

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
November 18, 2019

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:05 AM. Directors J. Wright, P. DeBlock, G. Keeton, J. Kulisek and P. Ruskiewicz were present, along with K. Sumner, T. Ferry and C. DeGroot (OCSWCD) and B. Luskin (NYS Dept. Ag & Markets).

Ben Luskin provided District Law Training to Directors. This satisfies the Directors' training requirement for the Performance Measures for three years.

At DeBlock's request, Luskin reported on the make-up of the State Committee voting members and their sponsoring organizations.

2019-11-1 Keeton made the Motion, DeBlock seconded, to approve October's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – Payments were made with Board approval to an Ag Grant Round 20 Farm Runoff participant for work on his barnyard project and to a contractor for the Walkkill Phase 2 planting on the bench project. Both are listed on the Bills for Board Approval.

CORRESPONDENCE

- Bank account statements and Collateral Agreements from M&T Bank were available for review.
- Miscellaneous newsletters were available for review.
- The New York Association of Conservation Districts update was available for review.
- A request for dues from the National Association of Conservation Districts was received. This request was Tabled by the Board.

Kulisek described a storm water recycling system he was aware of in the Town of Walkkill, and asked if Soil and Water reviewed or approved such systems. Sumner said no, we have no approval function. Local municipalities can request us to review proposals acting as their agent, but this happens very infrequently. In the past some Municipalities routinely sent us site plan proposals for review, but private consulting firms do most of this work now.

There was discussion on the tire project. One farm had about 300 tires by the farmer's estimate but the vendor charged for removing three truckloads (almost all small tires) @ \$1,700 a load when we estimate it should have been only 1-1 1/2 loads. Sumner told the vendor we believe they made an error but they are insisting that 3 full truck loads were removed from this site. Sumner wants to see if we can find another vendor to finish remaining sites.

FINANCIAL REPORTS

We received the second half of the tire money from the County of Orange so the Performance Measures Part C fund was replenished. Sumner noted that he is trying to add notes to each month's Dedicated Fund Summary to help clarify how and why the balances change from month-to-month.

2019-11-2 DeBlock made the Motion, Keeton seconded, to file October's 2019 Financial Report for audit review. All in favor.

2019-11-3 DeBlock made the Motion, Keeton seconded, to accept the Bills to be Paid. All in favor.

Ag Grant Update Report – All three of our currently active Ag Grants expire at the end of this year. Only one Round 22 project currently has activity.

STAFF REPORTS

- **C. DeGrootd**
 - The District's new rewards business card has to-date accumulated \$316 in cash awards.
 - DeGrootd has been working on the Tire Removal Project paperwork.
 - The Performance Measures Part B Voucher was signed and sent in for \$6,000 towards the Wallkill Flood Project.
 - We are still trying to find out who is in charge of the Envirothon since Tonnie Sauca resigned as coordinator. We have two Orange County schools interested in attending. Discussion followed. The directors were very concerned that we paid the Envirothon fee last year after Warwick committed to participating, then they did not show up and did not notify us. No action taken at this time.
 - DeGrootd reviewed the Performance Measures Part C to make sure we are in good shape to receive all of the funding that is offered.
 - J. Bennett from Orleans Co. SWCD assisted DeGrootd over the phone with setting up reports for the Ag Grants on Quickbooks.
 - DeGrootd is still working on the NYS Retirement paperwork and is having the SEP paperwork overnighted to us.
 - SIDLE insurance paperwork for our 2020 renewal is in progress.

- **T. Ferry**
 - Ferry gave an update on the no till corn planter maintenance. R. O'Dell (where we store our equipment) had recommended a place down in Lancaster, PA to do the servicing and he offered to bring it to them. It will cost \$200-\$300 per row unit and there are four row units per planter. If dropped off it will take a few weeks for service. Ferry has a list of maintenance items to be looked at by Ron O'Dell. The set-back kits for one planter will cost \$175/row and there are four rows, plus the cost for O'Dell to install them. Wright mentioned that he will request funding for these repairs from the Ag & Farmland Protection Board at their next meeting. It may cost over \$4,000.
 - The AEM Year 16 Annual Action Plan paperwork was submitted.
 - Ferry assisted Gurda Landscaping with the tree planting on the bench phase 2 south project.
 - Ferry sent letters to farmers regarding the latest Ag NPS round detailing the status of their proposals.
 - No Till usage is up from last year but still down from prior years.
 - Ferry attended the Wallkill River Watershed round table held at the Hoot Owl in Pine Bush. One topic discussed at the round table was how economic development proposals and other grant proposals have not been faring too well in this part of New York State.

