

**MINUTES**  
**ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT**  
**BOARD OF DIRECTORS**  
**January 22, 2024**

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

**2024-1-1 DeBlock made the Motion, Cheney seconded, to approve December'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. Sumner updated the Board that the letter regarding the new soil health sign off policy requirements was signed by DeBlock and sent to the State Committee. The draft of said letter was preapproved by the Board prior to mailing. Sumner reported that the State Committee cancelled their January meeting, but that the letter was discussed at a January meeting of the district managers.

**CORRESPONDENCE**

- Bank statements, Account Analyses and collateral agreements were available for review.
- Letter from NYSCDEA Requesting Donation for the National Conservation Foundation Envirothon
- Membership Renewal Form from the National Watershed Coalition
- Invitation from CCE to the 35th Annual Dairy, Equine, Livestock Day & Trade Show
- Public Officials Liability Insurance Renewal Application
- Board of Ethics-Annual Statement of Financial Disclosure Form

Sumner discussed the various donation requests from numerous organizations. The New York State Envirothon Committee is requesting a donation of \$3,000 from the District to support the National Conservation Foundation Envirothon annual gathering. Additionally, the District received a letter addressed to Wright from Suffolk County SWCD asking other counties to consider providing the \$3,000 donation for the Envirothon. Sumner felt that the wording used in the letter, specifically the use of 'apathetic,' to describe the counties that do not donate to the Envirothon upsets him. Wright remarked that he recognizes the benefit to donating, but that there has not been a lot of engagement from Orange County for a while. Wright credits this to the fact that the County does not have a large agricultural community. Sumner posed the question to the Board whether donating to the national Envirothon is the best use of their public education funds. Cheney wanted to know if there are any events that the District can participate in. In the meantime, Cheney will contact the Orange County Water Authority to find out if there are any available community events. The Board decided to table the decision to donate to the National Conservation Foundation Envirothon until the February Board Meeting.

Furthermore, the Board discussed the invitation from Cornell Cooperative Extension, CCE, to attend their Annual Dairy, Equine, Livestock Day & Trade Show. Sumner remarked that OSCWCD has not participated in quite some time since the attendees are primarily farmers that we already assist. For this reason, the District will not attend CCE's annual event. Sumner informed the Board that the questionnaire pertaining to our public official liability insurance was completed and submitted to our insurance agent. Additionally, Sumner noted that we received a letter

addressed to Wright from the County Board of Ethics that needs to be filed by 5/1/24 for the 2023 calendar year. Sumner stated that the District received a request from the National Association of Conservation Districts. Sumner explained that the District rarely makes contributions to the National Association of Conservation Districts, but rather instead the New York Association of Conservation Districts, NYACD. Sumner stated that we typically pay half the donation at the start of the year and pay the second half at the end of the year. The Board discussed whether to donate the full amount or half of the requested amount to the NYACD.

**2024-1-2 DeBlock made the Motion, Wright seconded, to contribute \$750 to the New York Association of Conservation Districts and pay the additional \$750 later in 2024. All in favor.**

Sumner informed the Board of the award letter the District received at the end of November from the State that our AEM Round 18 action plan was approved in the amount of \$379,930. The AEM Round 18 is a two-year, non-competitive contract. Sumner noted that \$200,000 of the grant will be used for projects and the remainder is to be allotted to staff time.

**FINANCIAL REPORTS**

Sumner provided the Board with a separate attachment regarding the dedicated fund summary to better explain the recent activity. Sumner noted that more expenses were incurred on the Floodplain Bench Phase 4 South Project, Phase 4, beyond the supporting grant's available funding. Per Sumner, this was to be expected. The District's grant budget allotted \$250,000 of the local match towards the construction costs. The District used up the whole grant besides the remaining \$30,000 payment which has yet to be given. Sumner zeroed out several of the Performance Measure accounts from 2021 and 2022. These funds were used towards Phase 4 expenses. Sumner noted that the District used a portion of the 2023 Performance Measure, but there is still over \$100,00 left in that account. Sumner informed the Board that the District will be receiving, subject to approval, over \$200,000 for the 2024 Performance Measure. The Board is waiting for the \$30,000 from the Climate Resilient Farming Phase 5 grant. Additionally, the office paid out \$30,000 from the Carbon Farming Project for the Southway Compost Facility project and is awaiting reimbursement. Sumner stated that he sent numerous grants close out documents to Ben Luskin at the State Committee, but so far he has not heard from him. Overall, the District is doing well financially.

