road. Sumner would like to have a cooperative agreement with them that says it stays there but can go off the farm to do jobs. We want to try running off of land-based, three-phase power up at the Farm Hub (formerly the Gill) Farm because the biggest operating expense is diesel for the gen-set.

Barber said that the B-CAP program was renewed through the new Farm Bill however they have not had a new sign-up period yet. Programs that were being funded are currently being funded this year, next year they are likely to announce a new application period. There is a possibility that if a landowner has CREP ground and is seeing zero financial benefit, that grass may be able to be donated to the SWCD for the District to make pellets to sell. The landowner can not benefit in any way off of this, but since they have to clean off their CREP ground it would give them a way to dispose of the grass. With B-CAP there is a possibility that producers are going to be growing a commodity for biofuels. There was a brief discussion on how the CREP program works.

Sumner's deposition on the flood lawsuit has been rescheduled for September 25th. The County Attorney's office would like to meet with him before the deposition.

Sumner said the Cover Crop policy went out in the mail to over twenty participants who have the cover crop practice in one of their Ag Grants. We're trying to keep records of their plantings and have them keep in touch with us. Brown said within the past year the State Committee is cracking down and wants documentation which includes before, during and after photos of the participant's cover crop. Heller added that the NRCS just had an area meeting and the Cover Crop standard was updated as of August 2014. Sumner said we're trying to avoid having participants come in to the

office in February saying they planted their cover crop last fall and hand us expensive cover crop bills expecting to get reimbursed. It's not difficult for them to give us a call before hand to let us know they are getting ready to plant.

Wright asked if the Wallkill mowing was getting done because the SWCD made some calls or was it going to happen anyway? Brown thinks the calls got another mower out there.

INTERAGENCY REPORTS

R. Baglia (CCE) – Open House on the Farm is Saturday, September 20th from 10 – 3 PM at Sprucegate Holsteins Dairy Farm in Walden, NY. Brochures were passed out.

Watershed Resiliency Project Update - A Flood Insurance Program will be on October 1st from 10-12:30 in Haverstraw, which is Rockland County.

On October 22nd there will be a streams and water issues program at SUNY Orange from 2:30-5:00 pm at SUNY Orange.

DAM Safety/Removal will be the 1st week in December.

DeBlock asked Baglia if Open House on the Farm is sponsored by Farm Credit. Baglia said that they donate a lump sum of money every year to offset the costs of Open House on the Farm. DeBlock said that she knows of a lot of people who have been asked for donations including Farm Bureau. She asked why others are being asked for money if Farm Credit is sponsoring the event. Baglia said the money from Farm Credit is not enough to cover the event. That there are a lot of costs associated with Open House that people are not aware of, such things as the port-a-johns down to the paints for the pumpkin painting. Baglia said most of what Farm Credit donates goes towards printing out the flyers for Open House. Donations are then still needed to fund the rest of the program. Sumner asked Baglia if there is accounting of this and does Extension prepare a separate financial statement for Open House so it can be seen what the expenses are. Baglia said that Maire Ullrich or Jennifer Simpson would provide a financial breakdown after the event. It was mentioned that there should be something set up at Open House that recognizes all who have donated and not just Farm Credit. Baglia stated that there is usually signage.

F. Barber (FSA) - There is a County Committee Meeting scheduled for September 18th.

On September 23rd there is going to be a Webinar hosted at Cornell Cooperative Extension (CCE) for the new dairy program. Information on this has been sent out. It's from 10:00 AM – noon and 1:00 PM– 3:00 PM at CCEs throughout the state. This is part of a Cooperative Working Agreement between the USDA and land grant colleges to inform/train producers about the new farm programs.

On the 25th there is a small business disaster relief workshop at SUNY Orange at 10:00 AM.

At the end of October the Farm Service Agency is doing another event with CCE, it's going to be a farm bill education presentation to talk about a lot of the programs that FSA offers and changes that have affected NRCS and the loan programs. The time and date has not yet been set.

At the last Board Meeting, Barber mentioned his overview of the new dairy program, the DCP replacement program which is the ARC/PLC program. And they are also doing the NAP buyout.

The new dairy program has a registration period of 2014 and 2015. The deadline is in November.

The loan programs that are offered through FSA can be used for a wide variety of expenses. They also offer a farm storage facility loan. They have good interest rates on a lot of their different loans. They guarantee fair lending rates. If a producer can get a loan from a commercial lender but they are going to charge him 12% interest, FSA may charge 3.5%. Their micro loan program, which is \$35,000.00 or less, is less restrictive. Wong asked Barber if people can get information about MPP other than at the webinar? Barber said you can call their office or call Jenn Simpson at CCE. He believes the materials will be available after the webinar.