- **K. Sumner**
 - Sumner said there were no surprises at the Legislative Budget Hearing he attended on October 28th.
 - Neither of our two Ag NPS Round 25 proposals were funded. This is now three years in a row the District has not been funded. We went forward with our contingency plan of putting some of the Moodna Creek Watershed projects into the AEM Implementation funding, but not all of them. Sumner would like to have a discussion on how we can work towards getting some of the Wallkill projects completed while we wait for the next Ag NPS Grant application. Using some or all of next year's Performance Measures Part C money could be considered. There is also the \$200,000 HABS money for the Wallkill discussed in recent Board meetings but we have been unable to learn the status of this funding. DeBlock asked Luskin if he knows why Orange County SWCD has not gotten AG NPS funding in years and Luskin said it all comes down to how the projects are ranked. He said Orange County SWCD can ask for a debriefing with Bethany Bzduch, who oversees the Ag NPS Program, so we can find out if there were any specific comments that came from reviewers (between 5-8 people). Ben added that the criteria have not changed and most of the reviewers have not changed. Ben offered to review our next proposal ahead of time. He also indicated that there has been some discussion of the referenced HABS funding at State Committee, but apparently State Committee needs more guidance from DEC which has not been forthcoming.
 - Sumner gave a tour of the Black Dirt, including completed and proposed flood mitigation projects, to the Army Corp. of Engineers and NYSDEC staff last Friday. There appears to be potential for us to request assistance from the Corps, they believe their 'Continuing Authorities' Program may offer the best opportunity.

INTERAGENCY REPORTS

- **Ben Luskin – NYS Dept. of Agriculture & Markets**
 - There is a state committee meeting tomorrow in Utica.
 - Brendan Jordan was hired as the CCA/Certified Nutrient Management Program Specialist, replacing Ryan Cunningham.
 - There is money available for Micro-Irrigation Training for farmers.
 - Certified Crop Advisor training in Syracuse is coming up.
 - Office of the NYS Comptroller has online training opportunities for Districts.

OLD BUSINESS

The Memorandum of Agreement between the NRCS and the SWCD was discussed. We were told at last month's meeting by Dave Mortensen, NRCS Area Conservationist, that if we sign it as is, it will move forward quickly but if we submit it with the suggested changes that Sumner made it will take a while to get reviewed. No action taken.

Wallkill River Flood Project Phase 3 Update – The District received two proposals for the Bench Phase 3 clearing project: 1)\$24,700 for cutting and chipping from Gurda Landscaping and 2)\$39,000 for cutting and chipping from Vellenga Lawn Care. Sumner reminded the board that one of the proposals was under the limits of our Procurement Policy for public works projects, and he recommended selecting this proposal. **2019-11-4 Keeton made the Motion, Kulisek seconded, to hire Gurda Landscaping to complete the Bench Phase 3 clearing project for the amount of \$24,700. All in favor.**

Prior to the Orange County dairy farmer meeting, held on November 12, 2019 at the District office, Sumner received a call from Mary Ann Johnson, Deputy Director of the Hudson Valley Agribusiness Development Corporation, who wrote the "Proposal to Orange County, Professional Services for Dairy Market Feasibility Study, September 28, 2018". She wished to attend the meeting and was upset the study was discussed/distributed without her prior approval, stating the document was not for public distribution. Sumner stated that the proposal has been in circulation locally for over a year and has been presented and discussed at numerous public meetings. But he told Johnson he would not present the proposal for discussion at the 11/12 farmer meeting, and would notify them that he was not authorized to discuss it. Sumner also noted that he was miffed that two people including Johnson suggested that the HVADC proposal lost local support because Soil and Water presented it to dairy farmers at our April Board meeting. Sumner discussed the idea of the 11/12 meeting with the Ag and Farmland Protection Board and they expressed support for it (they also provided financial support for lunch for the farmers that attended). This meeting was to discuss potential ideas that might help the dairy farmers stay in business and be profitable. Sumner wanted to discuss with the Board two points that came up at the meeting: 1) a local premium of \$2 per hundred weight for dairy farmers, which based on estimated figures came out to around \$850,000/year; and 2) a local label. ***See attached Meeting Summary.*** Sumner felt the meeting went well. Attendees were encouraged to attend the next Orange County Ag & Farmland Protection Board Meeting. The Board accepted the draft notes of the meeting minutes and gave Sumner approval to distribute it. Copies will go to the Ag & Farmland Protection Board members and the Ag Plan Implementation Committee.