**2024-1-3 DeBlock made the Motion, Cheney seconded, to file December's Financial Reports for audit review. All in favor.**

**BILLS FOR BOARD APPROVAL**

King informed the Board of a correction made to number two on the Bills for Board Approval. King mistakenly wrote that the Hartford Insurance Company's payment was \$1,129.00 when it is \$1,290.00.

**2024-1-4 DeBlock made the Motion, Ruskiewicz seconded, to pay the bills as presented. With the correction noted above. All in favor. \*Wright abstained from the vote since there a bill for his cover crop funding was amongst those listed.**

Sumner mentioned to the Board that he and Wright recently discussed when it is appropriate for a Board member to abstain from voting. Sumner noted that abstaining can become unmanageable at times, especially in the cases of conflict of interests. Wright provided the Board with a letter from the Orange County Land Trust detailing occurrences where applications are not approved due to conflict of interests. Additionally, the letter suggested that Board members recuse themselves from the meeting during the proposed project's discussion. Cheney proposed that we review Orange County's Code of Ethics to learn what their approach is since the Board does not have their own. Additionally, Cheney suggested that in these instances, the bill in question should be listed separately and have the bills approved in two separate motions.

**\*DeBlock signed the Bills for Board Approval rather than Wright due to his proposed bill.**

**GRANT REPORT UPDATE** –Sumner told the Board the paid amount for the CRF 5 state cash was \$300,000. The District reimbursed the Pine Island Turf Nursery over \$553,000. Sumner noted that the District was down on the grant for \$250,000 to match the State money for construction costs. Sumner stated that the amount will go up more since we have a final reimbursement. However, we have provided the required local match to close out CRF5 and receive the final \$30,000 payment. Sumner acknowledged that the District was advised some time ago to review the various grant statuses with the Board routinely. Sumner informed the Board that the paid amounts on the grant report will be updated and ready for review at February’s meeting.

**INTERAGENCY REPORTS**

**FSA:** DeBlock had no updates to report to the Board.

**NRCS:** Sumner informed the Board that there is a new Natural Resource Specialist at NRCS.

There were no representatives from NYSS, CCE, or WCC present at the meeting.

**STAFF REPORTS**

\*Written staff reports were emailed to the Board prior to the meeting for review\*

**M. Held (SWCD)-** Held submitted her staff report via email to the Board prior to the meeting. Held informed the Board that the last of the CRF6 cover crop payment was allotted for. The last farmer to receive funding from the grant was Jason Touw. Held noted that Touw needs soil testing done as well to satisfy his payment. Additionally, Held briefly discussed the contracts associated with the Ag Non- Point Source grant, AGNPS, which Sumner will discuss in further detail. AGNPS. Once they are signed by a Board member, Held will submit them to Ben Luskin to review.

**E. King (SWCD)-** King submitted her staff report via email to the Board prior to the meeting. King reported to the Board that PKF O’Connor Davies, an accounting firm, will be conducting the District’s annual audit during the first week of April 2024. Sumner noted that King worked diligently on addressing concerns Sumner had regarding his Medicare Part B Premium. Per the email conversation King had with a NYSHIP employee, since NYSHIP is Sumner’s primary insurance, Sumner does not need to pay for Medicare Part B. Sumner needs to speak with the Social Security Administration to officially unenroll himself from Medicare Part B and will keep the Board posted. Sumner does not intend on paying his most recent Medicare Part B Premium bill that he recently received since his coverage will ideally conclude soon.

**K. Sumner (SWCD)-** Sumner submitted his staff report via email to the Board prior to the meeting. Review “Old and New Business” for further information.

**OLD & NEW BUSINESS**

**Floodplain Bench Phase 4** – Sumner noted that culverts need to be installed and roads need to be repaired at the Floodplain Bench Phase 4 project. Due to recent heavy precipitation, the Bench has been underwater at least five times. Sumner clarified that this does not mean the Bench is not working, but it will certainly impact the tree survival rate. Unfortunately, Sumner does not think that our tree survival rate will meet the DEC requirements. Sumner is hopeful that the county surveyors will be able to get the “As-Built” survey and Conservation Easement Limits Survey done so long as the weather permits. Sumner has been hesitant to finalize the Easement limits until road work is completed. Sumner reported that corn was harvested from the Phase 4 North area and soil samples were collected from deep soil testing pits prior to the snowfall.