J. Heller (NRCS) – The Quality Assurance Review that took place last month went very well. The State Conservationist, Greg Kist, is adamant that NRCS will work harder to ensure that producers are managing their contracts according to the outlines of the agreements. In every contract a practice has to be commenced within the first year. For example if you are scheduled to build a seasonal high tunnel you have to at least buy it within the first year and demonstrate you are putting up the structure. If a producer goes beyond two years with no work then their contract may get terminated. If they started a project and received funds for it but did not finish the project, NRCS can go after cost recovery. Heller thanked the partners and said that Brian Steinmuller from the State Office came down to look at a few sites that had Ag NPS money that worked in conjunction with NRCS funds to help producers address resource concerns.

NRCS received additional funding and have approximately 70 contracts in Orange County.

2015 contracts are going to be reviewed now. They are taking Conservation Security Program (CSP) sign-ups now. It's a complicated program and different than EQIP.

There was a local working group meeting in Dutchess County in 2014. The public was asked to participate in the process for how they allocate funds to address resource concerns. This makes up the ranking criteria for how they rank all local applications. They are looking for a new host. It could be in Orange or Ulster. Considering that the majority of the farms serviced are in Orange County, it would probably be good to host in Orange County.

NRCS brought in \$536,000.00 in EQIP and Agriculture Management Assistance (AMA) funds to Orange County.

A producer called Heller on property in Warwick where a large company was looking to request access to an NRCS easement and FRPP property. Heller sent him the "Rules and Regulations".

NRCS closed on some FRPP sites. DeGroodt provided information to NRCS on some that were funded (acreage and practices installed by SWCD).

NRCS will be advertising the Soil Conservationist position, Merrill's old position, to the public soon. It will have basic education requirements.

OLD BUSINESS

B&L permit package – The District's goal was to get something out to the regulatory agencies in late summer. A few weeks ago Wendell told Sumner that he hoped to have the ledge project construction plans for Board review for today. Sumner has still not gotten the construction plan drawings but Friday afternoon we got the final versions of the wetland delineation report, the groundwater report and the endangered species report. We also got a Sample Resolution that needs to be passed by this Board in order for us to establish that we are the lead agency for the SEQR review and propose that we are going to do a negative declaration on the basis that there are no significant impacts to the environment. Sumner got additional documents at 10:30 PM last night which are parts 1-3 of the environmental assessment form which is the material the Board is supposed to review. It's a summary of the more extensive reports that is presenting the case that our projects will not have significant impacts on the environment. The issue is if we do not do the resolution today, we will be waiting another month.

Sumner has been debating having a discussion regarding hiring a local engineering firm to take over. Sumner said the relationship with B&L is not as interactive as he would have liked. The materials we received from B&L apply to all three projects, the rock ledges and flood bench but the permit packages will be separate for each project.

Wright asked if we should ask B&L if they could work with a local firm. Wong suggested meeting again in two weeks after reviewing the information received.

Barber left the Meeting at 10:40 AM.

Heller left the Meeting at 10:50 AM.

Keeton feels the reports needs to be looked through. DeBlock said she feels the Board is not comfortable signing something that they have not reviewed. Sumner noted that while this is a bit of a rushed schedule, he has been reviewing draft materials as they are developed and forwarded to us, and has made suggestions to the language of documents that have been by and large accepted and incorporated by B&L. Sumner is confident that the documents are accurate and closely represent the positions and intentions of the District Board. Keeton suggested, based on our current understanding of the project and project reports, signing the Resolution. Sumner read the Resolution to the Board.

Ruszkiewicz made the Motion to sign the Resolution based on staff's review of the documents and the Board's understanding of the projects and their potential impacts, seconded by Keeton. Wong abstained. All other Directors are in favor. Sumner wants to get this back to B&L as soon as possible to keep things moving forward. Wong asked if the Towns can hold this up. Sumner wanted the Board to take note that the environmental assessment form states that the purpose of the bench project at site 3 is for the removal of soil along the Wallkill River to create a flood plain bench, and that the material will be removed and disposed of at an upland disposal site. This is continuing to show up in the regulatory documents. Both Sumner and Keeton suggested amending that part. Sumner will suggest that to B&L. Sumner stated they've been asking the farmers in the area if they know of anyone that has a yard out of the flood plain that wants to expand their yard and take some of this soil. But we want to reserve the option of 're-positioning' the soil material to farm fields or other areas within the floodplain. Sumner said that we are not filling in the flood plain, we're taking it from one place and moving it to another.

A brief discussion followed regarding the Archeologist Report. They did shovel tests and didn't find anything except in one location where the river goes under County Route 1 where they found shards in one hole. The archeologist wants us to stay away from this area but our engineers said it won't affect the project and no additional studies are required. The archeologist is recommending that there is some kind of protocol in place in case something is found when we start digging. Keeton said he will be called if something is found. Last week Keeton and his son were requested to be at a site where they are excavating a Mastodon skeleton.

Sumner said there is no update on the RSR Mitigation Project.

NEW BUSINESS – None.

The **NEXT MEETING** is scheduled for Monday, October 20, 2014 at 9:00 AM.

The **MEETING** was adjourned at 11:24 AM on a Motion by Ruszkiewicz, seconded by DeBlock. All in favor.

Respectfully submitted,

Christine DeGroodt
Secretary to the Board