

Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

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Executive Committee Meeting November 16, 2021

I. Call to Order

Meeting called to order at 10:03 a.m. by Bud Gladstone via Zoom.

Members Present, via Zoom:

Dave Cammer	Tom Hutson
Karl Gockel	Bud Gladstone
Fred Huneke	Richard Giles
Jeff Graff	

Others Present, via Zoom:

Ryan Naatz	Amy Faulkner
Nate Townsend	Brian LaTourette
Larry Hulle	John Vickers, NYC DEP
Tom Ganz, NYC DEP	Michael Vander Werff, NYC DEP

II. Approval of Minutes

Motion to approve the minutes of the October 19, 2021 meetings as presented.

Motion: Fred Huneke

Second: Dave Cammer

Approved

Introductions: John Vickers, DEP Director of Source Water Operations in the Bureau of Water Supply was introduced; John will be taking a more formal lead and be the Commissioner's Representative at WAC as of January 1, 2022. John provided background on his role at DEP and the transition plan for himself and his staff to take over as lead, in place of Jeff Graff. Dep's intent is to allow for a more direct level of communication between WAC and the DEP Commissioner, Paul Rush has asked John to serve as the Commissioners representation and to coordinate efforts with the monitoring agreement. The Downsville regional manager, Michael and Downsville Regional Engineer, Tom Ganz will be working with John to serve as the liaison's with WAC. Michael will be the lead project manager for CAT 403 and CAT 450, Tom Ganz will be the lead for CAT 487. Together the three will organize the workload and meeting attendance accordingly. Initially Jeff will continue to serve as the primary and after Tom, John and Michael gain a solid knowledge base they will take the lead. Eventually Jeff's assistance will diminish over time. John stated that it is his intent to work side by side to ensure the continued success and future of the ground breaking Council. Michael Vander Werff was introduced and provided his professional background. Tom Ganz was introduced and he provided his professional background. The Executive Committee and staff introduced themselves.

III. Executive Director's Report

A. Program Report

- i. **Ag Program WFP Revision Approvals:** Larry Hulle, Brian LaTourette and Nate Townsend

TDD 1-800-662-1220

Watershed protection through partnership.

af: 10/19/21

were present to discuss Agricultural Committee motions that require Executive Committee consideration.

Motions to approve the revisions as presented and approved by the Agricultural Program staff and Committee:

Approved by Aq Program Committee:

Jim & Russell Darling – DEP-005 – Revision 16 – 2022 Design Workload Revision

Jeff asked that in light of the recent occurrence with the Darling farm he would respectfully ask that this motion be tabled until the current situation is resolved. Ryan responded that that is fair and while it will certainly have a slight delay it can be reviewed next month.

Motion to table consideration of this revision until a later meeting.

Motion: Karl Gockel

Second: Tom Hutson

Approved

Julia & Sam Miglianti – DEC-275 – Revision 6 – 2022 Design Workload Revision

Motion: Dave Cammer

Second: Karl Gockel

Approved

Gary Young – SCS-SF-297 – Revision 2 – 2022 Design Workload

Motion: Fred Huneke

Second: Dave Cammer

Approved

Todd & Ty Palmatier – DEC-022 – Revision 18 – 2022 Design Workload Revision

Motion: Tom Hutson

Second: Karl Gockel

Approved

Approved by Aq Program Manager:

Michael & Donna Noonan – DEC-SF109 – Revision 2 – 2022 Design Workload Revision

Motion: Dave Cammer

Second: Fred Huneke

Approved

Dan Peckham – GRS-SF-130 – Revision 2 – 2022 CREP Re-enrollment

Motion: Karl Gockel

Second: Tom Hutson

Approved

- ii. **Manure Spreading/Water Quality Issue on Participating Farm:** Larry and Brian provided a brief explanation of the recent issue that occurred with a participating farm that Larry was informed of at the time of the NM Peer Review Committee last week. The participant spread manure on a field that is owned by DEP and the participant has a pending lease agreement and then heavy rain occurred that resulted in runoff into a neighbor's shallow spring that is utilized as a water source of two landowners. As a result of noticing discolored and odorous water the neighboring landowner relocated with their family to a local hotel as they await the landowner, DEP, DEC, DOH and WAC to address the clean-up of the contamination. Saturday morning WAC staff met with the participant and key partnering agencies to determine next steps. As a result Brian LaTourette and Paul Cerosaletti visited the property to further survey the concern. Brian shared the map for the property where the concern occurred. The participant has been using this property for more than 20 years and it was sold to DEP in 2020. The spreading

of manure was within the nutrient management plan as provided for the property, and did not exceed the spread loads. There was an immense amount of rain on Thursday night and Friday which created the runoff. Upon further investigation of the spreading there was a setback of approximately 60 feet from the property line and on that Saturday, two days after the spreading all flows were clear to the naked eye, there was no visible and apparent discoloration but there was evidence where all fields do 'pond' before the spring. The staff that visited could see no easy solution to stop the flow and collection system. The 590 standards call for a 100 foot setback from all wells and known water sources. The landowners do have a UV treatment system for the water source. The AG program will continue to assist the landowners and participant as applicable. The participant has since taken an additional sample of the water to Oneonta to obtain a baseline test result.