## ORANGE COUNTY SWCD January 2024 BOARD MEETING MINUTES

Sumner briefed the Board on the progress of the construction plans and tree cutting request for proposals, RFP for Phase 4 North. The deadline for the tree cutting RFP is 3/31/24. Sumner noted that it is difficult to get in contact with the Phase 4 North landowner and farmer that rents the property. Sumner wants to confirm plans with everyone prior to issuing RFP for tree cutting. DeBlock volunteered to go with Sumner to speak with the landowner since she knows him. Sumner believes that the landowner currently wants to retain all the soil that is excavated to construct the floodplain bench. However, Sumner wants to propose a compromise with the following terms; 1.) Some of the soil would be spread on the fields, 2.) The contractor is allowed to sell a 1/3 of it to help keep the bid price low, and 3.) The landowner can stockpile the remaining soil. Sumner is unsure whether Walter wants to retain the title ownership or whether he wants to sell it. Sumner does not know how much the District would have to pay him for the land easement.

Sumner placed importance on looking at the bigger picture when it comes to the Bench project. Per Sumner, the Bench project will consume a great deal of his time in 2024. Sumner posed the question to the Board whether focus should be kept on extending the Bench further upstream or should the Board consider other projects? Sumner discussed the aforementioned question with the Bench project engineer last week. Sumner told the Board that if they intend on extending the bench past Phase 4 in the next year or so, then we should be starting studies, designs, and permit applications for that now. Sumner admitted that it is becoming unmanageable for him to handle the Phase 4 project and take the necessary actions for Phase 5 by himself.

**Quaker Creek-** Sumner provided the Board with an update on the farmers in the Black Dirt who want to modify Quaker Creek before surveys or designs are completed. In their attempt to address the recent flooding conditions, the farmers started excavating at the upstream end instead of the outlet which is what drainage experts recommend. The Board discussed the recent accident involving an excavator being submerged along Quaker Creek. The landowner, who rents this property to a farmer, was not made aware of this decision to dig out the Creek and put dirt on his fields. Although the landowner is upset by this, he will not pursue a civil suit. This occurrence confirmed Sumner's concerns that the farmers would rush the process without getting permission from the landowners. Sumner noted that if the farmers still plan on moving down to the Walkill River that they will encounter a long section of Quaker Creek that is a DEC wetland. Rob Schreibeis, from the County Executive office, spoke with the farmers who stated that they will continue the work on Quaker Creek, but asked that the County revive the Celery Avenue Ledge Lowering Project. Schreibeis assumed that when the farmers referred to the "County" they meant OCSWCD. Schreibeis suggested that the District take the money the County approved for the Bench project and allocate it towards the Ledge project. Sumner disagrees with this suggestion since the wheels are already in motion on the Bench project. Sumner further explained that we have active permits that would expire if we changed the plans. Additionally, the permits for the Ledge project have expired and would need to be refiled. Sumner noted that if the Ledge was lowered by four feet it would benefit Black Dirt lands even if it does not directly help the flooding of Quaker Creek. Sumner received an estimate of \$3,000 from our primary Project engineer at B&L to handle the renewal of the Ledge project permits, etc. Sumner advised that the Board factor in where the construction funding would come from for this project. The County allocated \$600k to the District in 2024's County Appropriation for the Bench project. Sumner would feel more confident in revitalizing this project if the County outwardly pledged their support and proposed a plan for funding. Sumner reminded the Board that the District was denied funding twice by the Climate Resilient Funding, CRF, program for the Ledge project a few years ago. Sumner recommended that if the District were to reapply to CRF then it would be wise to focus on how the Ledge project improves the resiliency of the farms in the Black Dirt, and hope that the increased funding in this grant offering would allow the project to 'make the cut'.

Furthermore, Sumner noted that siltation control, the volume of rocks that need to be removed, and weather conditions are all project variables that need to be considered. The weather conditions specifically affect the project cost and duration of the project. Sumner proposed that the contractors bid on a rate basis rather than an open bid to take some of the unknowns out of the RFP that would be likely to result in these bids. After speaking with a trusted

