

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
September 19, 2022

The **MEETING** was **CALLED TO ORDER** by the Vice-Chairman at 9:01 AM. Directors P. DeBlock, P. Ruszkiewicz, G. Constable and B. Cheney were present along with K. Sumner and C. DeGroodt (SWCD), E. Schellenberg (CCE), O. Velez-Juarbe (NRCS) and B. Luskin (NYS Dept. of Ag & Markets).

2022-9-1 Cheney made the Motion, Ruszkiewicz seconded, to approve August's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – The District used the credit card to purchase an electric spin spreader to assist with the seeding on Phase 3, Area 2 and to be used on future projects. It will show up on next month's credit card statement.

CORRESPONDENCE

- The bank statements and collateral agreements were available for review.
- The New York Association of Conservation Districts (NYACD) Sponsorship Request for the 2022 Annual Meeting was discussed. No action taken at this time. This will be revisited at next month's Board Meeting.
- Ben Luskin, NYS Soil and Water Conservation Committee (SWCC), sent us a written report of general updates on NYS SWCC activities.

FINANCIAL REPORTS

Money was borrowed from Performance Measures Part C to pay Pine Island Turf Nursery for Wallkill Floodplain Bench P3A2 work. It will be replenished from DASNY funds once they are received.

Sumner mentioned that the District's Professional Contracted Services on 'Disbursements' is close to budget. We budgeted \$25,000 and are currently at \$23,000. \$30,000 is budgeted for 2023.

2022-9-2 Constable made the Motion, Ruszkiewicz seconded, to file August's Financial Reports for audit review. All in favor.

BILLS FOR BOARD APPROVAL

#6 on the list of Bills for Approval (\$144,000 to Pine Island Turf Nursery) is a 'pre-approval'. This will be paid after DASNY funds are received. #9 on the list in the amount of \$900 is for our Attorney Richard Hoyt for work on the Pellets Island Project. Sumner wanted to mention that Richard Hoyt has been very reasonable with his billing.

2022-9-3 Ruszkiewicz made the Motion, Constable seconded, to pay the bills as presented. All in favor.

GRANT REPORT UPDATE – The Grant Report is updated monthly to reflect changes.

INTERAGENCY REPORTS

E. Schellenberg (CCE) – Their Annual Bountiful Harvest Celebration went well.

The rain water harvesting system at the 4-H Park is almost complete.

Schellenberg and Sumner met at the Downing Park Urban Farm. The farm will be working on a food scraps composting system.

Schellenberg added that he has been working on an Ag Energy Auditing Information Outreach Program.

O. Velez-Juarbe (NRCS) – There are 14 new contracts for 2022 in the Middletown office.

Velez-Juarbe met with his staff and SWCD to discuss projects, and ways to complete projects faster. DeBlock asked him what types of contracts they have. Velez-Juarbe said EQIP (high tunnels, irrigation, Conservation Activity Plans). He added there are a total of 41 contracts in Middletown. Some discussion followed.

DeBlock asked Velez-Juarbe to describe what a Conservation Activity Plan is. Velez-Juarbe explained that the producer hires a technical service provider, someone who has been certified through NRCS to write a plan for the property. There is comprehensive management plans, grazing plans, energy audits, forestry plans, etc.

B. Luskin (NYS Ag & Markets) – The September SWCC Meeting and Conservation Tour will be held tomorrow in Queensbury, Warren County.

AEM NYS Grown & Certified (NYS G&C) - This is the 3rd round of these funds. \$1.4 Million is available for the implementation of AEM Plans on farms enrolled in the NYS G&C program, or farms that provide commodities to the NYS G&C processors. The maximum award level is \$50,000 per farm application. There is no limitation on what practices can be funded. Applications are due by October 24th.

Luskin reminded the District that both the 2023 Annual Plan of Work and the Conservation Project Part B Financial Assistance Proposal are due by November 1st, 2022.

The 2022 CDEA Administrative Conference is on September 20-21st in East Syracuse.

The Conservation Skills Workshop will be held September 26th – 29th in Cortland, NY.

Tyler Knapp is the new SWCC Program Analyst. He worked as a Watershed Conservation Specialist at the Cayuga County SWCD.

