

# Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

33195 State Highway 10, Walton, New York 13856

phone: 607-865-7790

fax: 607-865-4932

nycwatershed.org



## Minutes of the Watershed Agricultural Council July 26, 2022

### I. Meeting called to order at 10:11 a.m.

#### Roll Call:

##### Directors Present:

Dwight Bruno

Dave Cammer

Paul Gallay, via Zoom

Richard Giles

Wayland Gladstone

Karl Gockel

Jennifer Grossman

Fred Huneke

Tom Hutson

Steve Reed

John Verhoeven

Marilyn Wyman, via Zoom

John Vickers

##### Directors Absent:

Eleanor Blakeslee-Drain

James Darling

##### Others Present:

Ryan Naatz

Carol Bishop

Larry Hulle

Nate Townsend

Peter Steenland

Elain Poulin

Cindy McCarthy

Brian LaTourette

Tom Pavelsich

Gibson Durnford

Tyler Van Fleet, via Zoom

Serena Orleski

Mike Morales

Kayla Atanasoff

Kristan Morley

Heather Magnan

John Jackson, via Zoom

Michael Vander Werff, NYC DEP, via Zoom

Dudley Harris, NYC DOI, via Zoom

Jessica Nowlin, NYC DOI, via Zoom

Patrick Palmer, NYS DOH, via Zoom

Morgan Zyzik-Tarbell, NYS DOH

Pauline Wanjugi, NYS DOH

Katie Lynch, US EPA, via Zoom

Elizabeth DeFalco, The Reporter

## II. Approval of Minutes

***Motion to approve the June 28, 2022 minutes, as presented.***

**Motion: John Verhoeven**

**Second: Tom Hutson**

***Approved***

## III. Welcome Paul Gallay

Bud welcomed our newest Board Member, Paul Gallay. Paul thanked everyone for the opportunity. Fellow Board Members and staff took a moment to formally introduce themselves to Paul.

## IV. Executive Director's Report

Ryan began by adding items 4 through 7 to the Programmatic and Operational Updates. He also reminded everyone that the information he was about to share is public, but further details about negotiations would need to be discussed during *Executive Session*.

### A. Programmatic and Operational Updates

#### 1. DCSWCD Subcontract

(Ryan discussed DCWCD and CCEDC subcontracts together). He started by saying that WAC had been working with DCSWCD and CCEDC, as well as NYC DEP and NYC DOI, on subcontract agreements for the past several months. He was able to report that those subcontracts have now been executed and will be effective July 1, 2022 through March 30, 2025, and will also coincide with the CAT 403 Extension with the NYC DEP.

He continued by saying that although the subcontracts ultimately went through, there were some delays. Both subcontractors had questions and/or concerns about termination language, changes in admin line items, and the Monitorship, Code of Conduct, and Conflict of Interest Agreements.

#### 2. CCEDC Subcontract

*See previous discussion.*

#### 3. Monitorship Agreement Updates

Ryan began by explaining that the Monitorship agreement is a four-year engagement that allows for oversight of everything the organization does. Council Members, staff, and subcontractors are expected to sign Codes of Conduct, Outside Employment, and Conflict of Interest Agreements. Any concerns that are addressed are then vetted and a plan of action is created. He explained that this process is very time-intensive but we are nearing the

completion of collecting all signatures in the next couple of weeks, at which time the vetting and action plans will begin.

4. 44 West Sub-lease Status (addition)

Ryan reminded everyone, once again, that further discussion and details about negotiations beyond what he was about to report should be saved for *Executive Session*.

He continued that WAC currently has a sub-lease agreement for the Walton office with DCSWCD. The sub-lease is currently on a 6-month extension from the former 1-year lease agreement and is set to expire on September 30, 2022. DCSWCD leases the office space from the building owner and WAC, in turn, pays for a prorated sublease to DCSWCD based on occupancy and storage. WAC also has a separate lease agreement with the building owner directly for additional fireproof file storage space.

Recently, certain health and safety concerns have been brought to Ryan and Amy's attention in the Walton office. Amy has since engaged with DCSWCD to address those maintenance concerns with the landlord, and an update is expected by Friday July 29, 2022. How and when those health and safety concerns are addressed will determine how WAC moves forward with renewal of the sub-lease agreement.

5. EoH Westchester Lease/License Agreement (addition)

Ryan explained that the EoH office lease agreement is different from that of the Walton office because WAC leases directly from Westchester County. Gibson has been working with the County government to draft an expansion of the current lease agreement that would act more as a license and would grant permission for use of the land and additional building space. He reported that the rates and the language of the agreement are acceptable, but nothing has been formally executed yet.