contractor, Sumner estimated that under perfect conditions the Ledge project could cost \$50k, but since perfect conditions cannot be guaranteed, half a million dollars is probably a more reasonable prediction of an actual bid. Per Sumner, with this project the contractor would need to factor in sediment control, permitting, the bare excavation aspect, and disgruntled neighbors. Cheney asked Sumner whether the District has the \$3,000 to fund the initial permit renewal to which Sumner confirmed that we do. Cheney advised that the District tell Schreibeis that there are possible funding options available, but they are not guaranteed. Per Cheney, Schreibeis should ask the County Executive's office whether they are willing to assign funds to our budget for the project. Sumner noted that the District is not subject to prevailing wages where the project primarily benefits private lands. Sumner has it in writing from an Ag & Markets attorney that if the project primarily benefits the private, not public, sector then it is not subject to prevailing wages. Cheney suggested that Sumner speak once more with Schreibeis and find out the likelihood of the County Executive's office supporting the construction costs. Cheney continued that once we know the County Executive's thoughts on the Ledge project then we can get the County Legislature support. Sumner agreed with Cheney's plan of action.

### **Summary of the Local Cost Share Program (LCSP)**

Sumner indicated in the LCSP summary that funds were increased last year. A lot of projects that were charged to the LCSP pertained to cover crops, but the District also had the Zylstra Grazing Project and the Vreeland Barnyard Project. The District started the year with \$50,000 in the LCSP. In September, the Board allocated an additional \$10,000 to the LCSP which allowed the District to approve the O'Dell Dairy Farm & Wright Family Farm cover crop requests. The LCSP's balance at the end of 2023 was \$3,000.

Sumner informed the Board that the District maintains an 'open' sign up period, which means we will accept applications whenever an inquiry is made. The District has, in the past, released an 'Announcement of Funding Opportunities'. Sumner drafted a document titled Agricultural Conservation Project Financial Assistance Inquiry which summarizes the funding opportunities that are available to farmers and how the Board handles project applications. The Board came to an agreement that publishing the assistance inquiry on the District's website, Facebook page and the FSA newsletter satisfies the need to spread awareness. The Board considers funding requests relative to funding sources (for example, AEM Tier 4, AgNPS, CRF, LCSP) to maximize the number of requests that can be satisfied. Currently, there are three projects presented for Board approval. The applicants include Rick Minkus, Hoyt Farms, and Joseph Minkus. Sumner asked the Board if they are comfortable with approving these three projects without doing an actual open request for project proposals. Sumner's suggestion for the source of funding would be to take it out of the AEM Round 18 funding. Sumner stated that there is \$200,000 available for the projects. The preliminary cost estimates are as follows; \$25,000 for Richard Minkus, \$30,000 for Joseph Minkus, and \$60,000 for Hoyt Farms. Per Sumner, the AEM Round 18 contract started 1/1/24 and the deadline to choose which projects we will fund is 5/1/24. Once the Board decides how much funding to allocate to each project, the project still needs to be submitted to the State Committee. There they will determine the projects' basic eligibility.

Sumner reported that the Hoyt Farm project addresses 80 acres of cropland and pertains to Cropland Erosion Control/Water Management. Sumner noted that both Minkus projects are beef operations that are separate from their produce sales. Richard has fifty head of cattle and Joseph has 10 head of cattle. Both Minkus projects deal with Barnyard Water Management. Joseph wants to build a covered area for his herd which accounts for a large portion of the \$30,000. Richard's proposal entails pouring concrete to build an area outside the barn for the cattle to be. This would allow Richard to utilize the manure and easily add to his manure spreader. Typically, the funding is proposed to the farmers at a 75%/25% split. Sumner is skeptical that the \$30,000 would cover 75% of his project. Sumner suggested that we could tell Joe that the District can help him, but that we would cost share it at 50% rather than 75% to demonstrate that we have somewhat addressed the issue of the cost relative to the number of animals. Sumner stressed that the applicant needs to understand that their funding could be capped at 50% which leaves the remaining expenses to them. If the Board was agreeable to that in concept, then that would still leave us \$85,000 out of the AEM Round 18 funding to allocate to other potential projects. Sumner reminded the Board that there are additional funding opportunities coming up such as CRF Round 8 and the new round of AgNPS.

Additionally, Sumner reminded the Board of the possibility that the State Committee may reject their request to have Sumner grandfathered into the new soil health policy sign off policy. If that were the case, then the Board would need local funds to account for the cover crop payments. Despite Held's efforts to jump start her Certified Crop Advisor, CCA, certification, Sumner stated that it may be another year until she has it. The District may very well have to pay someone with CCA certification in the interim.