Sumner mentioned that the District Law Training for Directors is due this year. He asked Luskin if this was not completed in 2022, would it affect our Performance Measures funding. Luskin said that funding would not be affected due to the 2022 covid requirements, but that in 2023 it will go back to pre-covid requirements. He added that there will be a webinar held sometime in October to review the pre-covid Performance Measures. Sumner recommended to the Board that they have the District Law Training in 2023.

P. DeBlock (FSA) – September 30th is the end of the fiscal year. She said that the Conservation Reserve Enhancement program will end at the end of September.

The Dairy Margin Coverage Program – there may be a payment for August milk for people who bought the insurance, but FSA will not know until October 1st.

STAFF REPORTS

Written staff reports were emailed to Board Members prior to the Meeting for review.

There was a brief discussion regarding the Districts M&T Rewards Credit Card and unused cash rewards. No action taken.

C. DeGroodt (SWCD) – DeGroodt had nothing to add to her report, which was emailed prior to the meeting.

K. Sumner (SWCD) – See “Old and New Business”.

OLD & NEW BUSINESS

AEM/Round 17 Tier 4 (Implementation Projects) - O'Dell has been collecting pole barn proposals and Sumner and O'Dell met with a local engineer to get a roof design to use in conjunction with the 'floor' design that Sumner prepared. The plans were received last week. Hopefully this project can be completed before the end of this year.

The District has been working on a 4-bin compost facility design that will hopefully be able to be used on multiple sites. Barton and Loguidice did the roof design and Sumner did the rest of the design. He asked them to have their CAD person take all of his hand drafting and turn it into a nice package, with a uniform format, since we will be using this multiple times.

Sumner went to the Downing Park Urban Farm Initiative in Newburgh on 8/15 to discuss a potential food waste compost project. He mentioned the possibility of using the standard design we are working on. Discussion followed.

Flood Plain Bench Phase 4 – The NYS DEC has been reviewing the JAP. The District is working through the permitting process with the hope that necessary approvals can be obtained in time to allow for the cutting of trees before March 31, 2023 and do some construction next summer.

Flood Plain Bench Phase 3, Area 2 – The bulk excavation was completed last week and final grading and other clean-up work is in progress. The herbaceous seeding of the bench will probably be done tomorrow and tree planting the first week of October.

Sumner was contacted by Green Farmland on 8/29 requesting that all remaining topsoil be provided to them, which is in direct conflict with the Work Plan and Agreement they signed, which clearly states the soil from this phase of the project is going elsewhere. Green Farmland claimed that they were not notified when the project started, even though they were notified with two weeks advance by mail. In the interest of being good neighbors and cooperating with adjacent landowners, Sumner went ahead, with one day's notice, and arranged for their trucks to get filled with some of the top soil. Sumner told them that they would have to drive the trucks directly to the excavation site and the contractor would load the trucks right off the bank, which they agreed to. But on the 2nd day, their driver took a load across the temporary crossing, decided he was not happy with the load and so he dumped it and went back for another load. After this, Sumner sent them a letter stating they are not to send any more trucks until further notice. Discussion followed. Sumner has an attorney involved. Even though the bulk excavation is complete, there is still approx. 10,000 cubic yards of topsoil stock-piled out there.

There is a portion of Iris Road being used to transport the clay from the excavation site and it will continue being used for a while. Sumner mentioned to the Board that there was no significant damage to the road to-date by the equipment but in the interest of being 'good neighbors' the contractor has been continuously maintaining it. At one point he brought in approx 15 loads of raw shale and Item 4 to improve the worst spots in the road. Sumner asked the NYS DEC if they had funds available to replace deck boards on the bridge. Sumner said that the contractor

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replaced some already but more need to be replaced. Sumner reminded the Board that at last month's meeting, the Board was in favor of spending approx. \$5,000-\$10,000 towards maintaining the road. Discussion followed.

The District's UTV trailer was broken into at the site on 9/17. Our contractor believes he interrupted the thieves in the act of attempting to steal the UTV. Additional security measures have been put into place.

