

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
September 17, 2018

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:06 AM. Directors J. Wright, P. DeBlock, G. Keeton and M. Kemnitz were present, along with K. Sumner, T. Ferry and C. DeGroot (OCSWCD) K. Edelman-Reyes, Senior Assistant County Attorney and J. Heller (NRCS).

2018-9-1 Keeton made the Motion, DeBlock seconded, to approve August's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – None.

CORRESPONDENCE

- Bank account statements from the District's banks were available for review.
- There was discussion regarding the NYACD Annual Meeting and Training Conference that is being held October 23-25, 2018 in Cazenovia, NY. Sumner mentioned that there are some good resolutions included in this meeting packet. One is from the Onondaga County SWCD asking that the NYACD work to educate the NYS Senators that money for individual District projects should not be carved out of base funding programs but should come from another resource. A second resolution mentioned was from Cortland County SWCD asking that the NYACD and Conservation Partnership explore opportunities to support farms with planned conservation activities by providing short-term relief and temporary changes in program requirements to enhance their abilities to implement, to make things more flexible for farmers especially in terms of some of these funding programs. For example, reducing the farmer's match and making it easier to modify practices they signed up for and to extend contract deadlines. There was a second resolution from Cortland County SWCD. In order to get money from NRCS for barnyard projects you have to have a CNMP and a contract that schedules implementation of all the items in that CNMP. They have to address everything in one contract. Cortland County SWCD is asking for representatives to change the policy to allow AFO producers to receive technical and financial assistance through the NRCS EQIP framework in order to implement BMPs, identified in a CNMP, in a progressive manor and not require full implementation of all BMPs within the EQIP contracting period. Even if Orange County SWCD does not attend this conference we should look into signing on to a resolution. At this time OCSWCD District Directors are not planning on attending.
- The AEM Year 14 Contract Extension was presented. It will need to be signed and notarized.
- Copy of a letter Sumner sent to a new landowner regarding gaining their permission to access their property so that the District can progress the second and third phase of the Wallkill floodplain bench project was passed around. He included a sample access agreement. Sumner suggested that if we do not get a response from the landowners that perhaps the Orange County Law Department could send them a letter. Karen requested an email from Sumner with all of the attachments of what has already been sent out so she can summarize them. We can probably do work that's on the existing federal flood control project easement without landowner approval, but that would require modification of the currently approved and permitted construction plan. Plus, we would prefer to have all affected landowners in support. There was a brief discussion on having an interpreter work with the landowners if the dialect can be identified. It was mentioned that tree cutting needs to be done between October 1st and March 31st in order to comply with bat protection requirements in the permits. Phase 3 will involve a lot of tree cutting. We need to decide how to allocate next year's Performance Measures Part C money, and Phase 3 tree cutting could be one possibility. Sumner estimated that Phase 3 will involve excavation of around 30,000 cubic yards of soil – much less than Phase 1 and somewhat more than Phase 2. However, because of the woods surrounding the work area and the long distance to any potential soil utilization or disposal site, the cost per CY of this phase is expected to be significantly higher. No decision was made on proposed use of 2019 Part C funding.

(P. Ruskiewicz joined the Meeting at 9:22 AM)

FINANCIAL REPORTS

Sumner noted under the dedicated funds section of the Report there are currently no funds with a negative balance. He explained why Housing Trust Fund has a balance for the first time. Past payments we received were always dispersed right away to satisfy bills we had already received. The final payment reflected on the August Report is expected to be dispersed soon as part of the final payment to CFI Contracting for the floodplain bench phase 1 project.

2018-9-2 Wright made the Motion, Keeton seconded, to file August's 2018 Financial Report for audit review. All in favor.

The Bag Man listed on the Bills for Board Approval is for more trench silo covers. We are working off of Part C money to pay for covers and we may still get more cover requests. There is approx. \$12,000 left of the Part C money. There was discussion on what to do with it and how much to keep in reserve. We are still getting free shipping on the second cover order. We could buy extra covers to have on hand, but that is not optimal since we are trying to tailor the sizes purchased to farmers' trench sizes to save money.

2018-9-3 DeBlock made the Motion, seconded by Ruskiewicz, to accept the Bills to Be Paid. All in favor.

The August Grants Report Update was presented to the Board for review. Sumner passed out summaries on the ag grants due to expire at the end of this year. Ag NPS Round 19 has already been extended once. We have given participants every opportunity to complete their projects. Some have cover crop listed in their plan so if they get it completed this fall they can still get paid. Sumner is working with one farm to complete a project they started a couple years ago but never completed. Sumner recommends letting Round 19 close out. **2018-9-4 Wright made the Motion, seconded by Keeton, to not request a Time Extension for Ag NPS RD 19. All in favor.**

Both AG NPS ROUND 20 grants (Livestock Waste and Farm Runoff) expire at the end of this year. A few people did respond to letters sent out for Farm Runoff 20 stating they want to complete their projects. Projects were reviewed with the Board. **2018-9-5 Keeton made the Motion, seconded by DeBlock, to request a Time Extension for AG NPS ROUND 20 Farm Runoff. All in favor.** Livestock Waste 20 has four farms included. One farm has completed his project. **2018-9-6 Wright made the Motion, seconded by DeBlock, to request a Time Extension for AG NPS ROUND 20 Livestock Waste. All in favor.**

STAFF REPORTS

- **T. Ferry**
 - Ferry has been out moving the grain drills as farmers are able to get to their fields. Some parts were bent on the old seeder out at a farm, so new parts were ordered and the farmer will replace them.
 - Working on AEM plans.
 - Mower is still at Bellvale.
 - Ferry has been assisting Jenerson, the landowner on County 56 discussed at previous meetings, with obtaining a wetland disturbance permit. Disturbance will only take place in the wetland buffer. This permit will allow the landowner to construct the 50' driveway entrance that the County DPW is requiring. Currently, his intention is initiate his farming plan only, not construction of a house and driveway proposed in earlier draft plans for the property.