**2024-1-5 Cheney made the motion to approve funding from relative funding sources for the following projects, Richard Minkus Barnyard Water Management up to 75% of total project cost not to exceed \$25,000, Joseph Minkus Barnyard Water Management project 50% of total project cost up to \$30,000, and Hoyt Farms Cropland Erosion Control Water Management at 75% of project cost up to \$60,000, seconded by Ruszkiewicz. All in favor.**

#### **Authorization of District Manager to Sign Contracts**

Sumner stated that the Board can give signatory authority to him to sign contracts and official documents, but it must be renewed annually.

**2024-1-6 Cheney made the motion to authorize the Conservation District Manager to sign contracts, Constable seconded. All in favor.**

#### **Election of Officers**

**2024-1-7 Ruszkiewicz made the motion to keep the Board members' positions the same, Constable seconded. All in favor.**

**2024-1-8 The Board made a unanimous decision to re-elect Wright as chairman of the Board. All in favor.**

Wright thanked the Board for reelecting him as chairman and noted that you could not ask for better members to work alongside with. Sumner confirmed that he and Wright speak consistently at least twice in between meetings.

#### **Approval of Staff to Attend the Water Quality Symposium in March**

Sumner asked the Board to approve sending King and Held to the training opportunity, the Water Quality Symposium, coming up in March. Sumner informed the Board that the Employee's Association is providing two free coupons to each district which will cover expenses for the training and the hotel. The coupon does not cover mileage or food expenses.

**2024-1-9 Ruszkiewicz made the motion to approve sending King and Held to the Water Quality Symposium in March, Cheney seconded. All in favor.**

#### **Reviewal of Policies**

Sumner proposed that one policy in the District's procurement policy change. This policy indicates that the Office Manager has authority to sign checks. The Office Manger prior to King possessed this ability. Sumner proposed that the policy be updated to read that 'no employee besides the Conservation District Manager has the authority to sign checks.' Thus the Treasurer, Assistant Treasurer, and Conservation District Manager maintain control and have oversight over all expenditures except those for petty cash.

**2024-1-10 Ruszkiewicz made the motion to change the procurement policy to state that no employee besides the Conservation District Manager has the authority to sign checks, DeBlock seconded. All in favor.**

Cheney asked Sumner how often the Board reviews and approves the District's policies. Sumner noted that we have not sent the whole list of policies out yet since there was the one proposed edit. Cheney stated that he would like to approve them yearly. Sumner agreed with Cheney and will distribute the policies to the Board members prior to

February's meeting. Sumner informed the Board that Albany wants the District to have a data breach policy if the system is hacked. Cheney suggested that Sumner confer with the new IT director at the County's office about a data breach policy. Sumner reached out to Daniel Muñoz who works for the County's IT department to see if the County had a data breach policy the District can adopt.

**Approval of AgNPS Rd 29 Contracts for Various Farms**

Sumner reminded the Board of the new proposed farmers and their corresponding projects for the AgNPS Rd 29 funding. The farmers include Mike O'Dell, Mike Miedema, Jody Moraski, and Robert Brady. Sumner acknowledged that Held detailed the projects in her monthly report. Sumner noted that the funding was already approved by the Board in the proposal stage. The contracts are presented today to finalize the plan between the farm and the office. Sumner requested that Wright sign the four contracts.

**Review 2023 Staff Leave Summaries**

Sumner provided the Board with the 2023 staff leave summaries for King, Held, and himself. These documents are presented to make the Board aware of any potential liability for a payout due to accumulated annual leave buildup. Sumner noted that the auditors always request to view these summaries. Sumner already initialed King's and Held's summaries. Sumner requested that one of the Board members initial his 2023 staff leave summary after review. Sumner informed the Board of the 240 hours carryover policy for annual leave. Per Sumner, there is no limit on sick leave, but no carryover policy for personal leave.

**2024 Cost of Living Adjustment**

Sumner noted that the Board discussed the cost-of-living adjustment, COL, during the budget request to the County. Sumner reported that on top of the \$600,000 that the District asked for the special project, the District requested an 8% increase in our base appropriation. Sumner asked the Board to decide whether they want to approve a COL adjustment for 2024 and if so how much.

**2024-1-11 Cheney made the Motion, Constable seconded, to enter the executive session to discuss the salary relative of a particular person. All in favor**

**2024-1-12 On a motion by Cheney, seconded by DeBlock, the Board came out of Executive Session at 11:20AM. All in favor.**

**2024-1-13 DeBlock made the motion to grant a cost-of-living increase of 5% to all the salaries, seconded by Cheney. All in favor.**

Sumner reported that he reviewed the equipment insurance renewals, removed what is no longer relevant, and updated the list. Sumner stated that there is a question of whether the District wants the insurance premium to be at the current value or replacement value. Sumner informed the Board that renewing the policy at current value would result in a premium increase of about \$100, but if we use the replacement value it increases the premium to a little over \$300. Sumner distributed the insurance premiums to the Board members. Sumner opined that he thought the extra \$300 was worth it to have the policy cover replacement value, and the Board agreed.