(E. Schellenberg left the Meeting at 9:50 AM)

Pellets Island Reach Maintenance Program – Going back 10+ years there was a consensus that there needs to be a more formal maintenance program on the river from Maple Avenue going downstream. There were numerous false starts, started to work on this and it either stalled or was put on the back-burner. But once the District decided to hire a private sector attorney to move it forward, steady progress was made. Drainage Easements (approx. 20 parcels) and associated paperwork were sent out to all affected parcels/landowners. Two landowners covering 5 parcels, have returned signed paperwork. Another person called and after answering concerns, indicated he would be returning signed paperwork. Sumner met with another landowner at his property.

Sumner discussed the parcel within the easement area owned by the County of Orange with Cheney and Ruszkiewicz. The County owns the last parcel on Filomena Drive, which is a good location to stage the equipment. Discussion followed.

AG NPS Round 27 – We are waiting for a RD 27 contract. Sumner continues to move along planning and design work on several farms.

CRF Round 6 – The District is waiting to receive the official notice of funding.

Legoland EBP – Sumner suggested to Kyle, our contact at the Orange County Land Trust, that he speak directly to the NYS DEC to firm up funding plan details for the Sugarloaf Mountain Project. Discussion followed.

New Hire – The interested party who visited the office last month never completed the County employment application. Someone else who works for a District upstate inquired. They have a phone interview scheduled for tomorrow.

Meat Processing Facility – Since only approximately 12 responses were received by CCE, the District mailed hard copies of the survey to dairy and livestock farms. The Ag & Farmland Protection Board (AFPB) meeting is Wednesday night and it's on their Agenda. At a previous AFBP meeting, there was talk of the possibility of using left-over AFBP funds to do an updated feasibility study.

Signed contracts were received back for Ag NPS RD 27 from Lain and Brady, for the District's Soil Health Incentive Program from King, Vellenga, G. Johnson and Davandjer Farms, and for CRF RD 6 from Stap, Johnson, Smiley, Kocot and Touw. **2022-9-4 Constable made the Motion, Cheney seconded, to approve entering into contracts with the farms that returned them signed. Ag NPS RD 27 – Lain and Brady, SHIP-King, Vellenga, G. Johnson and Davandjer Farms, CRF RD 6-Stap, Johnson, Smiley, Kocot and Touw. All in favor.**

All three of the District's seeders are out in use for fall seeding/cover crop.

Conflict of Interest Form - There is currently an available balance of \$12,795 in the 2022 SHIP fund. John Wright expressed an interest in applying cost-share assistance for an irrigation project. Wright has an existing funding agreement with NRCS, but the funding amount appears to be inadequate for current expected costs. We are currently in the process of estimating the funding needs for this system, but based on a proposal received several years ago the cost of the system is preliminarily expected to be \$30,000 to \$35,000. A Conflict of Interest form for

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John Wright was presented to the Board. **2022-9-5 Cheney made the Motion, Constable seconded, to accept the Conflict of Interest Form for John Wright. All in favor.** Addressing this conflict of interest issue will be necessary in the event that NYS/SWCD funds are proposed to the Board for allocation to the Wright irrigation project.

Cheney mentioned that Travis Ewald assigned the culvert on Route 94 in Blooming Grove to another engineer.

Cheney said that the Cromline Creek project was on the Ways and Means Agenda last month and was approved for AARP funding. Once capital project funds are available for the project, they will hire a consultant to do a detailed design. They just received notification that they did not get funding from the FEMA grant application submitted late in 2021. They submitted two additional FEMA grant applications this spring.

Conservation Project Part B is due November 1st - \$6,000 available. DeBlock suggested using the money for the District's SHIP program. No action taken. This will be discussed at October's meeting.

The 2023 Draft Annual Plan of Work was distributed to Board members. This will be approved at next month's Board meeting.

There was a discussion on the possibility of changing auditing firms at last month's meeting. The District emailed the Orange County Commissioner of Finance but have not heard back from her. Sumner will forward the email to Cheney.

Ruszkiewicz asked Sumner if he has heard any news regarding the Wildlife Refuge. Sumner said he had tried to email and call the Refuge manager and never heard back.

NEXT MEETING DATE - The next **MEETING** is scheduled for **Monday, October 17, 2022 at 9:00 AM.**

ADJOURNMENT

2022-9-6 The Meeting was Adjourned at 10:42 AM on a Motion by Ruszkiewicz, seconded by Cheney. All in favor.