6. Update to CAT 403 Extension (addition)

Ryan explained that WAC has been operating on a series of 1-year extensions of CAT 403 to keep programs staffed and operational during financial difficulties. After much discussion with DEP, Ryan announced that CAT 403 will be extended again, but for 27 months, as opposed to 12 months, so as to parallel the expiration of the CAT 487 contract. Under this extension, acquisitions will be permitted to resume.

Ryan added that DEP is also supportive of adding a full-time staff position for representative legal counsel to aid in acquisitions, stewardship, and any additional organizational needs.

7. Update on Ploutz Property and Demolition (addition)

Ryan picked up on discussions brought up at the previous Executive Committee meeting regarding the Ploutz property owned by WAC. Monies for the demolition of structures on the property were set to be allocated during a previous extension of CAT 403. With the latest extension of CAT 403, and the current building conditions at the Walton office, there were renewed discussions about making monies available to begin demolition.

John Vickers added that the DEP Executive Commissioner is in agreement that the dilapidated structures on the Ploutz property should be addressed as a potential liability. He indicated that he still needs to communicate with the Chief Contracting Officer about including funding for this project in the new contract extension but he will need a proposal from WAC outlining the projected costs and timelines.

## V. Chair's Report – Bud Gladstone

### A. Executive Director Evaluation Status Update – Bud Gladstone

Bud reported that the Executive Committee met to conduct Ryan's evaluation. The evaluation went well, and Council is pleased to continue moving forward as an organization under his leadership.

### B. Climate Smart Commodities Grant Update – Jennifer Grossman

Jennifer began by explaining that the Climate Smart Commodities Grant is currently being pursued by the WAC Resource Development Working Group as part of a Climate Smart Commodities Steering Committee with our grant partner, the Center for Agricultural Development & Entrepreneurship (CADE).

She reported that the Committee should know by the end of August whether or not the submitted grant application was successful. The grant total would be \$62-63 million for all partners, and of that total funding, WAC would receive approximately \$24 million. More information and details will be available at the August Council meeting.

## VI. Finance Committee – Karl Gockel

Karl asked if there were any questions or comments on the meeting minutes or May financial statements.

***Motion to accept the May financials, as presented.***

**Motion: Fred Huneke**

**Second: Dave Cammer**

***Approved***

## VII. Governance Committee – John Verhoeven

### A. Board Member Recruitment Update – John Verhoeven

John reported that the Governance Committee has been and continues to interview potential new Council members. Paul was a recent interviewee who now sits on the Board. Governance is also in the process of putting together an orientation packet for new members.

B. SVT Working Group Updates – Jennifer Grossman

Jennifer reported that Board Directors met earlier this year to discuss a number of things, including revamping the Board structure. Since Council and staff had not received the memorandum and materials prior to the meeting, Jennifer asked that discussions be tabled until the next Council meeting. She briefly explained the proposals and asked that everyone come prepared to discuss.

**VIII. Agricultural Committee – Steve Reed and Larry Hulle**

A. Program Approvals – Steve Reed

***Upon the recommendation of the Agricultural Committee, motion to approve the following Whole Farm Plan Revision:***

**1. DEP-191 - Revision 8: 2022 Design Workload Revision (Backlog)**

**Motion: Bud Gladstone  
Second: John Verhoeven  
*Approved***

**2. DEP-SF015 - Revision 9: CREP Re-enrollment Revision**

***\*Steve Reed recused himself and turned this motion over to Dwight Bruno, Agricultural Committee Vice Chair.***

**Motion: Jennifer Grossman  
Second: Tom Hutson  
*Approved***

**3. SUR-001 - Revision 14: 2022 Design Workload Revision (Repair)**

**Motion: John Verhoeven  
Second: Dave Cammer  
*Approved***

B. Program Updates – Larry Hulle

Larry discussed the quarterly program updates; BMP contracting bids, CIG grant release, and the Agricultural Committee tours that are coming up in October. He answered follow-up questions.

**IX. Forestry Committee – Dave Cammer and Tom Pavlesich**

Dave asked for questions or comments on the Forestry Dashboard. He reported that Committee met on July 21<sup>st</sup> and three questions were considered; (1) *What did the Forestry Program do well last year?* (2) *Are there issues the Forestry Program isn't addressing that needs addressing, and what are they?* (3) *What are the biggest obstacles we face as a program over the next five years?* He added that these are general questions that can be asked within any program in addition to reporting what the program has done as a means of setting new goals and objectives. He then turned the floor over to Tom to discuss program updates.

Tom had the following program updates to report:

- The US Forest Service Grant Proposal has been approved by Council and submitted. The grant amounts to \$50,000 and he anticipates hearing from the Forest Service in August or September regarding approval.
- Modifications to the Forestry Program Handbook have been submitted to DEP and are awaiting review and approval.
- The Forestry Program is working with Finance and DEP to solidify and get approvals for the FY22 Carryover Encumbrances and move in to FY23.
- Outcomes of the Annual Committee Evaluation that Dave mentioned earlier.