**Next meeting date: February 26th**

**ADJOURNMENT**

**2024-1-14 Cheney made the motion to adjourn the meeting at 11:30AM, seconded by Ruszkiewicz. All in favor.**

Minutes Prepared By:

Emily King, Secretary to the Board



February, 2024

### **Walkkill Flood Projects –**

Floodplain Bench Phase 4 South – Culverts have been installed, and road repairs completed. We will ask the landowner to ‘sign off’ on the road conditions being as good or better than pre-project.

We did not plant all the smaller trees called for in the planting plan last fall, so we will be planning some additional plantings at some point. It may be prudent to see how the fall plantings fare before doing additional plantings.

County Surveyors have completed their field work for the ‘as-built’ and Conservation Easement survey. Tom Barry is working on map preparation. Once completed, we will forward the as built survey to B&L for calculation of actual cubic yardage excavated which may result in an adjusted final payment.

### **Floodplain Bench Phase 4 North**

I met with the landowner and farmer who operates the land. We generally reached agreement on key aspects of the project. I want to discuss payments to the landowner for land consumed by the project with the Board. The farmer, Brian Ford, agreed to ‘sponsor’ the project (following the model we use for NYS-funded projects, the farmer will hire the contractor and we will reimburse the farmer). The landowner is agreeable with this arrangement.

We solicited tree cutting proposals on behalf of the sponsoring farms. I will review the proposals we received with the Board at the meeting. We hope to see that work start the week of 2/26.

### **Other Flood Control Items**

Rob Schreibeis from CE office asked me if I wanted to view the work being done on Quaker Creek by a group of farmers.

Regarding the possibility of reviving the Celery Avenue Ledge Lowering project, do we want to authorize B&L to proceed with permitting?

**Carbon Farming Project** – Close out materials for DeBuck Controlled Drainage and Southway Compost Facility have been submitted to Ben at NYSSWCC. We are still waiting for feedback on the materials we submitted. We are getting concerned that we are getting close to the 60 day post-contract period by which many funding agreements require all close out procedures to be completed.

**AEM Round 17** – We are waiting for feedback on project close out materials submitted. We have been told that review will not happen before the State’s ‘black out period’.

**AEM Round 18** – Contract documents were received, signed, and returned to Albany. We have a 4<sup>th</sup> farm project we would like to fund from Round 18 Implementation funds. The farm is Devon Simpson in Deerpark. We will discuss in more detail at the meeting.

**CRF Round 7** – Work Plan materials for all three projects has been submitted to NYSSWCC – awaiting contracts. All staff are working to advance these projects while we await funding.

## **NRCS – ‘PIFR’ for Wallkill Flood Control Measures**

See Correspondence. I am not inclined to appeal or formally respond to the rejection of this project. But I note at least two very questionable aspects of the reasons provided for rejection of the project.

- 1) *“Sponsor does not have control over the bridge that is required to be replaced for the actionable alternatives to be viable. Prior to advancing, NRCS requires assurance that this bridge will be replaced by the owner (at the owner’s expense) to accommodate this project, and written assurance that the replacement will occur prior to the implementation of this Watershed Project’s start of construction”.*

This finding is foolish, in my opinion, since the Oil City Road bridge is upstream of all Orange County farm drainage. Even above the bridge, there is no farming – it is in the Refuge. In fact, the bridge opening more likely benefits farm drainage by acting like a controlled release, with floodwaters detained behind Oil City Road.

- 2) *“The Soil and Water Conservation District does not have the power of eminent domain or power to levy taxes. An eligible Sponsor that meets all program requirements will need to be obtained. “*

The issue of eminent domain was discussed early in the ‘PIFR’ process, and we were reminded by NRCS that would need to be prepared to exercise eminent domain if necessary. So it seems highly questionable that the rejection letter now states that we do not have the power of eminent domain. If we do not have this power, why was the project accepted for study in the first place?

I find it a shame that public dollars were expended on a study that produced such poorly arrived at conclusions.