Wallkill River Flood Project Update – More discussion took place about the Army Corp. of Engineers tour this past Friday. Sumner discussed the Continuing Authorities Program, which funds projects under \$15 million, which according to the Army Corp are considered small projects. Sumner told the Army Corp. about the bench project and that we estimate the cost to be approx. \$10 million to complete the project to the New Jersey line. The Corp reps said they thought it would have a good fit for the Continuing Authorities Program. The Federal match is 65% and the local is 35%. They said they would assist Sumner in writing a letter of inquiry. We will be competing with projects all over the country.

Wallkill River National Wildlife Refuge Update – This was discussed at last month's board meeting. The Refuge was getting ready to do a project installing sheet piling along the Wallkill River to stabilize the bank. The manager, Mike Horne, liked the idea of the bench but was under the impression that removing an existing dike on the refuge property would meet with resistance. Sumner told him the dike there is not even working to protect farmland and taking it out and replacing it with a bench will do far more to protect the farmland. The bench project could also be designed to address the active bank erosion. Sumner said that the Refuge is working with federal DOT engineers and their budget is \$4 million. The existence of a trail, which largely follows the existing dike, apparently makes a project in this location eligible for federal transportation

funding. Out of 4 miles of river from Oil City Road to County Route 1, one mile of it is on refuge property. Sumner and Horne discussed other enhancements that they might want to have for example some low berms running parallel to the river, so if you did get a flood event that flooded the whole property and overtopped the low dikes they would have some water control structures that would potentially hold that water in those impoundments. Horne was going to investigate the possibility of switching the funding for the sheet piling project to the enhanced bench project he and Sumner discussed. Sumner heard back from Horne last week and his Federal DOT contacts seemed amendable to the idea and he has to submit a new project description, which Sumner sent him.

Sumner got an email from the County Attorney's office last week that Green Farmland, LLC signed the Access Agreement and the Conservation Easement for Phase II. Green Farmland, LLC now says they want firewood and chips from the clearing area. We closed the conservation easement deal with Green Farmland, LLC for \$2,500/acre. Apparently the attorneys discussed the possibility of Green Farmland signing the Phase 3 Conservation Easement now rather than waiting for construction to be completed. There would be some advantage in the security of having the easement signed, but we would have to come up with the funds sooner. Plus, Sumner pointed out that having the project constructed allows for placing the easement boundary at the exact desired location. The Board decided to hold on pursuing the Phase 3 CE at this time.

Sumner spoke to Chip Lain who owns part of the Bench Phase 2 South project area. He apprised Lain of the details of the Green Farmland easement. Lain indicated he would be agreeable to the same terms. **2019-11-5 Keeton made the Motion, DeBlock seconded, to offer Pine Island Turf Nursery \$2,500/acre for a conservation easement on the Bench Phase 2 project area. All in favor.** Sumner will ask the County Attorney's office to start working on this easement.

A producer came to the office to identify maintenance issues with the Cromline Creek Watershed project with Sumner. The producer asked if Soil and Water can address issues. Sumner offered to write a letter to the Orange County Department of Public Works regarding the approximately 20 culverts that are collapsing (5 are critical) which range from 18" diameter to 3 feet in diameter. The Board agreed this would be appropriate. The producer also reported that only one pump is working at the pumping plant.

The Memorandum of Agreement with NRCS has been Tabled.

SAM Grant update – Sumner is working on providing requested information to DASNY to move forward the contract. They require a signed conservation easement and an estimate on the Phase 3 construction. Sumner prepared a Request for Estimates and distributed it to contractors.

The Town of Newburgh Supervisor sent Sumner photos of the replanting of one of the rain gardens at Town Hall. Maintenance issues with the rain gardens at this location were raised to the Town several months ago.

Retirement Plan Update – The Simple Employee Pension (SEP) plans have to be the same percentage for all employees per the IRS. The Board Tabled this until next month where it will be discussed in Executive Session.

NEW BUSINESS

The next **MEETING** is scheduled for **Monday, December 16, 2019 at 9:00 AM.**

2019-11-6 The Meeting adjourns at 11:50 AM on a Motion by DeBlock, seconded by Keeton. All in favor.

Minutes Prepared By:

Christine DeGroot, Secretary to the Board