#### **X. Easement Committee – Tom Hutson and Serena Orleski**

Tom touched on the Q2 Dashboard and Successes & Challenges Report included in the packet materials. He turned the floor over to Serena to discuss program updates.

Serena reported that the Easement Program is still in a transitional phase; there is an active posting for an Acquisitions Coordinator for which she is currently in the process of conducting interviews, but the Executive Assistant and Stewardship Coordinator positions have been filled by Kayla Atanasoff and Mike Morales respectively. There are two additional vacant positions that will hopefully be filled in the coming months.

She also reported that Stewardship staff did reach the set goal for annual monitoring visits for Q2, despite the lack of staffing, and in addition, has worked with numerous landowners to bring motions and updates before Committee.

Serena, Ryan and John Vickers also elaborated on the CAT 403 extension mentioned earlier.

#### **XI. East of Hudson Committee – Fred Huneke and Gibson Durnford**

Fred reported that Committee met on July 20<sup>th</sup> and approved the minutes from the May 18<sup>th</sup> meeting, which were included in the packet. He asked if anyone had questions or comments. Committee approved eight lime projects that were brought before Council for approval.

***Motion to approve funding for the following EoH Revisions:***

- ***WENC-292 – Revisions #2 Forage and Biomass Planting (Lime Application)***
- ***WEMU-290 – Revision #5 Forage and Biomass Planting (Lime Application), Agrichemical Handling Facility Repair***
- ***WEMU-003 – Revisions #7 Forage and Biomass Planting (Lime Application)***
- ***DUBC-002 – Revision #3 Forage and Biomass Planting (Lime Application)***
- ***WEMU-019 – Revision #6 Forage and Biomass Planting (Lime Application)***
- ***PUMB-008 – Revision #4 Forage and Biomass Planting (Lime Application)***
- ***WETI-003 – Revision #6 Forage and Biomass Planting (Lime Application)***
- ***WETI-294 – Revision #3 Forage and Biomass Planting (Lime Application)***

**Motion: Bud Gladstone**

**Second: John Verhoeven**

***Approved***

Fred announced that the EoH Program is currently working to organize a tour featuring Hemlock Hill Farm in October, and then turned the floor over to Gibson for further program updates.

Gibson took a moment to explain the numbers on the program Dashboard, grant funding updates, and partnerships & outreach (in particular, a non-profit called NYC H2O which offers programs to promote education of and stewardship for NYC’s water systems and ecologies). He answered follow-up questions.

## **XII. Economic Viability Committee – Richard Giles and Kristan Morley**

### **A. Program Approvals**

Richard introduced the motion and information for EV’s first Farm & Forest in Transition Grant application, which was approved at Committee.

***Motion to Approve the Farms & Forests in Transition Grant Application for Riverdale Farm & Forest in the amount of \$5,000.00.***

**Motion: Steve Reed**

**Second: Dwight Bruno**

***Approved***

Kristan touched on the work involved in putting together the Farm & Forest in Transition program and reported that the 2022-2023 Pure Catskills Guide is completed, with some deliveries still ongoing. She mentioned a few upcoming events that the program will be participating in: (1) Bovina Bi-Centennial Day, (2) Andes Community Day, (3) Delaware County Fair, (4) Family Farm Day, (5) Bovina Farm Day, and (6) Margaretville Cauliflower Festival. She also touched on the Meredith Dairy Festival, which they attended during the last quarter.

**XIII. NYC DEP Report – John Vickers**

John reported that DEP had been working with Ryan and Amy on the subcontracts with DCSWCD and CCE over the past months, and he thanked them for their work in enforcing those contracts. He added that DEP had also been working with WAC and DOH on the CAT 403 extension.

**XIV. NYS DOH, US EPA Reports – Patrick Palmer and Katie Lynch**

Patrick announced that the comment period had closed for the draft revised Filtration Avoidance Determination (FAD). Approximately 85-90 requests for changes were submitted, and DOH is currently working through them. He anticipates having more information and materials by September or October this year. In response to a question from Ryan about whether or not the submittals were publicly available, he also indicated that comments are typically paraphrased and not attributed to any individual in their reporting but that the information is available through a Freedom of Information Law (FOIL) request. He answered follow-up questions.

**XV. Executive Session**

***Motion to enter Executive Session at 12:20 pm to discuss contract negotiations.***

**Motion:** Fred Huneke

**Second:** John Vickers

***Approved***

***Motion to come out of Executive Session at 12:50 pm.***

**Motion:** John Verhoeven

**Second:** Fred Huneke

***Approved***

**XVI. Adjournment**

***Motion to adjourn the meeting at 12:51 pm.***

**Motion:** John Vickers

**Second:** Bud Gladstone

***Approved***

The next scheduled meeting will be held on August 23, 2022 at 10:00 a.m.