## **Wallkill Federal Flood Control Project Maintenance**

A meeting of the ‘Advisory Committee’ as defined in the Agreement between the County and four towns has been scheduled for Friday March 1<sup>st</sup> at 9AM. A report was sent previous to the meeting scheduling.

## **Projects Status List**

I prepared a list of projects we are currently engaged with. We have approximately 23 construction projects and several other non-construction projects in play. The list includes status summaries and ‘next steps’ to facilitate all staff helping to move projects forward. This list does not include numerous project ‘close-outs’ that are currently in progress and that consume extensive amounts of time to satisfy NYS funding agreement requirements. This identified workload needs to be considered as requests for new projects are received.

## **Other**

**‘Sign Offs’ on Soil Health Practices** – Our Letter is on the NYSSWCC Agenda for their February meeting (2/27).

Emily King

February 26, 2024

To the Board of Directors,

Shortly after January's meeting, I finished preparing the 1099 forms for our farmers and subcontractors. It took me a while, due to high user activity, but I successfully submitted the 1099 forms on the IRS's E-filing service. Additionally, I mailed the W-2 forms to the Social Security Administration, SSA. I registered with the SSA to file the W-2 forms online in the future. Throughout this process, I was able to contact other district office managers for help. A large email chain was created months ago for the district office managers which has proven to be very resourceful. I recently contacted the group to find out if any of the districts have a data breach policy that our district could adopt. I shared the ones I received with Kevin for reviewal.

I spoke with a representative from the NYS Local Retirement System, NYSLRS, to confirm whether the District must pay a 2024 estimated invoice for Travis Ferry. Per the representative, there is no remaining balance on Travis Ferry's account and the District does not need to pay the estimated invoice. She explained that NYSLRS collects enrollee data from April – March of each year. In June of each year, NYSLRS provides the estimated invoice based on the monthly payments made between April – March to offer participants a chance to pay ahead of time. Lastly, I confirmed with her that Travis Ferry's retirement plan, through our district, was cancelled in June 2022.

Additionally, I mailed a letter to Susan Cabrera detailing her monthly health insurance payments. I received approval from Kevin prior to doing so.

I updated the 2024 salary budget and made appropriate adjustments based on our recent cost of living increase. I updated various folders/binders for 2024 and filed away documents from 2023. Over the course of the month, Ben Luskin reached out to Kevin and I with corrections to the Part A report.

February allowed me to gain more experience with providing farmers information regarding soil group worksheets. I corresponded with farmers via email and phone. I received valuable guidance from Mary and Kevin as to what questions to ask and how it works.

I created ledgers on Excel spreadsheets for the new CRF, AgNPS, and AEM Round 18 grants. Additionally, I updated the existing grant ledgers and subsequently the Dedicated Fund Summary.

I corresponded with our contact at Sidle Insurance to address a recent bill that conflicted with our adopted quarterly payments. I also obtained a copy of our workmans' compensation and disability certificate from Sidle Insurance which was needed for our AEM Round 18 submission. I closely monitored the District's checkbook balance and kept Kevin updated on it. Prior to receiving the County's 1<sup>st</sup> Quarter Appropriation check, I made internal transfers online to ensure that there were sufficient funds.

Kevin, Mary, and I met to assign responsibilities and discuss the progress of several projects. I spoke with Richard Wieboldt this past week to gauge his interest in moving forward with his AgNPS Round 27 project. Wieboldt explained that he needs to consider the project expenses once more, but that he will let us know if he is still interested in a week or so. I left a voicemail with Robert Brady asking him to call me to discuss any additional requests he has for his access

control project. I contacted Shuback Farms to let them know that I have emailed vendors asking for a quote on a Hosereel Mounted Boom irrigator and the accompanying equipment.

I began working on the Hartford Insurance Company's yearly audit which is due March 5<sup>th</sup>. I created an Excel spreadsheet that includes the necessary data and an explanation for how I gathered this information. I contacted our subcontractors and requested a copy of their workmans' compensation certificate of insurance. I am waiting for a response from PKF O'Connor Davies, the audit firm the District uses, to find out what materials I can prepare for them and when exactly they are coming. As always, please feel free to reach out to me with any questions or concerns. Thank you for your time.

## **OCSWCD Technician Update**

2/23/2024

Since the last board meeting, many more soil group worksheets have come in. We are nearing the end of the line and rapidly approaching March 1<sup>st</sup> (!!!). Between the soil group worksheets, there have been several grant updates.