- **K. Sumner**

- E. Schellenberg from CCE has a farm located in Ulster County and inquired about renting one of our ditchbank mowers. We have a policy in place that the planting equipment will only be available to Orange County farmers, but we never clarified this policy with regard to the mowers. The renter would be responsible for picking up and returning the mower, and he would need to supply the District with proof of insurance with the District named as additional insured. **2018-9-7 Wright made the Motion, seconded by Keeton to allow out-of-county farmers to rent the mowers on a case-by-case basis. The minimum fee will be \$150 which will include loading and unloading the mower on the user's transport equipment and will include the first two hours of use, with additional fees of \$25 an hour after the first two hours. All in favor.**
- Did a soils training for the Orange County Planning Department's staff.
- Sumner had received a call from a farmer regarding the pipeline to the new CPV plant that went through his property. The work caused damage to this landowner's farm fields. He indicated the pipeline company says they will pay for repairs to the field, but they wanted him to present a proposal for the work. He called our office to request assistance in preparing a repair plan and Sumner met with him and a landscaping/excavating contractor at the site. Sumner will prepare a plan for him. Sumner sees where the repair work could be very costly, but since the pipeline company should be obligated to put the field back the way it was to the extent possible, Sumner believes the full expected costs should be requested in the proposal, including funding for engineering and construction oversight from our office.
- Sumner has been working on ag grant administration and engineering work on some farms.
- Worked on the silo cover project.
- Continuing to work on the Monhagen Creek Watershed Plan
- Worked on the Phase 3 of the Wallkill Flood Plain Bench Project.
- Sumner received a call from the Nature Conservancy. They are doing a flood plain improvement project in the Neversink Preserve and they want to remove a berm that is approx. 300 feet long and four feet high. Keeton the area is a natural formation. Their consulting engineers suggested that they contact the SWCD for our opinion. Sumner reviewed their plans and had suggestions. The TNC rep that requested our input thanked Sumner for the comments and wished they had asked for them sooner since incorporating some of our suggestions might require modification of permits for the project that are already in place. The Upper Susquehanna Coalition is their contractor. The contract has to be completed between Oct 1st – December 31st.

○ **INTERAGENCY REPORTS**

• **J. Heller (NRCS)**

- 23 contracts obligated in 2018. A lot of these were last minute high tunnels.
- NRCS closed on three easements in Warwick. Two more to go.
- 2019 applications are on-going. Applications are in the planning process right now. All resource concerns on the farm must be documented and there has to be a commitment from the landowner.
- Greg Kist, the NRCS State Conservationist, is set to retire this week. The Acting State Conservationist has not been named yet.
- The Civil Engineering Technician will be housed in either Middletown or Highland.

Federal Relief Programs update – Dairy will receive a \$.06/ hundred weight for 2018 production history on file. Soybeans will receive \$.825 per bushel. Corn grain will receive .005 a bushel, corn silage receives nothing. Producers can sign up now. Hog farmers will get \$4 a head.

2018-9-8 Wright moved to go into Executive Session to discuss litigation at 10:39 AM, seconded by Ruszkiewicz. All in favor.

2018-9-9 DeBlock made the Motion, seconded by Keeton, to come out of Executive Session at 11:40 AM. All in favor.

Kemnitz left the meeting at 11:45. Reyes left the meeting during the Executive Session.

2018-9-10 DeBlock made a motion, seconded by Keeton, to authorize Karen Edelman-Reyes, Senior Assistant County Attorney, to sign on the Board's behalf the Settlement Agreement and Release between CFI Contracting, Inc. and Orange County Soil and Water Conservation District (Index No. EF010507-2017), and to make the payments as detailed in the Agreement. Wright – aye, DeBlock – aye, Keeton – aye, Ruszkiewicz – aye.

Ruszkiewicz left the meeting at 11:50AM.

Wright asked Sumner to look into the Climate Resiliency/Flood Control NYS funding that was recently reported on in the THR.

Discussion turned to the Trench Silo/Tire Disposal project. Sumner provided the Board with a status report, and asked for input on either buying an 'off-the-shelf' bag filling machine or fabricating one locally. The general preference was for a manufactured machine. The Board authorized Sumner to expend up to \$6,000 for this purpose.

Next the Performance Measure requirements were discussed. Sumner reported on research he had done to find regional meeting opportunities between now and e-o-y, and noted he had submitted a Special Request to NYSSWCC for Ruszkiewicz's attendance at State Vegetable Grower's conference earlier this year. Wright noted he attended a State-wide meeting in February and would get the details to Sumner.

'Part B' proposals for funding of \$6,000 are due November 1st. Several ideas were discussed, with the Board deciding that 2019's part B project would be to support the Silo Cover/Tire Disposal project.

The next **MEETING** is scheduled for **Monday, October 15, 2018 at 9:00 AM.**

2018-9-11 The Meeting adjourns at 12:40 PM on a Motion by DeBlock, seconded by Keeton. All in favor.

Minutes Prepared By:

Kevin Sumner, District Manager
Christine DeGroot, Secretary to the Board