Minutes Prepared By:

Christine DeGroodt, Secretary to the Board

C. DeGroodt

Board Meeting Activities August 13, 2022 – September 15, 2022

- We have \$568 cash awards on the rewards credit cards.
- Update AEM time log. Printed Tier III cover crop tool for SHIP participants.
- Worked on the Wallkill Maintenance Expansion paperwork. Received a few signed easements back in the mail.
- Prepared Draft 2023 Annual Plan of work for Director review.
- Worked on Ag NPS RD 27 paperwork.
- Submitted reimbursement request to DASNY/SAM Grant.
- Completed a few Soil Group Worksheets.
- Mailed out paperwork/contracts for SHIP participants. Made calls to confirm it was received.
- Sent out processing plant survey to farms.

Report to Board KMS

September, 2022

AEM/AEM Round 17 Tier 4 (Implementation Projects)

Planning to start Ford Farms streambank project this fall. Stone and soil from P3A2 Bench project to be used.

O'Dell has been collecting pole barn proposals. We met with a local engineer to get a roof design to use in conjunction with the 'floor' design I prepared.

Hudson Valley Carbon Farming Project [contract extended to 4/2023]

Southway Compost Facility – 90% roof design received from B&L, participant is getting contractor proposals. I asked B&L to have their CAD guy to produce CAD drawings of my hand drafting to create a more professional design/construction package. We hope to use same design on at least two additional projects.

Still waiting on Minkus controlled drainage project.

Soil Health tests need to be completed this fall for all the project participants.

Floodplain Bench

Phase 4 (CRF 5)

DEC has been reviewing JAP, there are several items we are still working on providing to them.

I have been trying to determine what permits, if any, will be needed from the Towns (Minisink and Warwick), with little success so far.

Phase 3, Area 2

Bulk excavation complete, final grading in progress.

Second DASNY reimbursement of \$30,000 expected 9/15. Third reimbursement of \$118,299 expected 9/30. Fourth reimbursement request just submitted.

Seeding will probably be done week of 9/19, tree planting the first week of October. We purchased an electric spin spreader to assist with the seeding (noted on Bills to be Paid), which is expected to be useful for other future projects.

Green Farmland contacted me on 8/29 requesting that all remaining topsoil be provided to them (in direct conflict with Agreement they signed). I will provide more details at the meeting.

Our UTV trailer was broken in to at the site on 9/17. Our contractor believes he interrupted the thieves in the act of attempting to steal the UTV. We have put additional security measures in place.

I will report at the meeting on road maintenance issues.

Other Flood Mitigation

Pellets Island Reach Maintenance Program – Easements and associated paperwork sent out to all affected parcels/landowners. Two landowners, covering 5 parcels, have returned signed paperwork. Another called and, after answering concerns, indicated he would be returning signed paperwork. I met with a third landowner at his property.

Round 27 ANPSACP

Waiting for contract documents (start date for contract – November, 2021). Continuing to move along design work including Winslow, Brady, Kezialain and Weiboldt.

CRF 6 We are expecting to be funded. This project included funding for 12 ft seeder and roller crimper. We are getting contracts and related paperwork ready so we can proceed quickly, especially with fall cover crop projects, as soon as official notice is received. Hopefully, contract start date will allow us to reimburse on fall, 2022 cover crops planted.

Other

Legoland EBP – Kyle from OCLT is speaking directly with DEC to firm up funding plan details for Sugarloaf Mountain project.

Pulaski Culverts – nothing new to report since last month

New Hire – Interested party who visited last month never completed County employment application. A party who works for an upstate District inquired.

Meat Processing Facility – Chris and I are working on increasing responses to survey by sending hard copies to livestock farms that have not replied to CCE's email or mailing or who are not on CCE's mailing list.

Participated in a zoom meeting about a potential compost project at Downing Park Urban Farm, and visited the facility on 8/15. Will provide additional report at meeting.

2022 Soil Health Incentive Program (SHIP) Chris sent SWCD-Landowner contracts to all farms that signed up, due back 9/15. Those received back signed by the participant will be presented at the meeting for Board approval.

There is currently an available balance of \$12,795 in the 2022 SHIP fund. John Wright has expressed interest in applying for an irrigation project. We are currently in process of estimating the funding needs for is system, but based on a proposal received several years ago the cost of the system is preliminarily expected to be \$30,000 to \$35,000. Request further discussion at meeting.