### **CRF Update:**

Round 6: There have been no recent updates in CRF round 6 since the last board meeting. I am still waiting for better weather to get the last of the soil testing accomplished.

Round 7: We have split into three parts to get a handle of all the Round 7 paperwork to be completed. Emily has been working on the materials for Kevin Shuback's equipment quotes. I requested an updated quote and plan from Brookdale Farm's Zoe Stapp regarding the change in the water source for John Wright's irrigation system – we have received the updated quote and plan reflecting the changes. Kevin has mostly taken the lead in the Crist Bros procurement documents, but I have been working to satisfy the AEM Tier 3 requirements for the farm.

### **HVCFP Update:**

Drafts of closeout materials for DeBuck and Southway were submitted to AEA Ben Luskin for approval before final submission. It has been almost 2 months since we heard back from him on either of these closeouts, and we are approaching the 60-days-since-completion deadline. We have encouraged him to get back to us on the matter but have not received any guidance regarding critiques or changes to be made.

### **AGNPS Update:**

Round 27: Contract End Date: March 2025

- Weibolt: Emily has reached out to assess landowner's intentions to complete compost shed and fuel tanks project.
- Soudant: We have mailed and called to inquire about his intentions to complete his barnyard and fuel tanks project but have yet to receive a response.
- Vellenga: Still need to determine LO's intention to complete stream crossing and silage leachate control project.
- Marty Lain: We are working to close out this project. I am currently collecting closeout materials (receipts, proofs of payment) with the help of the landowner and vendors. Once those materials are acquired, we can approach Ben about other closeout requirements.
- Chris Van Aken: From Kevin- Last LO interaction indicated he does not want to proceed. Given lack of O&M on barnyard project, it is probably best to consider this milkhouse wash water project cancelled.

Round 29: All farmers with signed SWCD/LO contracts have been submitted to Ben, who has submitted them for further processing. We're still waiting for a contract.

### **AEM Update:**

*Round 17:* Round 17 closeout materials were submitted to Ben for review in early February. We submitted well before the blackout date which begins at the end of February, but this package has met the same fate as the Carbon Farming Project grant. Thankfully, we are not sitting on a ton of money for AEM Rd 17, so it is not a major loss to the district to not have these funds for some time.

*Round 18:* Materials for farmers in our Tier 4 track (Minkus, Minkus, Hoyt, and Simpson [if approved by the Board]) are being updated continuously to satisfy AEM and engineering requirements. We will need a motion to allocate Tier 4 funding to Simpson for his silage leachate control system.



United States Department of Agriculture

January 17, 2024

Kevin Sumner, District Manager  
Orange County Soil and Water Conservation District  
225 Dolson Avenue, Suite 103  
Middletown, New York 10940

Mr. Sumner,

This is to advise you that completion and review of the Preliminary Investigation Findings Report (PIFR) your application for financial assistance through the Public Law (PL) 83-566 Watershed and Flood Prevention Operations Program (WFPO) project in Orange County, HUC 10 0202000702, Wallkill River Watershed, has been determined not to be eligible for Watershed Planning for the following reason(s).

Project has apparent insurmountable obstacles.

- Sponsor does not have control over the bridge that is required to be replaced for the actionable alternatives to be viable. Prior to advancing, NRCS requires assurance that this bridge will be replaced by the owner (at the owner's expense) to accommodate this project, and written assurance that the replacement will occur prior to the implementation of this Watershed Project's start of construction.
- Approximately 20% of the stream intervention miles (1 mile of 5 project miles) proposed are to be installed on existing lands that are federally owned or leased. Program funds are not allowed to be provided for watershed protection measures installed on Federal Land. Those costs will need to be incurred by the sponsor or partnering federal agency.
- The Soil and Water Conservation District does not have the power of eminent domain or power to levy taxes. An eligible Sponsor that meets all program requirements will need to be obtained.
- Three previously pre-historic cultural resources sites exist within the Area of Potential Effect and include potential bog turtle habitat.

You may contact David M. Walowsky Jr., by calling 315-477-6531 or emailing [david.walowsky@usda.gov](mailto:david.walowsky@usda.gov) if you have questions regarding the Public Law (PL) 83-566 Watershed and Flood Prevention Operations Program (WFPO).

Thank you for your interest in this program. We look forward to assisting you the future.

Blake Glover  
State Conservationist

cc:

Paula C. Bagley, State Conservation Engineer  
David M. Walowsky Jr., State Design Engineer