Ryan added that this issue showcases the awkward balance between a prescription plan from WAC and a participant using City property, WAC is making good efforts to ensure the NMP is correct but it is also coming to attention because there have been a series of claims that the 'watershed' is responsible for reimbursing the landowner for a variety of costs incurred. There is a separate agreement between the Darlings and DEP for the use of the land and the standards by which that land can be utilized, that will need to be resolved between the participant and DEP and WAC will await the results of that. Beyond that, if the landowner raises the issue further we may need to bring in legal counsel. This also raises the issue for the Ag program and how we handle DEP owned lands in our planning, although at this time it does not appear that this is a WAC liability. Fred added that this is not the first time that water sources become affected temporarily by manure spreading and provided background on an example outside the watershed that utilizes baseline testing. Fred suggested that perhaps there should be a process to develop this baseline documentation to routinely test water on participating farms in the watershed. Bud suggested this should be a topic of discussion with Nutrient Management participants as well. Brian Latourette added that previous contracts with DEP have had research and development funds which could be utilized to research issues like these, that research funding is not supported by current DEP contracts.

Staff will continue to coordinate with John Schwartz and Jeff Graff on this particular issue. Jeff added for clarification that there is a lot of different things going on with this incident. DEP representatives are looking at the activity that occurred to understand how that relates to allowed use and whether the lease agreement was approved and in place. Separately from DEPs review of the impact on the property, Jeff feels there are WAC policy issues that would include how to approach or address integrating these issues into nutrient management planning and what impact this will have on the award of nutrient management credits.

B. Operations Report

- i. Payment Request/Financial Status: Amy provided updates on payment requests to date. Ryan added an update on the financial status as of 11/3. Since that time we received payments 10 and 26. The Truesdell easement was closed last week and as soon as payments 11E and 27 are received the PPP funds will be transferred back to the appropriate bank account to support repayment. WAC cannot request against CAT 403/503, to cover easement contract expenses as of January 1 at this time. Ryan is working with staff and DEP to address that. Bud asked for an update on the CAT 450 funds that were borrowed and have not been returned. Ryan has received verbal direction from ACCO that those funds do not need to be repaid at this time as they may be necessary to bridge the gap while an amendment to CAT 403 is registered. Neither PPP funds nor CAT 450 funds have been transferred back to the appropriate accounts

due to continued cash flow concerns, but the plan is to do that once the next payment requests are received. This will be further discussed at executive session.

- ii. 44 West Street Lease update: This has been executed and outstanding payments back to April were remitted on November 12th. Appropriate paperwork will be accompanying the reimbursement requests when submitted to OEA.
- iii. Staffing Updates: Amy provided an update on current positions being advertised; she's working with selection committees to work through interviews for the Executive Director, Finance Director, Staff Accountant and Payroll, Fringe Benefits and DP Administrator positions.

IV. Chair's Report – Bud Gladstone

A. Monitoring Agreement

Ryan detailed that on November 5th the Council unanimously approved entering into the monitor agreement. The fully executed agreement was received on November 10th. The kickoff meeting is scheduled for Thursday, 11/18 at noon and will include Ryan, Amy, Karl and Bud as representatives of WAC. DOI will have the ability to sit in on any and all meetings moving forward.

B. Executive Director Position

This will be discussed in Executive Session.

Larry Hulle, Brian Latourette and Nate Townsend left the meeting at this time.

V. Executive Session

Motion to go into Executive Session to discuss personnel matters.

Motion: Fred Huneke

Second: Dave Cammer

Approved

Ryan Naatz left the meeting at this time.

Motion to come out of Executive Session

Motion: Dave Cammer

Second: Fred Huneke

Approved

WHEREAS, the Executive Committee of the Watershed Agricultural Council functions as the search committee for the purpose of soliciting and nominating a candidate for the Executive Director position and forward said nomination to the Watershed Agricultural Council Board of Directors for action in accordance with Article VI Section 2 of the By-Laws.

WHEREAS the Executive committee initiated both an internal and external solicitation for candidates as recommended by the Department of Environmental Protection of the City of New York and the Department of Investigation of the City of New York.

WHEREAS 34 resumes' were received, reviewed and ranked of which 4 applicants were interviewed and after careful consideration 1 applicant was chosen to be offered the position on approval by the Board of Directors.

NOW THEREFOR BE IT RESOLVED that the Executive Committee moves the nomination of Ryan Naatz to the Watershed Agricultural Council Board of Directors for approval as Executive Director and if approved be offered the position.

Motion: Fred Huneke

Second: Tom Hutson

Approved

Ryan Naatz returned to the meeting at this time.

Motion go into Executive Session to discuss contract negotiations

Motion: Fred

Second: Dave

Approved

DEP staff left at this time.

Motion to come out of Executive Session

Motion: Dave Cammer

Second: Fred Huneke

Approved

VI. Adjournment

The meeting adjourned by common consent at 12:10pm.